

Right to Information Act 2009

Central Coast Council Disclosure of Information Policy

Background and purpose of policy

The *Right to Information Act 2009* (RTI Act) commenced on 1 July 2010 and provides 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 applications;
- 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 government bodies is restricted in only limited circumstances which are defined in the Act.

The Central Coast Council (the 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 the Council will address the requirements of the RTI Act.

Application of Policy

This policy applies to all Council staff.

Definition

In this policy, the following definition applies:

information" means –

- (a) anything by which words, figures, letters 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 reproduced;

Policy on Access to Documents

The 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. fact sheets, discussion papers, council agendas and minutes, council policies), 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 the 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

As the “principal officer” under the RTI Act, the General Manager of the Council is responsible for determining the outcome of RTI applications. The General Manager has delegated that responsibility to an RTI Officer as outlined below.

The RTI Officer is responsible for making initial decisions regarding the release of documents within the time periods set out in the RTI Act. The RTI Officer may liaise with prospective applicants and Council staff regarding access to information.

The General Manager is responsible for any formal internal reviews of decisions made by the RTI Officer, if requested by the applicant. Further review by the Ombudsman is also available.

Applications for access to Information

Applications for information not already available by other means must be made on the application form available on the website.

If you are unable to access the form, please note that your application must be made in writing and include the information that is requested in the form. 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 the RTI Act.

You may apply to have the fee waived if:

- you are in financial hardship – we take 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);
- Where you are a member of parliament and the application is in connection with their official duty;
or
- You are able to give us information which shows that the information sought is intended to be used for a purpose that is of general public interest or benefit.

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