
ADMINISTRATIVE ACCESS TO INFORMATION

APPROVALS

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CATEGORY	Statutory		
POLICY OWNER	Manager Governance & Corporate Services		
APPROVAL DATE	28 October 2021	RESOLUTION NUMBER	7554

OBJECTIVE

To establish the management framework that governs the Administrative Access Scheme allowing access to information held by Isaac Regional Council (IRC), without the need for a formal application under the *Right to Information Act 2009* (RTI Act) or the *Information Privacy Act 2009* (IP Act).

SCOPE

This policy applies to all Councillors, employees, contractors and volunteers working for Council regardless of whether they are permanent, temporary, full-time, part-time or casual. For the purposes of this policy, the term contractor includes on-hired temporary labour services (agency staff) and sub-contractors. Definitions

TERM / ACRONYM	MEANING
Administrative Access	Discretionary release of requested information to the public outside of the formal Right to Information (RTI) and Information Privacy (IP) process.
CEO	Chief Executive Officer
Confidential Information	Information that is confidential that is meant to be kept secret.
Discretionary	Not governed by a statute but considered on a case by case basis.
IP	Information Privacy - is the privacy of personal information and usually relates to personal data stored on computer systems. The primary object is to provide for: (a) the fair collection and handling in the public sector environment of personal information (b) a right of access to, and amendment of, personal information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended.
IP Act	<i>Information Privacy Act</i> (QLD 2009)
IRC	Isaac Regional Council
RTI	Right to Information - The primary object is to give a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access.
RTI Act	<i>Right to Information Act</i> (Qld 2009)

POLICY STATEMENT

POLICY

IRC is committed to supporting the proactive disclosure of information, allowing people to be given access to certain types of information, without the need for a formal application under the *Right to Information Act 2009* and *Information Privacy Act 2009*.

IRC recognises the need to provide its employees and the public with access to information held by IRC through a streamlined administrative process that is an alternative to the regulated or legislative process.

IRC recognises this routine release of information is consistent with the pro-disclosure principles in the *RTI Act* and the 'push model' of information disclosure adopted by the Queensland Government.

Anyone may apply for information. However, there is no guarantee that access will be given. Any information, irrespective of format, may be accessed under the scheme. In certain circumstances, IRC may edit some information before providing it, for example where:

- Information is irrelevant or out of scope of the access request;
- Release of information would:
 - on balance, be contrary to the public interest under the *RTI Act* s39, s49 and Schedule 4; or
 - substantially and unreasonably divert the resources of the agency from their use by the agency under *RTI Act* s41.
- Information is exempt under the *RTI Act* s40, s48 and Schedule 3;
- To protect an individual's privacy; and/or
- To prevent disclosure of confidential or sensitive information.

PRINCIPLES

The following principles will apply:

- Administrative release is a discretionary process enabling quick access to an individual's personal information. Other information may be sought by an IRC staff member or the public and released under Administrative Access.
- IRC will ensure that under this policy it's employees can access their own personal information held on their employee file, under supervision except where legislation prevents such release.
- Where possible, IRC will endeavour to release information under Administrative Access negating the need to resort to a formal RTI or IP application.

RELEASE OF INFORMATION

IRC is committed to protecting the privacy of information relating to its employees. Personal information of an individual will not be disclosed to any other third party without the individual's consent unless required or

authorised to do so by law. To ensure that only authorised people receive the requested information, IRC may seek further information and/or documentation from an applicant to verify their identity, including but not limited to, sighting of a current Queensland driver licence or requesting a photocopy witnessed by a Justice of the Peace or Commissioner for Declarations for requests made electronically or in writing.

IRC may, at its discretion, refuse to deal with an application under the Administrative Access Scheme that does not meet IRC's requirements or is deemed to be an unreasonable use of resources - such as requests for information previously provided to the applicant, or voluminous requests. In these circumstances, applicants may be required to seek access through a formal process and make an application under the RTI Act or the IP Act.

