



## Information disclosure policy

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### Purpose

The *Right to Information Act 2009* (Tas) (*RTI Act*) facilitates the disclosure of information held by Tasmanian public authorities and ministers. It recognises that giving the public the right to obtain such information improves the operation of democracy in Tasmania by:

- ▼ increasing the accountability of the government to the people, and
- ▼ increasing people's ability to participate in their governance.

Under section 23 of the *RTI Act*, principal officers of public authorities must develop policies and procedures for releasing information under the Act. This *Information Disclosure Policy* (the Policy) is issued to meet this requirement. The Policy explains the our disclosure processes and how people can exercise their rights under the Act when seeking information from us.

### Policy statement

Under the *RTI Act*, a person has a legally enforceable right to be provided with information held by a public authority or minister, unless it is exempt information. The *RTI Act* does not stop or intend to discourage a public authority or minister from publishing or providing information (including exempt information) other than that required by the Act.

The Integrity Commission (the Commission) is an 'excluded body' under section 6(d) of the *RTI Act*. As such, the Act does not apply to information in our possession unless the information relates to the 'administration' of the Commission. This means that a person is not entitled to the operational information we hold.

The term 'administration' is not defined in the *RTI Act*. For the purposes of the Policy, we adopt the definition relied on by the Tasmanian Ombudsman in Decision [Q1706-106](#). In that decision, 'administration' included but was not limited to:

*the support structure that allows the [organisation and its employees] to undertake its substantive operational duties. This reasonably will include **human resources management, financial management, security, cleaning and hygiene services, customer services, and purchasing and procurement of sundry items** to name a few. [Emphasis added]*

## Scope

The Policy applies to all of our employees and officers.

It covers the 4 types of information disclosure identified in section 12(2) of the *RTI Act*:

- ▼ required disclosure
- ▼ routine disclosure
- ▼ active disclosure, and
- ▼ assessed disclosure.

The Policy also addresses the release of our non-administrative information outside of the *RTI Act*.

Assessed disclosure is a method of last resort. As much as possible, we should preference making administrative information available through routine and active disclosures.

Our employees and officers must also take into account section 94 of the *Integrity Commission Act 2009* (Tas) (*IC Act*), which requires employees and officers to preserve confidentiality for all matters that come to their knowledge while employed at the Commission or completing duties under the *IC Act*.

## Definitions

The following definitions apply for the purposes of the Policy.

- ▼ **Active disclosure** has the same meaning as in the *RTI Act*. It involves a disclosure of information by a public authority or minister in response to a request made otherwise than under Division 2 of Part 2 of the Act; that is, a voluntary release of information following a request without needing to apply for an assessed disclosure.

- ▼ **Administration** refers to, but is not limited to, the support structure that allows the Commission and its employees to undertake its substantive operational duties. This could include human resources management, financial management, security, cleaning and hygiene services, customer services, and purchasing and procuring sundry items.
- ▼ **Assessed disclosure** has the same meaning as in the *RTI Act*. It involves a disclosure of information by a public authority or minister in response to an application under section 13 of the Act.
- ▼ **Delegate** has the same meaning as in the *RTI Act*; namely, a person specified in a delegation instrument under section 24 of the Act. For our purposes, the delegate is the Director, Operations.
- ▼ **External party** has the same meaning as in the *RTI Act*; specifically, a person or organisation that provides the person's or organisation's views in response to a request under section 36(2)(f) (personal information) or section 37(2)(f) (information relating to business affairs of a third party).
- ▼ **Information** has the same meaning as in the *RTI Act*, including:
  - (a) anything that is used to record words, figures, letters or symbols, including a map, plan, graph, drawing, painting, recording or photograph, and
  - (b) anything in which information is expressed so that it can be reproduced.
- ▼ **Integrity Commission** has the same meaning as in the *IC Act*.
- ▼ **Non-administrative information** means any information that could not be reasonably construed as related to administration. It includes, but is not limited to, operational information.
- ▼ **Principal officer** means our chief executive officer (CEO).
- ▼ **Required disclosure** has the same meaning as in the *RTI Act*. It involves the disclosure of information by a public authority where such publication is required under the *RTI Act* or any other Act, or where disclosure is otherwise required by law or an enforceable agreement.
- ▼ **Routine disclosure** has the same meaning as in the *RTI Act*. It involves the disclosure of administrative information by the Commission that we decide may be of interest to the public but which is not a required, assessed or active disclosure.

## Procedures

### 1. Routine disclosure

Routine disclosure involves disclosing administrative information that the CEO or delegate decides may be of interest to the public and where the disclosure is not one of the other 3 disclosure types.

This includes information made freely available on our website, such as that found on our [About the Commission](https://integrity.tas.gov.au/about) webpage (see [integrity.tas.gov.au/about](https://integrity.tas.gov.au/about)).

## 2. Active disclosure

Active disclosure is the informal release of administrative information on request. This includes answering phone calls, emails and correspondence and providing information in response to a request for a briefing.

Any request for an active disclosure of information should be addressed promptly. We aim to address requests for active disclosures as soon as possible, but in any case, no later than 20 working days after receiving the request.

