

INFORMATION PUBLIC DISCLOSURE PROCEDURE

1 Scope:

This procedure applies to all information held by Rockhampton Regional Council.

2 Purpose:

To provide clarity to the public disclosure of information within the framework of the *Information Privacy Act 2009* and the Information Privacy Principles.

3 Related Documents:

Primary

Right to Information Policy

Secondary

Information Privacy Act 2009

Right to Information Act 2009

Council's Fees and Charges Schedule

Information Privacy Principles

Information Security Policy

Privacy Complaint Handling Procedure

Privacy Policy

Sample Public Disclosure Scenarios Fact Sheet

4 Definitions:

To assist in interpretation, the following definitions apply:

An Individual	Any living human being, i.e. an individual is not a company, trust or deceased person.
Customer	An individual who is a member of the public, a Councillor or Council employee.
Council	Rockhampton Regional Council
Councillor	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Employee	<i>Local government employee:</i> (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Personal Information	Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

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5 Procedure:

As per the intent of the *Right to Information (RTI) Act 2009* and the *Information Privacy (IP) Act 2009*, Council, as a public authority, must ensure transparency of decision making and business practices, and good governance by instilling a culture of bias towards pro-disclosure of information whilst maintaining Council's obligation to preserve an individual's right to privacy.

This procedure sets out in simple terms the general types of information that can be disclosed and the limitations of the disclosure of information of a confidential, commercial or private nature.

5.1 Key Principles for Disclosure

The key principles guiding the avenues of disclosure and the content of information disclosed are as follows:

- Access to information should be provided, unless its disclosure would, on balance, be contrary to public interest.
- There should be proactive and maximum disclosure of all (non-personal) information held by Council; barring confidential or exempt information.
- Information should, where possible, be released administratively through the exercise of administrative discretion as guided by this procedure.
- Information should, where possible, be available on Council's Website (publication scheme, meeting minutes, etc.).
- Notwithstanding the proactive approach to the release of Council information, any information or documents withheld still remain subject to consideration under an RTI or IP application. For further information on the RTI/IP application process refer to the Council Website:
<http://www.rockhamptonregion.qld.gov.au/About-Council/Right-to-Information-and-Privacy>

5.2 Administrative Access

Administrative access allows members of the community to be given access to information through a streamlined, non-formal process. Requests for information may be in any form - verbal or written.

Anyone can request information, however there is no guarantee that access will be given (noting exempt information). An individual may request their own personal information under this procedure. However, complex requests for personal information (for example, information involving third party consultation) would require a formal application under the *IP Act*.

5.2.1 Information which may be Accessed

Any information, not subject to any exemptions or exclusions, and because release would not be contrary to the public interest, may be accessed under this procedure.

5.2.2 Exempt Information/Contrary to Public Interest

Information that is exempt from release under this procedure includes:

- Information release that is prohibited under law (for example a third party's personal information);

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APPENDIX A

SAMPLE PUBLIC DISCLOSURE SCENARIOS

A simple query from a customer might be that:

Bill Jones lodged a request a week ago to have a pothole fixed in his street and has contacted Customer Service to see when it might be fixed.

In this case the response is pretty straight forward via assessment of comments in Pathway and Conquest:

The pothole was inspected on day/month, a work order has been generated and is scheduled for rectification on day/month when the road patching crew are scheduled to be in that area.

NB: Need to ensure that the condition hasn't worsened and it is now a traffic hazard or dangerous situation

The specific scenarios below have been provided as examples because there is a level of complexity in the resolution process and in most cases contain personal information which requires discretion from Council employees as to the amount of information they should disclose.

Scenario 1 – Overgrown and Unsightly Property

Actual resolution or status details from Pathway (Personal Information amended):

Bob Citizen came into Council to report overgrown grass and unsightly property at 123 Citizen Drive, Citizen Estate. Bob has reported this previously and it is becoming frustrating for him as it is always overgrown and unsightly. The grass is all different lengths around the yard and there are 9 car bodies in the yard and the fence is falling down. Rats and mice have been sighted as well. Can we please investigate this for Bob.

Other Details - Officer Action/Input

05/01/12 1211hrs Officer inspected property, observed overgrown land, photos taken and attached. Will issue compliance notice.

05-Jan-2012 15:41:08 - Compliance Admin

Compliance notice generated for Compliance Officer to sign. Please follow up after 21/01/2012

Compliance notice sent.

23-Jan-2012 14:57:42 - Compliance Admin

E-mail received from Compliance Officer:

23/01/12 1240hrs inspected property, still ongoing, photo taken and attached. Please generate entry notice.

23-Jan-2012 16:06:09 - Compliance Admin

Entry to land notice generated to owner, 2nd follow up inspection after 5.00pm 8/2/2012

24-Jan-2012 13:51:30 - Compliance Officer

Pin # XX2654XX issued for non compliance.

03-Feb-2012 11:35:36 - Compliance Admin to Compliance Officer

Building Compliance would like you to let him know once this property has either been cleared by the property owner or contractor to clear the property. Building Compliance is waiting to enter the property for inspection.

08-Feb-2012 15:24:00 - Compliance Admin

As per request from Manager *Go Anywhere Slashing* (not real name) are on standby to slash this block on Thursday 9 February 2012.

Authority fax generated for Compliance Team Leader to sign for *Go AnyWhere Slashing* to slash property on 9 February 2012. I have advised Compliance Team Leader and Contractor that if by chance the property has been mowed in the morning I will call to advise them of this.

