

Councillor Access to Council Information Policy

Version: 4.0

Date updated: 6 June 2017

Responsible Department: Governance

1. Purpose

The purpose of this policy is to provide a consistent set of guidelines to ensure legal and appropriate Councillor access to Council information that may assist them in undertaking their responsibilities as elected representatives.

2. Definitions

Council	means Casey City Council, being a body corporate constituted as a municipal Council under the Local Government Act 1989
Councillors	means the individuals holding the office of a member of Casey City Council
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
The Act	refers to the Local Government Act 1989
Personal Information	information or an opinion (including information or an opinion forming part of a database), that is recorded in any form and whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion, but does not include information of a kind to which the <i>Health Records Act 2001</i> applies.
Document	has the same meaning as defined under the <i>Freedom of Information Act 1982</i>

Council policy documents change from time to time and it is recommended that you consult the electronic reference copy at www.casey.vic.gov.au/policiesstrategies to ensure that you have the current version. Alternatively you may contact Customer Service on 9705 5200.

3. Scope

This policy applies to the provision by Council staff of any information requested by Councillors, including information of a confidential or sensitive nature to which access may be limited.

4. Context

Councillors, as elected representatives, are responsible for the strategic direction of Council. The operational matters and direction of staff are the responsibility of the Chief Executive Officer.

This policy is to be read in conjunction with the:

- Local Government Act 1989
- The Privacy and Data Protection Act 2014
- Health Records Act 2001
- The Freedom of Information Act 1982
- Charter of Human Rights and Responsibilities Act 2006
- Clause 44 of Local Law No. 1 (2016) Meeting Procedures and Use of the Common Seal Local Law

5. Policy

A Councillor is entitled to inspect information held by Council that is relevant to an issue before, or concerning, Council and the representative functions of the Councillor, unless access is restricted for privacy, confidentiality or legal reasons. Examples of these restrictions include, but are not limited to the following:

- The Privacy and Data Protection Act 2014
- Health Records Act 2001
- Charter of Human Rights and Responsibilities Act 2006
- Confidential business information provided by other organisations
- Material related to current enforcement investigations

Councillors must at all times adhere to the provisions of the *Local Government Act 1989* relating to confidentiality and/or inappropriate use of information. Section 77 of the Act makes it unlawful for a Councillor or former Councillor to release information that the person knows, or should reasonably know, is confidential information. Councillors have no authority to release documents on behalf of Council.

6. Access to Information

A Councillor may request access to information held by the Council that is relevant to a matter being considered by the Council or the representative function of an individual Councillor. Information accessed via this policy must not be used for any other purposes or shared beyond the requesting Councillor.

All requests should be made in writing to the Councillor Support Officer for coordination or directly to the relevant Manager.

The responsible Manager will determine if a Councillor has a right to access the documents by virtue of the fact that they are relevant to an issue before, or

concerning, Council and the representative functions of the Councillor or any other factor which is considered relevant.

Where practicable, a Manager may arrange for a Councillor to view or be given an electronic or hardcopy copy of documents with personal and health, or other sensitive information.

The responsible Manager must advise the Councillor of any limitation concerning access to Council information arising from Council's legislative obligations in relation to the privacy laws or any other relevant legislation.

If it is not appropriate to provide access, the responsible Manager shall advise the Councillor in writing as to the reasons for this decision. All records pertaining to the request should also be recorded in Council's ECM.

7. Providing access to a copy of document (Hardcopy or Electronic)

Access to documents under this policy shall be provided with a watermark of the Councillor's name.

Where documents are provided electronically they will be available for viewing for a set period of time, agreed by the Councillor and relevant manager. It is preferred that documents are not provided in hard copy however should this occur, Councillors must ensure the documents are securely destroyed when documents are no longer required.

Assistance is available from the Councillor Support Officer in relation to secure destruction of documents as required.

8. Providing access by Viewing

Where access has been provided by viewing, all reasonable steps should be taken to find a mutual suitable time and location to view the document. Only Council owned buildings will be considered as suitable locations under this policy.

This option should only be used when:

- A document is of a historical value and could be damaged if copied or scanned
- If copying or scanning the document would unreasonable divert the resources of the relevant department from its other operations
- If an Act or agreement signed by Council states that the document is not to be copied or reproduced.

9. Dispute Resolution

A Councillor may appeal to the Chief Executive Officer in writing if unhappy with a decision made under this policy.

10. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

11. Review

The next biennial review of this document is scheduled for completion by 6 June 2019.

12. Breaches

Breaches will be dealt with under the provisions of the following:

- Section 77 of the Local Government Act 1989
- Section 76BA of the Local Government Act 1989
- Section 76D (2)(b) of the Local Government Act 1989
- Councillor Code of Conduct