

Policy - Adoption - Access to Information Policy

File No: S093563.022

Summary

There is strong public interest in the information the City holds. Council's policy covering access to that information is outlined in the Access to Information Policy (the Policy), which was first adopted by Council on 14 February 2011.

The Policy describes the City's principles regarding public access to information and the process of managing requests for such access.

The City holds valuable and diverse information. Some information is recent and some extends back to Sydney's early development. There is strong public interest in what the City does and the information it holds and the City is committed to making its information available to the community.

This report recommends minor amendments to the Policy for adoption (refer Attachment A).

A revised version of the Policy was adopted by Council on 11 December 2017 (refer Attachment C).

The changes provide more clarity around the process Councillors should follow when requesting information required to perform their functions, and the circumstances under which a section 41 access application may be required. In addition, minor changes have been made to technical information relating to State Records legislation, and to terminology.

The intent of the policy and the policy outcomes are unchanged.

Recommendation

It is resolved that Council adopt the revised Access to Information Policy, as shown at Attachment A to the subject report.

Attachments

Attachment A. Access to Information Policy 2021

Attachment B. Access to Information Policy 2021 – with tracked changes

Attachment C. Access to Information Policy 2017

Background

1. The City holds a valuable and diverse collection of information in which there is strong public interest. Council's policy covering access to that information is the Access to Information Policy (the Policy), which was first adopted by Council on 14 February 2011 and adopted with minor revisions again on 11 December 2017 (Attachment C).
2. The Access to Information Policy was introduced subsequent to the commencement of the Government Information (Public Access) Act 2009 (GIPA Act).
3. The Policy covers informal and formal methods of information disclosure including those authorised by the Government Information (Public Access) Act 2009 (GIPA Act). Council is an agency under the GIPA Act.
4. The purpose of the Policy is to describe the City's principles regarding public access to information and the process of managing requests for such access.
5. The Policy applies to all staff, Councillors and contractors of the City.
6. The City holds valuable and diverse information. Some information is recent and some extends back to Sydney's early development. There is strong public interest in what the City does and the information it holds and the City is committed to making its information available to the community.
7. Good information is an asset for the City and the community and supports a robust democracy.
8. The City authorises the release of information under routine business arrangements. The City also authorises, or in some cases is required to, release information under legislation such as the Environmental Planning and Assessment Act 1979 and the Government Information (Public Access) Act 2009 ('the GIPA Act'). The GIPA Act gives all members of the public a legally enforceable right of access to information created, received and held by Government, including councils.
9. The policy outcomes are unchanged. Minor changes to the 2017 version provide more clarity around the process Councillors should follow when requesting information required to perform their functions, and the circumstances under which a section 41 access application may be required. In addition, minor updates have been made to technical information relating to State records legislation, and to terminology.

Key Implications

Strategic Alignment - Sustainable Sydney 2030

10. This policy is aligned with the following strategic directions and objectives:

Direction 10 - Implementation through Effective Governance and Partnerships

- (a) The Sustainable Sydney 2030 Community Strategic Plan 2017-2021 Strategic Direction 10.5 states in part "The community has the information, knowledge, skills and access to contribute to decision making....The City fosters collaboration and innovation through the proactive release of information and data. Where appropriate, we share high quality information and data with government, the community and business partners to enable continuous, informed improvement and service co-creation".
- (b) The City's Delivery Program 2017-2021 Direction 10 - Implementation through Effective Governance and Partnerships - Objective 10.5.2 - Action 2 states: Public access to information - Provide clear, accurate and accessible information about our operations, policies, projects and programs to the community.

Organisational Impact

11. The minor changes to the Policy do not impact the current information access procedures.

Relevant Legislation

12. The policy relates directly or indirectly to the following legislation:

- (a) Government Information (Public Access) Act 2009;
- (b) Government Information (Public Access) Regulation 2009;
- (c) State Records Act 1998;
- (d) Privacy and Personal Information Protection Act 1998;
- (e) Health Records and Information Privacy Act 2002;
- (f) Environmental Planning and Assessment Act 1979; and
- (g) Local Government Act 1993.

Public Consultation

13. Given the minor nature of changes to the current Policy, which was publicly exhibited, it is not considered that further public consultation is required.

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