

ACCESSING INFORMATION HELD BY COUNCIL POLICY

Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Manager Corporate Administration		
Approval Date:	28/01/2025	Next Review:	01/12/2028
Records Number:	164505	Council/CEO Decision:	OMC-2025-006
Legislation Reference:	Section 15 of the <i>Information Act 2002</i>		

1 PURPOSE

The *Information Act 2002* (the Act) gives the public a general right of access to information held by Katherine Town Council and the right to apply to have personal information changed if it is inaccurate, incomplete or out of date. The Act also requires that the Council respects your privacy in the way it collects and handles personal information.

This policy complement's Council's Privacy Policy and provides information about how information held by Council can be accessed.

2 SCOPE

This policy applies to applications made to access information held by Council, by any individual or organisation, or correct personal information held by Council.

3 DEFINITIONS

Person means an individual and includes a deceased individual within the first 5 years after death.

Personal information means information that discloses a person's identity or from which a person's identity is reasonably ascertainable.

Record means recorded information in any form (including data in a computer system) that is required to be kept by a public sector organisation as evidence of the activities or operations of the organisation and includes part of a record and a copy of a record.

4 DETAILS

Council holds information and records on behalf of the Katherine community and the public has a right to access this information, with some limitations as outlined in the Act.

Some information is freely available on Council's website, or may be available simply by asking in person, or over the phone. Other information may need to be requested under the Act by completing an application form and paying a fee.

INFORMATION FREELY AVAILABLE

The following information is available free of charge on Council's website:

- Council Policies
- Elected Members' Code of Conduct and policies
- Members' Interest and Gifts Register
- Municipal Plan for the current year and last three years
- Budget for the current year
- Long Term Financial Plan
- Schedule of Fees and Charges for the current year
- Declaration of Rates for the current year and last two years
- Annual Report for the current year and last five years
- Council and Committee Meeting Agendas and Minutes for the current year and last five years
- Available and awarded tenders
- Council Strategies
- List of categories of reviewable decisions
- Public notices as required from time to time.

These documents can also be viewed at the Customer Service Desk. There is no fee to view these documents. Please note that if you request photocopies, charges may apply to cover the reasonable cost incurred in providing these.

It is recommended that, before an application is made under the Act, the applicant should approach staff at the Council and ask whether the information is available.

MAKING AN APPLICATION TO ACCESS INFORMATION

Individuals can apply to access information held by the Council using the Request for Katherine Town Council Information form available on the website.

Council requires proof of your identity before it accepts your application, either a:

- Current driver's licence, or
- Current passport, or
- Other generally accepted proof of identification.

If the applicant requests for only information about themselves (personal), there will be no application fee but there may be other fees that apply.

If the applicant requests for more than just information about themselves (non-personal), then there is a \$30 (including GST) application fee.

DEPOSIT FOR PROCESSING FEE

After assessing the request for information, the Council may require the applicant to pay a processing fee.

The applicant must first pay a deposit for the processing fee, which will be determined based on the total processing cost. The Council will not start processing your application until the required deposit is paid.

Once the deposit is received, the Council will process the request and inform the applicant about the available access options and the remaining processing fee must be paid before the information can be released to the applicant.

Please note that paying the deposit does not guarantee access to all the requested information.

If the actual processing cost is lower than the deposit (e.g., no relevant information exists), the excess amount will be refunded. However, if the actual processing cost exceeds the deposit, the Council may retain the deposit, even if no information is ultimately released.

Applicants may ask for a waiver or reduction of fees. The Council will consider the financial circumstances of the applicant and the objects of the Act.

The Chief Executive Officer will determine whether fees are to be waived or reduced.

DECISION PROCESS

The Act provides that a response will usually be given within 30 days. However, this period may be extended in some circumstances, such as if the Council needs to consult with a third party whose information has been requested, or if a large volume of information is requested. The time period will pause when you are asked to pay a deposit, and restart when it is paid.

In some situations, there may be reasons why some information cannot be released. For example, it may breach another person's privacy. If so, you will be given reasons in writing for the decision.

If the applicant is not satisfied with the decision, they can request a review of the decision by the Council. If the applicant is still not satisfied, the applicant can then appeal to the office of Information Commissioner to conduct an independent review of the decision.

CORRECTING PERSONAL INFORMATION

If the Council holds personal information that is inaccurate, incomplete or out of date, the Act allows the right to apply to correct the personal information. There is no fee for this, however, applications to correct must be received in writing to records@ktc.gov.au.

The Council may make the correction requested in the application, refuse the application, or make a correction different to the application.

If you are of the opinion that the information as corrected is inaccurate, incomplete or out of date, you are entitled to request that a statement to that effect is placed with the corrected personal information. Council is not required to correct personal information that is historical only.

5 ASSOCIATED POLICIES/DOCUMENTS

Privacy Policy

6 REFERENCES AND RELATED LEGISLATION

Information Act 2002

Information Regulations 2003

Northern Territory Information Commissioner <https://infocomm.nt.gov.au/freedom-of-information/overview>

Revision History

Version	Approval date	Details of change	Responsible officer
1	1/04/2024	Created	Director, Corporate Services
2	13/08/2024	Review changed from Corporate to a Council Policy and addition of Deposit for Processing Fee section.	Manager Corporate Administration