

ACCESS TO INFORMATION POLICY

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NEXT REVIEW:
2028/29

DOCUMENT TYPE:
Council Policy

POLICY OWNER:
Director Corporate Services

POLICY REFERENCE:
CNCL_POL_ECM8209314



1. PURPOSE

- 1.1. The purpose is to outline Council's principles and commitment in providing public access to information in accordance with the GIPA Act.

2. SCOPE

- 2.1. This Policy applies to all Councillors and employees of North Sydney Council.
- 2.2. This Policy applies to all members of the public seeking information held by Council.

3. DEFINITIONS

TERM	DEFINITION
3.1 Document	Refers to files/correspondence, public registers, development and other applications, Council policies and any record of Council business, in whatever form.
3.2 Information	Refers to records as defined in s.3(1) of the <i>State Records Act 1998</i> : "any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means".
3.3 GIPA Act	Refers to the <i>Government Information (Public Access) Act 2009</i> .

4. PROVISIONS

- 4.1. North Sydney Council aims to provide the community with as much access as possible to information held by Council, consistent with the following principles:
- a) open and transparent government
 - b) consideration of the overriding public interest in relation to access requests
 - c) proactive disclosure and dissemination of information and
 - d) respect for the privacy of individuals
- 4.2. This information will be available in four ways;
- a) As open access information,
 - b) Through the proactive release of the information,
 - c) In response to an informal request, or
 - d) Through a formal access to information application.
- 4.3. In assessing public interest, Council will refer to;

- a) The public interest considerations against disclosure in Section 14 of the GIPA Act; and
- b) The information for which there is conclusive presumption of overriding public interest against disclosure in Schedule 1 of the GIPA Act.

4.4. A formal access to information application may be necessary if the information being sought requires;

- a) A large volume of information
- b) Extensive research of documents
- c) Relates to third party personal/business information
- d) Requires Council to apply the Public Interest considerations under the GIPA Act as noted above

4.5. A formal application for access to information is lodged on North Sydney Council's website through the online form and requires the payment of a statutory application fee as per Council's Fees and Charges. Further processing fees may also apply in accordance with the GIPA Act and Council's Fees and Charges.

4.6. A formal application for access to information will be processed in the timeframes noted under the GIPA Act. These are within 20 working days of receipt of a valid application, which may be extended a further 15 working days if consultation with a third party or retrieval from Council's archives is required.

4.7. The lodgement of a formal application for access to information entitles the applicant to review rights, as detailed in Part 5 of the GIPA Act. These include;

- a) Internal review by Council, to be lodged within 20 working days of the Notice of Decision being given to the applicant, and conducted by a senior officer independent of the original decision,
- b) External review by Information and Privacy Commission NSW (IPC NSW), to be lodged within 40 working days from the date of the original decision
- c) External Review by the NSW Civil and Administrative Tribunal (NCAT) to be lodged within 20 working days from the date of when the IPC NSW completed their review.

4.8. Some North Sydney Council information belongs to third parties and is the subject of copyright. Access to this information is provided to members of the public in accordance with the GIPA Act and other relevant legislation, such as the Environmental Planning and Assessment Act 1979. Copyright laws

apply to this information and applicants are advised to seek the consent of the copyright owner before reproducing the information in any way.

- 4.9. Council has published an *Agency Information Guide* which includes information about Council, its structure, functions, policies and Council information that is made available to the public.

5. ROLES & RESPONSIBILITIES

RESPONSIBLE	ACCOUNTABLE
5.1 Responsible Officer	The Service Unit Manager Corporate Governance is the responsible officer for this Policy and is accountable for its currency and communication.
5.2 Mayor and Councillors	Endorse the Policy and ensure that the Governance Strategy aligns with the Policy.
5.3 Chief Executive Officer	Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this Policy.
5.4 Directors	Directors are responsible for ensuring their Directorate adheres to the requirements of this Policy and providing guidance in respect of the strategic objectives of the Policy within their Directorate and the organisation. In accordance with the requirements of the <i>GIPA Act</i> , an internal review will be done by a person who did not make the original decision.
5.5 Employees	Employees must adhere to the requirements of this Policy and operate within its authorities.

6. RELATED DOCUMENTS

DOCUMENT	LOCATION
6.1 Community Engagement Protocol	Available on Council's website
6.2 Agency Information Guide	Available on Council's website
6.3 Code of Meeting Practice	CNCL POL ECM9128189
6.4 Community Engagement Policy	CNCL POL ECM7972411
6.5 Complaints Handling Policy	CNCL POL ECM9269092
6.6 Councillor and Staff Interaction Policy	CNCL POL ECM10229942
6.7 Open Government Policy	CNCL POL ECM7661696

7. RELATED LEGISLATION AND GUIDANCE

LEGISLATION or REFERENCED STANDARD	NOTES
7.1 Government Information (Public Access) Act 2009	Governs public access to information held by NSW government bodies, promoting transparency. It

	mandates proactive disclosure, informal and formal access requests, and a public interest test.
7.2 Government Information (Public Access) Regulation 2018	Supports the GIPA Act by outlining fees, procedures, and agency obligations for public access to government information, ensuring transparency and accountability.
7.3 Health Records and Information Privacy Act 2002	Protects personal health information by regulating its collection, use, and disclosure, ensuring privacy, security, and access rights for individuals.
7.4 Privacy and Personal Information Protection Act 1998	Regulates the collection, use, and disclosure of personal information by NSW public sector agencies, ensuring privacy, security, and individual access rights.
7.5 State Records Act 1998	Governs the creation, management, and preservation of NSW government records, ensuring accountability, accessibility, and compliance with recordkeeping standards
7.6 Local Government Act 1993	Section 12 ensures public access to council information, promoting transparency, accountability, and community participation, subject to privacy, confidentiality, and public interest considerations.
7.7 Environmental Planning and Assessment (EPA) Act 1979	Primarily in Section 10.7, ensures public access to planning documents, development applications, and environmental assessments, promoting transparency in planning processes.
7.8 Companion Animals Act 1998	Section 63 provides public access to information on registered animals, including details of ownership, microchipping, and compliance with animal welfare regulations.

8. VERSION HISTORY

Version	Date Approved	Approved by	Resolution No.	Review Date
1	2 August 2004	Council	794	2008/09
2	16 February 2009	Council	61	2012/13
3	2 August 2010	Council	473	2012/13
4	18 February 2013	Council	61	2016/17
5	25 June 2018	Council	214	2020/21
6	27 July 2020	Council	78	2021/22
7	14 April 2025	Council	72	2028/29