

POLICY STATEMENT

CONFIDENTIALITY POLICY

AUTHORISATION

POLICY TYPE: <i>(Council or Operational)</i>	Operational
POLICY LOCATION: <i>(eg. Corporate, Engineering, etc.)</i>	Corporate
RESPONSIBLE OFFICER: <i>(by position title)</i>	Director Corporate and Community Services
AUTHORISED BY: <i>(GM or Director Title)</i>	Manex
DATE ADOPTED:	19 October 2021
ADOPTED BY: <i>(Manex or Council)</i>	Manex
MINUTE NO: <i>(If required)</i>	
REVIEW DUE DATE: <i>(Four years unless statutorily required sooner)</i>	19 October 2025
REVISION NUMBER:	1

DOCUMENT HISTORY

VERSION NO.	DATE	DESCRIPTION OF AMENDMENTS <i>Include names of former policies that this policy will replace if applicable</i>	AMENDED BY <i>(Where required)</i>
1	Oct 2021	Update format	DCCS
0	18.08.2020		

REVIEW OF THIS POLICY

This Policy will be reviewed within four (4) years from the date of adoption or as required in the event of legislative changes. The Policy may also be changed as a result of other amendment that are to the advantage that Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution for all policies categorised as “Council” policies or the approval of the General Manager for all policies categorised as “Operational” policies.

1. Purpose:

This policy records Council's commitment to preserving the confidentiality of information held by the Council and serves as an internal policy to support the Information Guide.

2. Scope:

The Council will preserve the confidentiality of information held in accordance with legislation. Information held by Council which is publicly available can be provided freely however, confidential information must not be released to any person unless:

- The information relates only to that person (it is solely information about that person)
- It is information that relates only to an individual, and that person has provided the Council with written authority to release the information to someone else
- The release is necessary for the conduct of the Council's business and is in the public interest
- Council is obliged under law to release the information.

If an employee is unsure whether a document or information is confidential, the employee should consult with their Coordinator/Manager/Director or General Manager before taking any action in relation to the information.

An employee must not access Council information except to the extent that is necessary to do so in order to perform their official duties.

Section 63 of *The Privacy and Personal Information Protection Act 1998 (PPIPA)* makes it an offence for past or present employees to make improper use of information that they have acquired by virtue of their position with Council.

3. Outcomes:

Council holds information about a range of matters relating to Council business and the residents of the community.

To minimise the risks to Council and its residents, Council will preserve the confidentiality of Council information to the fullest extent possible.

4. Roles and Responsibilities:

This policy applies to all information designated as confidential which is held by Council and must be complied with at all times by all employees (including temporary or casual) of Council.

5. Definitions:

a. Confidential Information

Confidential information means information generally not known by or available upon request to the public which:

- Identifies and relates to a particular individual; or
- Carries a risk that if released or improperly used would cause harm to the Council or a member of the community, or give an unfair advantage to someone.

The following classes of information must always be treated as confidential:

- Legal advice received by Council, including the substance or effect of that legal advice, or any conclusions were reached, or any course of action recommended in the legal advice.
- Information provided to council on the condition that it is kept confidential.
- Information dealing with the appointment, appraisal, discipline or dismissal of employees.
- Information dealing with industrial matters affecting employees.

- Information associated with the preliminary budget.
- Information dealing with the rating concessions for individuals.
- Information associated with contracts proposed by Council.
- Information associated with starting or defending legal proceedings.
- Information dealing with the security of property.
- Information dealing with the trade secrets of any person or body.
- In-confidence conversations and information associated with any person or body associated with Council.
- Information considered and discussed in meetings closed to the public, as per the Local Government Act 1993.
- Names and/or addresses of complainants or witnesses and those who wish to remain anonymous when dealing with Council.
- Any information that is designated as confidential by the General Manager, until such time as the council has resolved that the General manager's confidentiality designation should be removed.

b. Information

Includes discussions, documents, electronic data or knowledge.

c. Employees

Includes agents, employees, contractors, volunteers and all others who work on behalf of council.

6. Legislation and Supporting Documents:

The development of this policy has been informed by the following (among other publications):

- The Privacy and Personal Information Protection Act 1998 (PPIPA)
- Local Government Act 1993
- State Records Act 1998
- Government Information Public Access Act 2009 (GIPA)
- Health Records and Information Privacy Act 2002

7. Relationship to Community Strategic Plan:

This Policy supports Council's Delivery Program Strategy 13.2 Develop, implement and promote best practice governance policies and procedures.

8. Attachments:

NIL