



KENTISH COUNCIL POLICY

RIGHT TO INFORMATION

Policy Number 02:25:2010

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OBJECTIVE	The <i>Right to Information Act 2009</i> (RTI Act) commenced on 1 July 2010 and provides for greater access to information held by government bodies.
STATUTORY AUTHORITY	<i>Right to Information Act 2009</i>
POLICY	Adopted 21 September 2010 Minute No 7.1.2

POLICY

GENERAL

The *Right to Information Act 2009* (RTI Act) commenced on 1 July 2010 and provided for greater access to information held by government bodies by:

- authorising and encouraging greater routine disclosure of information held by public authorities without the need for requests or application'
- authorising and encouraging greater active disclosure of information held by public authorities in response to informal requests without the need for applications;
- giving members of the public an enforceable right to information held by public authorities;
- and
- providing that access to information held by public authorities is restricted in only limited circumstance which are defined in the Act.



Kentish Council is a **public authority**. As such, it is required to comply with the RTI Act.

The purpose of this policy is to set out how Kentish Council will address the requirements of the RTI Act.

DEFINITION

In this policy, the following definition applies:

'information' means –

- a. anything by which words, figures, letter or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph; and
- b. anything in which information is embodied so as to be capable of being produced.

POLICY ON ACCESS TO DOCUMENTS

Section 7 of the RTI Act gives any person a legally enforceable right to be provided with information in the possession of a public authority or a Minister, provided that it is not exempt information. The Act promotes the proactive release of information by public authorities and Ministers, and refers to four types of disclosure:

- Required disclosures, which are disclosures required by law such as annual reports.
- Routine disclosures, which are those made by a public authority in relation to information it decides may be of public interest.
- Active disclosures, which are disclosures in response to a request made other than under the RTI Act, such as an informal request for information by telephone.
- Assessed disclosures, which are disclosures made in response to a formal request under the RTI Act for information in the possession of a public authority or Minister that is not otherwise available.

Kentish Council is committed, as far as practicable, to providing access to information without recourse to the RTI Act. Information is made available via our website, through publications (e.g. Kentish Chronicle, Advocate Coast to Coast) and by way of reports (e.g. our Annual Report).

If you cannot find the information via one of the means above it may also be released administratively on request to Kentish Council.



Decisions as to the release of requested information that is not already available are made within the guidelines of the RTI Act, taking into consideration the factors relating to exemptions and public interest.

If it is not freely available we will assist you to make an application for an assessed disclosure.

RESPONSIBILITIES AND DECISION MAKING

RESPONSIBILITIES

As the 'principle officer' under the RTI Act, the General Manager of Kentish Council is responsible for determining the outcome of RTI applications.

EXTERNAL REVIEW

A person who has applied for information may, upon notice of the decision, apply to the Ombudsman for a review of a decision made by the 'principal officer'

APPLICATION FOR ACCESS TO INFORMATION

Applications for information not already available by other means must be made on the application form available on Council's website at kentish.tas.gov.au or from the Council office.

If you are unable to access the form, please note that your application

1. must be made in writing
2. must include the name, address and daytime contact detail of the applicant for communication on matters relating to the application
3. must contain the general topic of the application
4. must include details of the information sought by the applicant
5. must contain details of any efforts undertaken by the applicant, before the application was made, to obtain the information sought
6. must include the date of the application
7. must include the signature of the applicant
8. must, if the application includes a request for personal information of the applicant, proof of identity of applicant
9. must be accompanied by a fee or request for waiver

This is a requirement of Regulation 4 of the *Right to Information Regulations 2010*.



CHARGING

A person applying for access to information under the RTI Act must pay the application fee at the time of application. The fees and charges are specified in Section 16 of the RTI Act.

A person may apply to have the fee waived if:

- they are in financial hardship – Council takes that to mean that you are on income support payments (we would usually ask to see evidence that you are in receipt of Centrelink or veterans affairs payments);
- they are a member of parliament and the application is in connection with their official duty; or
- they are able to give some information which shows that the information sought is intended to be used for a purpose that is of general public interest or benefit.

Please make sure you have looked for the information before you make a formal application – if the information is otherwise available your application may be refused without the return of the application fee.