

# 2220 Confidentiality Policy

## Governance Policy



### PURPOSE

- 1) This policy is made pursuant to Sections 171 and 200 of the *Local Government Act 2009*, by recording Council's commitment to preserving confidentiality when dealing with information held by the Council.

### SCOPE

- 2) This policy applies to all persons who are or have been a Councillor, and to all persons who are or have been an employee, contracted staff or a volunteer at North Burnett Regional Council.

### DEFINITIONS

Term	Definition
<b>Confidential Information</b>	<p>means information generally not known, or made available to the public which:</p> <ul style="list-style-type: none"><li>• Identifies a particular individual;</li><li>• carries a risk that if released could cause harm to Council, or a person</li><li>• may give an unfair advantage.</li></ul> <p>The following is a non-exhaustive list of those types of information that would be considered confidential:</p> <ol style="list-style-type: none"><li>a. Legal advice provided to Council;</li><li>b. Information that is expressly given to Councillors in confidence;</li><li>c. Information dealing with the appointment, dismissal, discipline or appraisal of employees;</li><li>d. Information dealing with industrial matters affecting employees;</li><li>e. Information associated with the preliminary budget;</li><li>f. Information dealing with rating arrears;</li><li>g. Information associated with contracts proposed by Council;</li><li>h. Information relating to property disposal or an acquisition process where release of the information may prejudice Council;</li><li>i. Information associated with starting or defending legal proceedings;</li><li>j. Information dealing with the security of property;</li><li>k. Information dealing with trade secrets;</li><li>l. Information considered and discussed in meetings closed to the public, pursuant to <i>Local Government Act 2009</i>;</li><li>m. Commercial-in-confidence information;</li><li>n. Names and/or address of complainants or witnesses;</li><li>o. Any information designated as confidential by the Chief Executive Officer, until such time as Council has resolved that the Chief Executive Officer's confidentiality designation should be removed.</li></ol>
<b>Councillor</b>	means a Councillor past or present. A reference to a Councillor includes the Mayor.
<b>Employee</b>	means all employees of Council, whether employed on a permanent, temporary, or part-time basis and includes volunteers, contractors, and their employees.
<b>Information</b>	means knowledge communicated or received concerning some fact or circumstance; news and knowledge on various subjects, however acquired.
<b>Personal Information</b>	means information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. (see <i>Information Privacy Act 2009</i> )

## **POLICY**

### **OBJECTIVES**

- 3) Confidential information must only be used in ways that promote and maintain the public's trust and confidence in the integrity of Council.
- 4) Personal information collected by Council must comply with Information Privacy Principle (IPP) 3 (Schedule 3 of the *Information Privacy Act 2009*).
- 5) Confidential information must not be released unless approved by the Chief Executive Officer, or Council Resolution, or if required by law.
- 6) Councillors and employees must exercise due care when dealing with confidential information.
- 7) Councillors and employees must only access confidential information for a relevant purpose.
- 8) Any breach of this Policy may lead to disciplinary action including referral to an external investigatory agency.

### **PRINCIPLES**

- 9) Council holds information about a range of matters relating to Council business and members of the community. Council cannot always know in advance which information, if released may cause a negative outcome, therefore, to minimise risks to the Council and the community, Council will preserve the confidentiality of information to the fullest extent possible.
- 10) There are a number of laws which require the Council to make available information to members of the public and other government agencies. The Council will fully comply with its obligations under those laws.
- 11) The Council will designate particular information or classes of information as confidential, to clarify that the information must be dealt with in a certain way.
- 12)** If there are any doubts as to whether the information is considered to be confidential, the Councillor or employee is to act on the assumption that it is confidential until the doubt is resolved by the Chief Executive Officer or by Council Resolution.

### **POLICY STATEMENT**

- 13) Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest or such release is prevented by legislation. At the same time, Council is conscious of the need to handle Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government.

### **ROLES AND RESPONSIBILITIES**

- 14) All Councillors and Council employees are bound by the provisions of this Policy in addition to all other obligations under relevant Legislation, Regulation, and any other related Council document.
- 15) Any incident that results in the inadvertent release of confidential and/or personal information to an unintended recipient(s) must be reported to the CEO.

### **APPLICABLE LEGISLATION AND REGULATION**

- 16) Applicable legislation and regulation:
  - a) Local Government Act 2009
  - b) Information Privacy Act 2009
  - c) Right to Information Act 2009

### **RELATED DOCUMENTS**

- 17) Related documents are:
  - a) Councillor Code of Conduct
  - b) Complaints Management Framework
  - c) Employee Code of Conduct

- d) Information and Communications Technology (ICT) Policy and Procedures
- e) ICT - Third Party Access Deed ("TPAD")
- f) ICT - Non-Disclosure Deed ("NDD")
- g) Information Privacy Policy
- h) Procurement - Acknowledgement of Confidentiality and Conflict of Interest
- i) Procurement Policy and Procedures
- j) Records Management Policy
- k) Right to Information Policy

## RESPONSIBLE OFFICER

Chief Executive Officer

## APPROVAL DATE

17 November 2021

## REVIEW DATE

November 2025 (Standard four year term)

## REVISION HISTORY

Version	Meeting	Approval Date	History
1	General	17 November 2021	New