



Information Disclosure Policy

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Responsible Officer:	Director Governance, Recreation & Property Services
Strategic Plan Reference:	5.4 Statutory and governance functions which are delivered to a high standard

1. POLICY STATEMENTS

- 1.1 Council recognises that information held by public authorities is collected for and on behalf of the people of Tasmania.
- 1.2 It is Council policy to:
 - 1.2.1 make the maximum amount of official information available in a timely, cost-effective and lawful manner;
 - 1.2.2 favour routine and active disclosure over formal Right to Information applications wherever appropriate;
 - 1.2.3 ensure access to information is restricted only where permitted by law; and
 - 1.2.4 protect privacy, confidential information and legally privileged material as appropriate.

2. DEFINITIONS

- 2.1 **'Active Disclosure'** means a disclosure of information by a public authority in response to a request from a person made excluding assessed disclosure.
- 2.2 **'Assessed Disclosure'** means a disclosure of information by a public authority in response to an application in accordance with s.13 of the Act.
- 2.3 **'Councillor'** means a person elected to a Council and includes the Mayor, Deputy Mayor, and Councillors.
- 2.4 **'Delegated Officer'** means a delegated person to make a decision on an application for assessed disclosure in accordance with s.24 of the Act.
- 2.5 **'Exempt information'** means information which is exempt information as set out in Part 3 of the Act.
- 2.6 **'Information'** means in accordance with s.5 of the Act, anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph and anything in which information is embodied so as to be capable of being reproduced.
- 2.7 **'Officer'** means a member of staff or any person employed by or for the Council.
- 2.8 **'Ombudsman'** means the Ombudsman appointed under the *Ombudsman Act 1978 (Tas)*.
- 2.9 **'Personal information'** means any information or opinion in any recorded format, about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion and who is alive, or has not been dead for more than 25 years.
- 2.10 **'Principal Officer'** means the Chief Executive Officer.
- 2.11 **'Public Authority'** means as defined under the Act, to be read as including Council.
- 2.12 **'Required disclosure'** means a disclosure of information by a public authority where the information is required to be published by the Act or any other Act, or where disclosure is otherwise required by law or enforceable under an agreement.
- 2.13 **'Routine disclosure'** means a disclosure of information by a public authority which the public authority decides may be of interest to the public, but which is not a required disclosure, an assessed disclosure or an active disclosure.
- 2.14 **'The Act'** means the *Right to Information Act 2009 (Tas)*.

3. OBJECTIVE

- 3.1 The purpose of this Policy is to give effect to the objects of the Act by promoting:
 - 3.1.1 transparency of Council;
 - 3.1.2 routine disclosure of information;
 - 3.1.3 public participation in governance; and
 - 3.1.4 accountable decision making while ensuring compliance with privacy, confidentiality, and other statutory obligations.
- 3.2 This Policy establishes Council's framework for required, routine, active and assessed disclosure of information under the Act.

4. SCOPE

- 4.1 This Policy applies to:
 - 4.1.1 all information held by Council, whether created internally or received from third parties;
 - 4.1.2 all Councillors, Council staff and contractors acting on Council's behalf.
- 4.2 This Policy operates in conjunction with Policy 3.22 – *Release of Documents*, which continues to govern reproduction, copyright and statutory planning/building records.

5. PROCEDURE (POLICY DETAIL)

5.1 RTI Disclosure Summary (Privacy-Safe Approach)

- 5.1.1 In recognition of privacy and confidentiality obligations, Council will not publish a detailed public right to information (RTI) disclosure log containing personal or sensitive information.
- 5.1.2 However, Council will publish in its Annual Report or on its website de-identified summary information, which may include:
 - i. number of RTI applications received;
 - ii. general subject categories (e.g. planning, governance, property);
 - iii. outcomes (granted, partially granted, refused);
 - iv. review statistics (internal and external).

This approach balances transparency with compliance under privacy legislation.

5.2 Privacy and Confidentiality

- 5.2.1 In administering this Policy, Council will ensure:
 - i. it complies with its privacy obligations, including but not limited to personal information that is protected in accordance with the *Personal Information Protection Act 2004 (Tas)*;
 - ii. legal professional privilege is relied upon where appropriate and necessary to do so;
 - iii. confidential and exempt information is not disclosed unless as required by law;
 - iv. third-party consultation is undertaken where required to do so under the Act.

5.3 Roles and Responsibilities

- 5.3.1 The Chief Executive Officer is the Principal Officer under the Act and is responsible for promoting and implementing this Policy.
- 5.3.2 The Chief Executive Officer may appoint delegated Officers to perform or exercise functions of the Principal Officer.
- 5.3.3 Managers and Officers are responsible for identifying information suitable for routine disclosure and are required to assist with RTI assessments when requested.
- 5.3.4 Councillors are bound by this Policy when handling Council information.

5.4 Required Disclosure

- 5.4.1 Subject to any relevant exemptions under the Act that may apply, information that must be published or made publicly available under legislation, including but not limited to:
 - i. agendas and minutes;
 - ii. annual reports;
 - iii. strategic plans and budgets;
 - iv. registers and statutory notices.

5.5 Routine Disclosure

- 5.5.1 Information that is routinely published to support transparency and public understanding of Council functions, such as:
 - i. policies and procedures;
 - ii. financial data;
 - iii. governance frameworks;
 - iv. frequently requested operational information.
- 5.5.2 Routine disclosure material will be published on Council's website and kept current.

5.6 Active Disclosure

- 5.6.1 Information released proactively in response to informal requests or where Council determines disclosure is in the public interest, without the need for a formal RTI application. Active disclosure will be considered having regard to:
 - i. public interest;
 - ii. privacy and confidentiality obligations;
 - iii. administrative efficiency;
 - iv. whether information is suitable for publication.

5.7 Assessed Disclosure

- 5.7.1 Where information is not otherwise publicly available, members of the public may apply for assessed disclosure under the Act.

- 5.7.2 Council will assess such applications in accordance with the Act, including exemptions and public interest tests.

5.8 Proactive Disclosure Commitment

- 5.8.1 Council commits to progressively strengthening proactive disclosure by:
- i. reviewing information commonly requested via RTI;
 - ii. identifying information suitable for routine disclosure;
 - iii. improving website navigation to make information easier to find;
 - iv. publishing aggregate RTI statistics annually in Council's Annual Report.

- 5.8.2 This commitment is ongoing and subject to legal and resource considerations.

6. GUIDELINES

- 6.1 Ombudsman Tasmania RTI publications as adopted from time to time.
- 6.2 Guidelines and procedures for implementation of this Policy are separately maintained as administrative documents.

7. COMMUNICATION

- 7.1 Accessible by all staff via the intranet.
- 7.2 Included in the staff induction program and on an ongoing basis.
- 7.3 Accessible on the Kingborough Council website at www.kingborough.tas.gov.au.
- 7.4 Available in soft copy to be emailed upon request.
- 7.5 Available in hard copy to be mailed upon request.

8. LEGISLATION

This Policy is made pursuant to and consistent with:

- 8.1 *Right to Information Act 2009 (Tas)*;
- 8.2 *Right to Information Regulations 2021*;
- 8.3 Ombudsman Tasmania RTI publications and guidelines;
- 8.4 *Personal Information Protection Act 2004 (Tas)*;
- 8.5 *Archives Act 1983 (Tas)*; and
- 8.6 *Local Government Act 1993 (Tas)*.

9. RELATED DOCUMENTS

- 9.1 Policy 3.22 – Release of Documents.

10. AUDIENCE

- 10.1 Staff;
- 10.2 Public.