

Right to Information Policy

January 2015

Legislative Basis and Policy Objective

Under the [Right to Information Act 2009](#) a person is given a right to obtain information contained in the records of the Local Government Association of Tasmania, limited only by necessary exceptions and exemptions.

The objective of this policy is to provide certainty of process and cost for access to certain information contained in the records of the Local Government Association of Tasmania. This policy aims to further the objects of the *Right to Information Act 2009*.

Policy

The Local Government Association of Tasmania (the Association) is committed to actively making information available to the public. Information not made publicly available may be requested via a Right to Information access request. This policy details the Association's approach to meeting this commitment. Where appropriate, and subject to the process of application for assessed disclosure, the Association will make information contained in Association records available for purchase at the fee prescribed by the *Right to Information Act 2009* ('the Act'), subject to the following limitations (referred to as Excluded Information):

- Copies of information will be excluded information, which would prima facie be categorised as exempt under the provisions of the Act including information as follows:
 - Executive Council information
 - Cabinet information
 - Internal briefing information of a Minister
 - Information not relating to official business
 - Information affecting national or state security, defence or international relations
 - Information relating to enforcement of the law
 - Legal professional privilege
 - Information relating to closed meetings of council (includes information relating to Standards Panel Hearings)
 - Information communicated by other jurisdictions
 - Internal deliberative information
 - Personal information of persons
 - Information relating to the business affairs of a third party
 - Information relating to the business affairs of a public authority
 - Information obtained in confidence
 - Information on procedures and criteria used in certain negotiations of public authority
 - Information likely to affect the State economy
 - Information likely to affect cultural, heritage and natural resources of the State

- Copies of documents subject to copyright under the [Copyright Act 1968 \(Cth\)](#) will not be made or provided by the Association.
- Information that is subject to legal professional privilege.
- Copies of information relating to and including working and draft documents are excluded from purchase.
- Information that may be inspected by the public in accordance with any Act is excluded from purchase.
- Copies of information will exclude personal information within the meaning of the [Personal Information Protection Act 2005](#).

Any person requesting access to Excluded Information must make a request under the *Right to Information Act 2009*.

Copyright documents may be available for inspection upon a Right to Information request, subject to other exemptions applying.

Standards Panel Hearings are treated as closed council meetings and, as such, related information such as unpublished details of deliberations or decisions, are exempt from the disclosure provisions of the Act and are not subject to public interest considerations.

Access to Information procedure

A person may request information in writing on a form provided by the Local Government Association of Tasmania which will be directed to the Right to Information Officer. Payment as set out below will be required prior to the provision of the requested information.

Where possible, the requested information is to be provided at the time of payment, however in the event that further time for searching or other is required to provide the information in accordance with this Policy, then the information is to be provided as soon as practicable but not later than 15 working days after the request has been made. If information is unable to be provided in 15 working days the applicant will be advised accordingly.

Provision of Information

Information provided under this policy may be issued in hard paper copy form or in electronic scanned 'PDF' format by email or on a CD, as requested or negotiated.

Responsibilities of the Local Government Association

- Applicants are to be notified of the decision on an application for assessed disclosure within 20 working days of the application being accepted by the Association.
- Before the application is accepted, the Association has a maximum of 10 working days to negotiate with the applicant to further define the application.
- If a need to consult with a third party arises, a further 20 working days will be allowed in addition to the original 20 days.

- If these time limits are not conformed with, the application will be deemed to be refused and the applicant may apply to the Ombudsman for a review of that decision.

Fees and Charges

Applications are to be accompanied by an application fee as prescribed under section 16 of the Act. The fee is 25 fee units. The fee is indexed annually in accordance with the [Fee Units Act 1997](#).

Applicants for information through assessed disclosure may apply for a waiver of the application fee if they can show that they fall under one of the following categories:

- Financial hardship. Proof of falling under this category is usually satisfied by evidence that the applicant is currently receiving income support payments such as Centrelink or veterans affairs payments;
- Member of Parliament and the application is in connection with the applicant's official duty; or
- The information sought is intended to be used for a purpose that is of general public interest or benefit. Satisfaction of this category will depend upon the specific circumstances.

The application fee must be paid or a decision to waive the fee made before an application is accepted. In addition to the application fee, applicants may be charged for photocopying documents (20 cents per photocopied page) or, alternatively, for providing documents in electronic format on compact disc.

Personal Information Protection

The Local Government Association of Tasmania has a commitment to protection of Personal Information in accordance with the requirements of the *Personal Information Protection Act 2004* and all personal information provided with applications for purchase of information will be protected accordingly.

Publication

A 'Right to Information' section will be placed on the Association's website, providing information about how to obtain information from the Local Government Association of Tasmania. The section will include a copy of this Policy along with pro-forma application forms for Freedom of Information requests to the Association.