## 3. Required disclosure

Required disclosure is the disclosure of administrative information that is required by the *RTI Act* or another Act. It includes disclosures that are required by law or are enforceable under an agreement. For example, under section 11 of the *IC Act*, we must produce an annual report on or before 31 October each year.

## 4. Assessed disclosure

Assessed disclosure is disclosure of last resort.

A person applying for an assessed disclosure must do so in writing using our *Right to Information Application Form*. As noted above, the Commission is excluded from making assessed disclosures except for information relating to its administration.

The form and information about making an appropriate application are available on the Commission's website at [www.integrity.tas.gov.au/about/rti](http://www.integrity.tas.gov.au/about/rti).

Applications for an assessed disclosure should be addressed to:

RTI Officer  
Integrity Commission  
GPO Box 822,  
Hobart TAS 7001

Alternatively, applications may be emailed to [contact@integrity.tas.gov.au](mailto:contact@integrity.tas.gov.au).

## Fees

Applications must be accompanied by an application fee. This fee is 25 units.<sup>1</sup>

The fee may be waived if the applicant is:

- ▼ impecunious (has little or no money)
- ▼ a member of Parliament acting in connection with their official duty
- ▼ a journalist acting in connection with their professional duties, or

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<sup>1</sup> Fee units are indexed annually. Current fees can be found on the Department of Treasury and Finance's website at <https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units>.

- ▼ able to show that they intend to use the information for a purpose that is of general public interest or benefit.

### **Assistance for applicants**

We must take reasonable steps to help applicants submit applications that comply with requirements under section 13 of the *RTI Act*.

We may negotiate with an applicant to refine or redirect their application for an assessed disclosure of administrative information.

If the applicant requests or if it is appropriate to do so, we must provide general details about the administrative information in our possession to help a person apply for an assessed disclosure.

### **Time frames**

We must take all reasonable steps to notify an applicant of our decision as soon as possible and no later than 20 working days after an application is accepted.

The time frame may be extended by agreement with the applicant.

### **Providing information**

Administrative information requested under the *RTI Act* may be provided:

- ▼ by giving the applicant a reasonable opportunity to inspect the record containing the information
- ▼ if the information can be reproduced, by providing the applicant with a transcript of the information
- ▼ by providing the applicant with a copy, including an electronic copy, of the record containing the information, or
- ▼ if the information contains sounds or visual images that can be reproduced, by giving the applicant a reasonable opportunity to hear the sounds or view the images.

If we have the requested information and the applicant has indicated a preference for receiving the information in a particular form, we must provide that information or part of the information in that form unless it is impracticable to do so or would breach copyright.

### **Refusal and deferral**

Requests for administrative information may be refused if:

- ▼ resources would be unreasonably diverted, or
- ▼ the application is repetitive or vexatious.

The provision of administrative information may be deferred if:

- ▼ the information will be disclosed as a required or routine disclosure within 12 months from the application date, or
- ▼ the information was prepared for presentation to Parliament but is yet to be presented.

## Decision-making

The CEO or delegate must act impartially when making decisions in accordance with the *RTI Act*.

The CEO or delegate must give the applicant written notice if they decide that:

- ▼ the applicant is not entitled to the information because it is not administrative information
- ▼ the provision of information should be deferred, or
- ▼ the provision of information should be refused.

The notice of the decision must:

- ▼ state the reasons for the decision
- ▼ state the name and designation of the person who made the decision, and
- ▼ inform the applicant of their right to apply for a review of the decision, the authority to which the application for review can be made and the time within which the application for review must be made.

The decision in a notice may be stated in terms that neither confirm nor deny the existence of any non-administrative information.

## Reviewing decisions

### *Internal review*

Section 43 of the *RTI Act* explains the process for internal reviews of decisions about applications for assessed disclosure. Generally, an applicant may apply to the CEO for a review of the decision by a delegate within 20 working days after notice of the decision is given to the applicant (see section 22 of the *RTI Act*).

If an application for a review of a decision is made to the CEO, the CEO must, as soon as possible:

- ▼ review the decision and make a fresh decision, or
- ▼ arrange for a delegate other than the delegate who made the decision to review the decision and make a fresh decision.

A reviewed decision regarding an assessed disclosure application must be given in the same way as a decision for an application.

### *Application for external review*

Under sections 44 and 45 of the *RTI Act*, a person or external party may apply to the Ombudsman for a review of a decision if certain circumstances or criteria are met, including if the original decision was made by the CEO. In such a case, an applicant cannot apply for an internal review.

## 5. Other

While we are under no obligation to release non-administrative information, we should strive to promote the aims of the *RTI Act* as far as possible without breaching confidentiality or prejudicing our ability to successfully investigate matters,

consistent with our requirements under the *IC Act* and our workplace values of accountability and trust.

As such, the CEO may choose, from time to time and at their discretion, to release non-administrative information either of their own volition or on request.

The CEO may consider Schedules 1 and 2 of the *RTI Act*, which list relevant and irrelevant matters for assessing public interest, to aid decision-making when considering the release of non-administrative information.