EXEMPT INFORMATION

Information that is exempt under this scheme includes:

- Information that is prohibited from release under law
- Information that would be a breach of the privacy principles
- Information that compromises government or private interests
- Information that would constitute a breach of statutory provisions
- Information that would constitute a breach of contractual terms
- Information that is exempt under the RTI and IP Acts
- Information that would be a breach of copyright laws or intellectual property

FEES

There are no application fees or other charges associated with submitting an application for an administrative release of information. Council reserves the right to levy applications for the costs associated with reproducing or accessing records.

Fees for other routinely available documents are listed in Council's Schedule of Fees and Charges.

CONFIDENTIAL INFORMATION

IRC employees must respect the privacy of others and ensure that personal information is accessed, used only for IRC purposes, and not disclosed to third parties unless required or authorised by law. Individuals who have access to such information have a duty to maintain the confidentiality, integrity and security of such information, irrespective of the storage medium.

ACCESS TO INFORMATION UNDER SPECIFIC LEGISLATION

In addition to providing access under an administrative arrangement, IRC may provide access to information under specific legislation. For example, access is available for a fee or free of charge, to information contained in the:

- Register of Land Titles established under the Land Act 1994;

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- Register of Births, Deaths and Marriages, established under the Births, Deaths and Marriages Registration Act 2003;
 - Water Allocations Register, established under the Water Act 2000; and
 - Specific documents relating to development applications (current or past) established under the Planning Act 2016.

ADMINISTRATIVE ACCESS OTHER THAN UNDER A SCHEME, ONE-OFF REQUESTS

Councils regularly provide information in response to requests from the public, other agencies and the media. In many cases, this information will also be published online.

This routine release of information is consistent with the pro-disclosure principles in the *RTI Act*. However, IRC will ensure that, regardless of the nature of the request, information is provided in accordance with the appropriate policies which:

- Take account of the content of the document;
- Meet its security classification and factors supporting release or withholding of information; and
- Release information approved by the relevant delegate within IRC.

This applies particularly where documents have not previously been published or released.

ADMINISTRATIVE ACCESS GUIDELINES

Administrative access may be appropriate where any of the following apply:

- There is demand for access to the requested information;
- No significant adverse effects result from disclosing the information, either generally or to particular applicants; or
- Information involved is of a kind that would be released if it was requested under the RTI Act, either generally or to particular applicants.
- As a general rule, the sorts of documents that may be suitable for administrative release include those:
 - Provided to IRC by the person seeking access to them;
 - Which are publicly available; and/or
 - Which are routinely made available by IRC.

BENEFITS OF AN ADMINISTRATIVE ACCESS SCHEME

Potential benefits of administrative access schemes include:

- Reduced number of access applications made under the RTI Act and IP Act;
- Quicker outcomes and greater satisfaction for users of IRC's services;

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- Lower costs for members of the public and agencies (compared to the potential processing and access fees and charges under the RTI Act);
 - Demonstrating that IRC is operating in accordance with the spirit of openness and accountability in the *RTI Act*; and
 - Engagement with the community rather than automatic deferral to formal legal processes.
 - Individuals who are not provided with any or all of the information they have requested administratively may still apply under the RTI or IP Acts for access to that information.

LEGISLATIONS AND RELATED GUIDELINES

- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Land Act 1994*
- *Water Act 2000*
- *Planning Act 2016*
- *Human Rights Act 2019*

REFERENCES

TYPE	DOCUMENT ID/NAME
CORP-POL-095	Information Privacy Policy
CORP-POL-048	Information Privacy Plan
CORP-POL-026	Recordkeeping Policy
CORP-STAT-049	Right to Information Policy
CORP-POL-032	Surveillance in Public Places Policy
CORP-PRO-117	Administrative Access to Information Procedure
CORP-FS-024	Processing of Requests for Information – An Overview

ACKNOWLEDGEMENTS

- Office of the Information Commissioner
- University of Southern Queensland