



Policy Owner: General Manager

Category: 5. Our Civic Leadership

1. STATEMENT OF INTENT

North Sydney Council aims to provide the community as much access as possible to information held by Council, including submissions received in response to advertised proposals (which can include a policy, planning application, or agreement) 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.

2. ELIGIBILITY

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.

3. DEFINITIONS

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 *State Records Act 1998*: “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 Submission - refers to a written comment either by email, or letter, or online submission form made by an individual, group or organisation about a proposal that has been publicly notified by Council.

3.4 Submitter - refers to the individual, group or organisation who makes any form of submission.

4. PROVISIONS

4.1 Publication Guide

- 4.1.1 Council publishes specific open access information on our website, free of charge, unless to do so would impose unreasonable additional costs to Council.
 - 4.1.2 Council will facilitate public access through this and other appropriate means.
 - 4.1.3 Council publishes, for inspection, documents held by it that are listed under the *Government Information (Public Access) Regulation 2009 (GIPA)*, unless there is an overriding public interest not to do so.
 - 4.1.4 Council will keep a record of all open access information that is not published because of an overriding public interest against disclosure.
 - 4.1.5 Council accepts no responsibility for defamatory or other similar matters included in any submissions whether it be planning, or non-planning related and reserves the right to reject any submission which in its opinion may expose Council or others to risk of actionable liability or legal action. Rejected submissions will not be considered. The author will be advised of any such rejection and invited to provide a revised submission for consideration.
- 4.2 Open Access Information - Planning Related
- 4.2.1 Council publishes, for inspection, plans and written documentation relating to planning matters including proposed new policies, amendments to existing policies, development applications, modification of consents, review of determinations, voluntary planning agreements and planning proposals.
 - 4.2.2 Applicants, property owners and professional advisors of the above listed applications give authorisation to Council under the application process to the release all documents and plans, including third party plans and internal plans of the proposal for the purposes of notification and beyond. Documents and plans can be accessed through Council's Application Tracking System and in some cases may be extended to Council's website.
 - 4.2.3 The public may access documents and information relating to planning applications from the Application Tracking System accessed through Council's website. Users do not need to make an application to access these documents and information but need to accept the Terms and Conditions prior to being granted access.

-
- 4.2.4 All submissions received as part of a community engagement process will be considered to be open access information and any such submission will be made available for release to Councillors, Council officials, Determination Panel Members and the general public in its entirety, unless the submitter has specifically requested all or part of their submission be withheld.
- 4.2.5 Submitters acknowledge by including any personal information in a submission that it will be made available for public view through Council's website and/or Application Tracking System. Should the author seek to withhold from publication any information they consider to be confidential or privileged including their address or contact details, this should be requested by way of a separate cover document which specifically indicates the reason/s why this information should not be made publicly available.
- 4.2.6 Council reserves the right to remove or redact submissions (or petitions) if it becomes aware of submissions containing potentially defamatory material or third-party information that is not already in the public domain.
- 4.3 Open Access Information - Non-Planning Related
- 4.3.1 Council publishes, for inspection, written documentation (including but not limited to proposed new or amended policies, plans and strategies).
- 4.3.2 The public may access documents and information relating to exhibited documents through Council's website and/or YourSayNorthSydney website. Users do not need to make an application to access these documents and information. When accessing documents via YourSayNorthSydney website the interest party is required to accept the Terms and Conditions prior to being granted access.
- 4.3.3 All submissions received as part of a community engagement process will be considered to be open access information and any such submission will be made available for release to Councillors, Council officials and the general public in its entirety, unless the submitter has specifically requested all or part of their submission be withheld.
- 4.3.4 Submitters acknowledge by including any personal information in a submission that it will be made available for public view through Council's website and/or YourSayNorthSydney website. Should the author seek to withhold from publication any information they consider to be confidential or privileged including their address or contact details, this should be specifically requested at the time of lodging the submission, indicating the reason/s why this information should not be made publicly available.
-

4.3.5 Council reserves the right to remove or redact submissions (or petitions) if it becomes aware of submissions containing potentially defamatory material or third-party information that is not already in the public domain.

4.4 Formal Access

4.4.1 Some information may require a formal access application, in accordance with the GIPA Act. Council will assess each request for access to documents and information in a timely manner and in accordance with internal guidelines and relevant legislation.