The CEO or delegate must consider section 94 of the *IC Act* when deciding whether to release non-administrative information.

## 6. Responsibilities

### Chief Executive Officer

As principal officer, the CEO has the following responsibilities:

#### *Routine disclosure*

- ▼ deciding whether to release administrative information voluntarily on our website consistent with the Policy and the *RTI Act*.

#### *Active disclosure*

- ▼ deciding active disclosure requests for administrative information consistent with the Policy and the *RTI Act*.

#### *Assessed disclosure*

- ▼ providing an applicant with reasonable assistance to make a valid application if it does not comply with section 13 of the *RTI Act*
- ▼ negotiating with an applicant, where appropriate, to refine or redirect their application
- ▼ negotiating with an applicant, where appropriate, for additional time to decide on their application
- ▼ ensuring that, where appropriate, applications are promptly transferred if the subject matter of the information requested is more closely connected with the functions of another public authority
- ▼ ensuring that proper guidance is given to employees conducting searches for information when responding to an application
- ▼ deciding applications for assessed disclosures consistent with the *RTI Act*
- ▼ undertaking internal reviews of decisions on applications for assessed disclosures consistent with the *RTI Act*, and
- ▼ liaising with the Ombudsman on external reviews of decisions on applications for assessed disclosures.

### Additional responsibilities

The CEO is also responsible for:

- ▼ developing policies and procedures concerning the disclosure of information for use in the public authority

- ▼ publishing details of the *RTI Act*, including our policies and procedures and how people can exercise their rights under the Act in relation to the Commission
- ▼ providing details about information published as required disclosures or routine disclosures as soon as possible after the end of each financial year, and
- ▼ providing details on information released as assessed disclosures as soon as possible at the end of each financial year, particularly
  - ▼ the number of applications made under the *RTI Act*
  - ▼ the number of applications refused by the Commission and the provisions of the Act under which they were refused
  - ▼ the number of applications relating to exempt information and the provisions of the Act under which the information was considered exempt, and
  - ▼ the number of applications for internal reviews made to the principal officer under section 43 of the Act and the results of those applications.

## Delegations

The CEO may appoint an officer to assist them with the functions specified in section 6 of the Policy. The CEO:

- ▼ may, by instrument in writing, delegate the performance of specific functions or powers under the *RTI Act* (other than this power of delegation) to a person identified in the instrument
- ▼ may, by instrument in writing, revoke wholly or in part any such delegation, and
- ▼ must not delegate the performance of their functions or powers under the *RTI Act* to a person unless they are satisfied that the person has the skills and knowledge necessary to perform or exercise those functions or powers.

It should be noted that:

- ▼ a delegation period must not exceed 3 years
- ▼ despite any delegation, the CEO may continue to perform or exercise all or any of the delegated functions or powers, and
- ▼ any act or thing done by or to a delegate while exercising a delegation under this section has the same force and effect as if the act or thing had been done by or to the CEO and is taken to have been done by or to the CEO.

## 7. Delegates

The Commission's delegate is the Director, Operations.

The delegate may exercise all the principal officer's functions and powers under the *RTI Act* and outlined in section 6 of the Policy except the power of delegation.

The delegate must consult the CEO before releasing non-administrative information.

## 8. Employees

Employees are responsible for:



- ▼ keeping records of all official information produced, received or acquired
- ▼ making records to support the work they are undertaking, and
- ▼ registering documents in our records management systems as appropriate.

Employees asked to identify information in response to an application for an assessed disclosure by a delegated officer are responsible for:

- ▼ identifying all relevant information
- ▼ recording the steps taken during the search for information, and
- ▼ recording details about information that is no longer in our possession, has been destroyed or is missing.

## Related documents

- ▼ 2019/001773 Communications and Media Policy – November 2020
- ▼ 2021/004395 Policy – Publication – Style Guide – July 2021
- ▼ 2011/001490 10.02.03 – Procedure for tabling reports in Parliament and associated briefings
- ▼ 2019/000038 Policy – Community Relations – Media – January 2019
- ▼ 2018/000970 Policy – Community Relations – Social Media – December 2020
- ▼ 2016/001523 Policy – Personnel – Workplace Conduct – January 2020
- ▼ 2016/000305 Policy – Information Management – Records management – 2019

## 9. Other

- ▼ [Right to Information Act 2009](#) and associated regulations
- ▼ *Right to Information Act Tasmania: [Ombudsman's Manual](#)*
- ▼ *Public Interest Disclosures Act – [Guidelines and Standards](#)* (Ombudsman Tasmania)
- ▼ [Integrity Commission Act 2009](#)
- ▼ [State Service Act 2000 \(Tas\)](#)
- ▼ [Personal Information Protection Act 2004 \(Tas\)](#)

## Document control

Version	Release Date	Reference	Reason
1.0	10 August 2023	2023/004701	Original release

## Document management

Operations Unit

Approved

A handwritten signature in black ink, appearing to read 'Easton', followed by a period.

Michael Easton

**Chief Executive Officer**

10 August 2023