

## CONFIDENTIAL INFORMATION

Type:	Council Policy		
Owner:	Chief Executive Officer		
Responsible Officer:	Governance Officer		
Approval Date:	28/07/2023	Next Review:	30/04/2026
Records Number:	180073	Council/CEO Decision:	Council
Legislation Reference:	Section 53(1) of Local Government (General) Regulations 2021		

### 1 PURPOSE

Katherine Town Council is committed to transparent and accountable decision making, to achieve the outcomes of its Municipal Plan. However, from time to time, Council will consider confidential and sensitive information which it must treat with care.

This policy sets out Council's process to ensure the proper treatment and review of confidential items considered at a Council Meeting. This policy applies to information that was considered during or resulted from confidential business at a council meeting, including (but not limited to) the agenda, business papers, resolutions, and minutes.

### 2 SCOPE

This policy applies to elected members, Council employees, contractors, volunteers and all other persons that perform work on behalf of Council and may access confidential information during the performance of their duties.

### 3 DEFINITIONS

**Confidential information** means information prescribed as confidential under section 51 of the Local Government (General) Regulations 2021.

### 4 DETAILS

Council holds sensitive and personal information about a range of matters relating to the residents and organisations of the Katherine and wider community and personal information of employees employed by Council. In the course of their association with Council, elected members, Council employees, contractors, consultants and volunteers may come across such confidential information. It is a condition of employment and is reflected in the Elected Member Code of Conduct, employee Code of Conduct and each individual employment contract that such information is treated in a sensitive or confidential nature and may not be disclosed to a third party.

## WHAT IS MEANT BY CONFIDENTIAL INFORMATION?

Section 51 of the Regulation prescribes the following information as confidential:

- information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual
- information about the personal circumstances of a resident or ratepayer
- information that would, if publicly disclosed, be likely to:
  - cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or
  - prejudice the maintenance or administration of the law; or
  - prejudice the security of the council, its members, or staff; or
  - subject to regulation 51 (3) – prejudice the interests of the council or some other person
- information subject to an obligation of confidentiality at law, or in equity
- subject to regulation 51 (3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest, and
- subject to regulation 51 (2) – information in relation to a complaint of a contravention of the code of conduct.

Any Council business that falls under these prescribed categories will be considered as confidential information for the agenda, business papers, resolutions, and minutes.

## CONSIDERATION OF CONFIDENTIAL INFORMATION

All content associated with confidential information will be discussed and debated in closed session.

At the conclusion of consideration of a confidential matter during a meeting, Council will decide whether the information is:

- a) the type of confidential information that should no longer be confidential after a specified period of time, or
- b) the type of confidential information that should be confidential indefinitely, including information about the employment of a particular individual as a member of the staff or possible member of the staff of the Council, or information about the personal circumstances of a resident or ratepayer, or
- c) the type of confidential information that should be transferred as a record to the archives service under section 141 of the *Information Act 2002*.

A council resolution will be passed indicating the category of the matter.

If Council resolves that the matter falls under category (a), it will be added to the confidentiality review list.

## CONFIDENTIALITY REVIEW LIST

Council will maintain a list of category (a) matters and review that list once every 12 months to determine whether any matters are no longer confidential or instead should be re-categorised under (b) or (c).

Council decisions that are no longer confidential will form part of the Open Minutes of the meeting where Council endorsed release of the decision.

## 5 ASSOCIATED POLICIES/DOCUMENTS

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Privacy Policy

Records Management Policy

Elected Members Code of Conduct

CEO Code of Conduct

Employees Code of Conduct

Confidential Resolution Register

## 6 REFERENCES AND RELATED LEGISLATION

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*Local Government Act 2019*

*Local Government (General) Regulations 2021*

*Information Act 2002*

Records Disposal Schedule for Local Authorities in the Northern Territory

### Revision History

Version	Approval date	Details of change	Responsible officer
1	April 2022	Creation	CEO
2	July 11, 2023	Reviewed with no changes required	Governance and Executive Officer

