

ADMINISTRATIVE ACCESS SCHEME PROCEDURE



1 Scope

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

2 Purpose

The purpose of this procedure is 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

3.1 Primary

Right to Information Policy

3.2 Secondary

Human Rights Act 2019

Information Privacy Act 2009

Local Government Act 2009

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

Right to Information Act 2009

Complaints Management Policy

Council's Fees and Charges Schedule

Information Privacy Principles

Information Security Policy

Privacy Policy

4 Definitions

To assist in interpretation, the following definitions apply:

Administrative Access	Information released through the exercise of administrative discretion in good faith and in the appropriate circumstances, without breaching existing laws or other obligations.
An Individual	Any living human being. That is, 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 Council, within the meaning of the <i>Local Government Act 2009</i> .

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Employee	Local government employee: (a) The Chief Executive Officer; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Exempt Information	As defined in the RTI Act, if an access application is made to an agency or Minister for a document, the agency or Minister must decide to give access to the document unless the disclosure would, on balance, be contrary to the public interest.
IP Act	<i>Information Privacy Act 2009</i>
Pathway	Pathway Request Module. Council's customer request/enquiry and complaints system.
Personal Information	As defined in the IP Act, 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.
RTI Act	<i>Right to Information Act 2009</i>

5 Procedure

In accordance with the intent of the RTI Act and the IP Act, 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:

- (a) Access to information should be provided, unless its disclosure would, on balance, be contrary to public interest.
- (b) There should be proactive and maximum disclosure of all (non-personal) information held by Council; barring confidential or exempt information.
- (c) Information should, where possible, be released administratively through the exercise of administrative discretion as guided by this procedure.
- (d) Information should, where possible, be available on Council's Website (publication scheme, meeting minutes, etc.).
- (e) Despite the proactive approach to the release of Council information, any information or documents withheld still remain subject to consideration under a Right to Information or Information Privacy Application. For further information on the Right to Information or Information Privacy 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.

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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:

- (a) Information release that is prohibited under law (for example a third party's personal information);
- (b) Some elements of third-party intellectual property or commercial in confidence information; or
- (c) Information that is subject to legal professional privilege.

5.2.3 Recurring Information Requests

There may be occasions where the same or similar information is repeatedly requested by members of the community. Despite the treatment of exempt information, methods for the administrative release of these recurring information requests should be considered as follows:

- (a) Inclusion of the information in Council's Publication Scheme; and/or
- (b) Provision of regular updates on Council's website, Facebook page and telephone messages on-hold.

Council departments experiencing recurring information requests should liaise with the Communications and Engagement team or the Records Supervisor.

5.2.4 Fees and Charges

There is no formal application fee or charge applicable to any request for information covered under this procedure. A fee or charge may be applicable in relation to the cost of photocopying quantities of information in excess of 100 pages. Council's Fees and Charges Schedule applies in consideration of copying costs.

5.3 Public Disclosure - Administrative Access Process

In the majority of cases, requests for information are simply customer contacts seeking a follow-up on specific service requests, community projects or other Council matters.

In considering public disclosure, Councillors and employees, should as much as possible, provide up to date details as requested in the context of also providing relevant procedural information; whilst complying with the IP Act and Information Privacy Principles.

For further clarity, the following checklist and examples are provided to assist in the decision process for public disclosure of information.

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5.3.1 Public Disclosure Decision Checklist

Public Disclosure Decision Checklist		
Step	High Level Decision Points	Action
1.	Are there any legal constraints to release the information? No ↓ Yes →	Notify customer that the information sought is not appropriate for administrative access and consider a formal application under the RTI Act or IP Act.
2.	Is the information considered exempt? No ↓ Yes →	
3.	Is there 'Personal Information' in the documentation? No ↓ Yes →	For small amounts, remove the personal information, other than that applicable to the customer. Then release to requester. For complex matters (third party consultation), customers should be advised to make an application under RTI Act or IP Act as applicable.
4.	Does the document contain any intellectual property or commercial in confidence material (for example project specifications, contracts)? Or Could release potentially cause harm? No ↓ Yes →	Notify applicant that the information sought is not appropriate for administrative access and consider a formal application under the RTI Act or IP Act as applicable.
5.	Prepare to release the information administratively.	Public disclosure could be either verbal or written (email or letter) response. Some guidance details are below.

5.3.2 Sample Public Disclosure Scenarios

5.3.2.1 Simple Query

A simple query from a customer might be:

- (a) 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.

A response in this instance will be made via assessment of comments in Pathway and the Asset Management System:

- (b) 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.

5.3.2.2 Barking Dogs

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

30 January 2012 12:02pm – 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

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Address of the Problem: 6 Woof Alley Barksville

Closest Crossroad to the Problem: Woof Alley

Details of Issue: The Jack Russell dog 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 neighbourhood 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.

Local Laws Admin have forwarded Noise Complaint letters to both Complainant and Animals Owner

Sample censored information for public release:

There are two scenarios with different answers:

(a) Complainant

Your complaint is under investigation and our officers are working with the animal owner. The animal owner has been given a 14 day period to rectify the situation. If the situation has not improved after this period we request you complete the Statutory Declaration contained within the Bark Behaviour Booklet and return it to Council within 28 days, This allows Council to progress the complaint and take further action.

If the situation improves then no further action will be taken.

(b) Owner

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

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 Council Website:

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

6 Review Timelines

This procedure is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Deputy CEO.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Manager Corporate and Technology Services
Policy Quality Control	Legal and Governance

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