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08-Feb-2012 16:11:32 - Customer Service

Call from Property Owner Agent (a private person) acting on behalf of owner regarding this property, is in contact with a number of contractors regarding mowing this property. Agent has received two quotes and has to run them past client who will be coming into Agent's office tomorrow 9/2/12 after 10am. Agent has been advised that it is important Council is contacted as soon as client arrives as per direction from Compliance Admin with details regarding the contractor and date they will be slashing the property.

08-Feb-2012 17:18:48 - Compliance Team Leader

On the 8 February 2012 I contacted Agent to confirm they were acting for the property owner. I discussed with Agent that a number of complaints have been received over time and the property is heavily overgrown.

I informed Agent that we would put our contractor on hold until tomorrow so that they could follow-up with owner and their slashing contractor.

At 1807hrs I contacted *Go AnyWhere Slashing* and informed them to not go into the property until further notice.

09-Feb-2012 07:57:41 - Compliance Officer

09/02/12 0705hrs inspected property, still overgrown, photos taken and attached.

Will check with Team Leader as to what action is required.

09-Feb-2012 10:59:16 - Compliance Team Leader

On the 9 February 2012 at 1015hrs I spoke with Agent and informed them that I required a response as to what they were doing regarding the property as we need the property cleared. Agent is following up.

At approx 1040hrs I contacted Agent and informed them of an approximate cost for Council contractors to slash property. Agent agreed with this and requested our contractor conduct the job.

Manager notified of all conversations with Agent.

Go AnyWhere Slashing has been notified to enter the property and conduct the work.

Property slashed.

24-Feb-2012 11:26:31 - Compliance Admin

Before and after photos received and attached to the request. Invoice being processed.

Sample censored information for public release:

A complaint has been received (dates as appropriate) on the overgrown and unsightly property at this address. A Compliance Notice was issued to the owner on dd/mm/yy to rectify the situation and clear the property.

Under Local Law – No.3 (Community and Environmental Management) 2011

- The owner of the property now has 14 days to mow/tidy the property.
- After 14 days a Compliance Officer will inspect the property.
- If the property is found to be mowed/tidied then no further action is taken.
- If the property is not mowed/tidied then a Penalty Notice and fine is generated and the owner has 14 days from that time to rectify.
- 14 days from the issuing of the Penalty Notice, a Compliance Officer will inspect the property again to see if any action has been taken by the owner.
- If the property is found to be mowed/tidied then no further action is taken.
- If the property is not mowed/tidied then another notice is generated advising that a mowing contractor will be engaged to clear the property at the owner's expense.
- In accordance with the Local Law and Planning and Regulatory procedures, the whole overgrown process can take as long as **6 to 8 weeks** before they will see the property mowed, if it hasn't been cleared before that time by the owner.

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If at any time a customer calls to enquire about the status of this complaint, they should be given the details in the context of the process timelines (for example when the next inspection will occur or when we may be expecting to intervene to clear the property). Ensuring no personal information is disclosed.

If at any time the customer is not satisfied with the level of information being disclosed, then they are to be advised that they can make an application under the *RTI Act* or *IP Act* (whichever is applicable). For further information, refer the customer to the Right to Information page on Council's Website -

<http://www.rockhamptonregion.qld.gov.au/About-Council/Right-to-Information/Your-Right-to-Information> .

Scenario 2 – Barking Dogs

Actual resolution or status details from Pathway (Personal Information amended):

30-Jan-2012 12:02:18 – Customer Service Officer

Your Name: Fred Terrier

Contact Phone Number: xyz

Contact Email Address: Fred.BassetTerrier@dogpond.com

Contact Address: 3 Noise Street, Barksville

Category of Issue: Animals

Address of the Problem: 6 Woof Alley Barksville

Closest Crossroad to the Problem: Woof Alley

Details of Issue: Jack Russell is STILL constantly barking after previous complaints! This is an ongoing issue that needs to be resolved. Once this dog starts barking it carries on for hours, causing other dogs in the neighborhood to bark as well! Myself, as well as other residents of the area are sick and tired of it, and now it is also starting to jump/dig out of its yard. Have seen it in our next door neighbour's yard as well as out on the street! Thanks!

CSO has sent customer an Animal Noise Complaint form.

Sample censored information for public release:

There are two scenarios with different answers:

1. Complainant

Your complaint is under investigation and our officers are working with the dog owner as well as surveying the area to gauge the level of the problem. If the problem is substantiated the owner will be required to take action to control the noise and is given 28 days to do so. If the issue does not markedly reduce, the owner may be required to remove the animal. In the mean time could you please keep a written log of when the noise is happening (including times and dates) so that the Community Compliance Unit can use the information as part of a management plan.

If the problem is not substantiated then no further action will be taken.

(Note: A fact sheet designed for the complainant outlining the process and timeframes is sent to the complainant.)

2. Owner

We have received a complaint regarding your animal making a lot of consistent noise. A Compliance Officer will be in touch with you to discuss ways that might help.

(Note: A fact sheet designed for the animal owner outlining the process and timeframes is sent to the owner.)

If at any time the customer is not satisfied with the level of information being disclosed, then they are to be advised that they can make an application under the *RTI Act* or *IP Act* (whichever is applicable). For further information, refer the customer to the Right to Information page on the RRC Website -

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