4.4.2 Depending upon the nature of the request and the form of access requested, charges may be applied in accordance with Council's *Fees and Charges Schedule* and relevant legislation. A minimum statutory fee applies for formal access applications. The *Formal GIPA Access Application Form* is available from Council's website and the Customer Service Centre.

4.4.3 Council will assess requests for access to information with reference to the following legislation:

- *Government Information (Public Access) Act 2009*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *State Records Act 1998*
- *Local Government Act 1993*
- *Environmental Planning and Assessment (EPA) Act 1979*
- *Companion Animals Act 1998*
- and any other relevant legislation and guidelines as applicable.

4.4.4 Broad requests for access to a large number of unspecified documents which, if processed, would divert substantial Council resources from dealing with other requests, or from performing other Council functions, may be refused on the grounds that such a diversion of resources is contrary to the public interest. Council will endeavour to assist in refining the request to a more manageable one.

4.5 Informal Requests

4.5.1 Council also endeavours to release other information in response to an informal request, subject to any reasonable conditions Council may impose having regard to the circumstances of the case.

4.5.2 Council may release information in response to an informal request subject to any reasonable conditions, and in any format.

4.5.3 In order to maintain an internal record of requests and to ensure accuracy of Council's response, an *Informal GIPA Access Application Form* must be lodged. Application forms are available on Council's website and the Customer Service Centre.

4.5.4 Forms will be assessed by Council's Customer Services & Records Management Department, who will contact applicants to provide access to requested information either via hard or soft copy or by scheduling of an appointment.

4.6 Disclosure Log

Where information is released to an applicant under a formal access application and Council considers that it will be of interest to other members of the public, Council will provide details of the information in a disclosure log for inspection by the public. The *Disclosure Log* will be published on Council's website.

4.7 Copyright

A large amount of North Sydney information available for public access 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.

5 RESPONSIBILITY/ACCOUNTABILITY

5.1 Publishing of information to Council's website - Council's Customer Services & Records Management Department is responsible for providing access to information determined to be "open access" through Council's Application Tracking System, this extends to application for submissions to be kept confidential.

5.2 Publishing of information to Council's website - Council officers outside of the Customer Services & Records Management Department who are responsible for providing access to information determined to be "open access" through Council's webpage and YourSayNorthSydney website, this extends to application for submissions to be kept confidential.

5.3 Informal Access to Information Application - Council's Manager Customer Services & Records Management, GIPA Officer and authorised Department staff are responsible for assessing and determining Informal and Formal access applications in accordance with the requirements of the *Government Information (Public Access) Act 2009*, inclusive of the release of submissions which may not be publicly displayed and received prior to the endorsement of this policy.

- 5.4 Internal Review of Formal Access Application - The General Manager (Principal Officer), Public Officer (Director Corporate Services), Manager Customer Services & Records Management and Team Leader Records Management are responsible for determining an application for an Internal Review of a decision made with respect to a formal access application, in accordance with the requirements of the *Government Information (Public Access) Act 2009* for release of submissions which may not be publicly displayed, inclusive of submissions received prior to the endorsement of this policy.
- 5.5 Submission/s - The supply of personal contact information in a submission is voluntary under the *Privacy and Personal Information Protection Act 1998*. By the submitter including their contact information in a submission they grant their consent and are acknowledging that information will be made available for public view through Council's website, YourSayNorthSydney website and/or Application Tracking System, unless the submitter has specifically requested their personal information be withheld.

6 RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Code of Meeting Practices
- Collection and Recording of Information Policy
- Community Engagement Policy
- Community Engagement Protocol (incorporating the Community Participation Plan)
- Complaints Handling Policy
- Confidentiality of Employee Information Policy (staff policy)
- Councillor Access to Information and Interaction with Staff Policy
- Fees and Charges Schedule
- Information Sheet: Written Submissions
- Open Government Policy
- Privacy Management Plan

The Policy should be read in conjunction with the following documents/legislation:

- Companion Animals Act 1998
- Environmental Planning and Assessment (EPA) Act 1979
- Government Information (Public Access) Act 2009
- Government Information (Public Access) Regulation 2018
- Health Records and Information Privacy Act 2002
- Local Government Act 1993
- Privacy and Personal Information Protection Act 1998
- State Records Act 1998

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