**Information Disclosure Policy**

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| Approved by  | Secretary |
| Date approved (commencement date) | 20 April 2016 |
| Owned by | Director, Secretariat and Legal Services |
| Review by | 24 months after commencement |
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#### Intent

The Department is a public authority as defined in the RTI Act. The Department is committed to fulfilling its obligations under that Act, including its obligations to prepare and publish policies and procedures for the disclosure of information.

#### Objective

The objectives of this policy are to set out the Department’s policies for disclosing information in accordance with the RTI Act, with particular reference to the various types of disclosure defined in that Act, and the objective of that Act to make information held by public authorities and Ministers as readily available as reasonably possible.

#### Scope

This policy applies to all Departmental officers.

This policy covers the four types of information disclosure defined in s12(2) of the RTI Act:

1. required;
2. routine;
3. active; and
4. assessed.

#### Definitions

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| active disclosure | the disclosure of information in response to a direct request |
| assessed disclosure | the disclosure of information following a decision by the Principal Officer or delegated officer in accordance with the RTI Act, in response to an application made in accordance with s13 of that Act |
| delegated officer | Departmental officers delegated under s24 of the RTI Act to make decisions as required by that Act |
| Department | Department of State Growth |
| Disclosure Log | table on the Department’s website listing published information – category of applicant; summary of request; link to pdf of information |
| exempt information | information exempt from release in accordance with Part 3 of the RTI Act |
| information | information in the Department’s possession that relates to the official business of the Department but excluding information held for the sole purpose of collation or forwarding to a body other than another public authority |
| personal information | information or opinion in any recorded format about an individual who is alive, or has not been dead for more than 25 years, whose identity is apparent or is reasonably ascertainable from the information or opinion |
| Principal Officer | Secretary, Department of State Growth |
| public authority | defined in s3 of the RTI Act |
| publish | place information on the Department’s website, making it available for public access |
| required disclosure | the disclosure of information that is required, by the RTI Act or any other Act, to be published, or where disclosure is otherwise required by law or enforceable under an agreement |
| routine disclosure | the proactive disclosure of information that a public authority decides may be of interest to the public |
| RTI Act | *Right to Information Act 2009* |

#### Related legislation, policies and documents

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| *Right to Information Act 2009* |
| *Right to Information Regulations 2010* |
| *Personal Information Protection Act 2004* |
| *State Service Act 2000* |
| *Archives Act 1983* |
| *Tasmanian Government Web Publishing Framework* |
| *Whole of Government Media Protocols* |
| Ombudsman’s RTI Manual and Guidelines |
| Departmental policies and procedures |

# Principles

* Information held by the Department is held on behalf of the people of Tasmania and is the property of the State.
* The RTI Act gives a person a legally enforceable right to be provided with information, unless the information is exempt information.
* The Department is committed to fulfilling its obligations under the RTI Act, particularly with regard to making information readily available to a broad audience.
* All officers are responsible and accountable for appropriate record-keeping.

#### Roles and Responsibilities

1. **Required Disclosure**

The Department is required by a variety of legislation to disclose certain information. For example, annual reports are required to be published in accordance with the *State Service Act 2000*.

The Secretary allocates responsibility for compliance with the administration of specific legislation to Departmental officers. Those officers are responsible for the disclosure of information in accordance with relevant legislative requirements. Such disclosures will be made in a manner approved by the Secretary.

1. **Routine Disclosure**

The Department proactively makes available a wide range of information it considers may be of interest to the general public. This includes information about the Department’s structure, services, activities, and finances.

Information released routinely will generally be available on the Department’s website and at no cost. Other information is available for purchase.

Where a person cannot access information freely available on-line, it will be made available by other reasonable means, which may incur a fee.

On-line content must be approved by the relevant branch manager, in consultation with Corporate Communications and Web Services.

Departmental officers are to regularly review the information they hold and identify what information may be routinely disclosed. Disclosure must be lawful, that is it must have regard to any legislation or other legal obligation preventing or limiting disclosure. Of particular note are the restrictions on the disclosure of personal information.

Information should be considered for routine disclosure when it is:

* Significant, relevant and meaningful to the community.
* Of a type that key stakeholders and the community would reasonably expect to be able to access.
* Requested on a regular basis.
* Of a type that would help the public to deal with the Department.
* Of a type that would help the public to contribute to the Department’s work or decision-making.
* Of a type that would increase the transparency of the Department’s operations.
* Of a type that would promote greater accountability of the Department for its decisions.
* Easily provided at no or low cost.

The officer responsible for the decision to routinely disclose information has an ongoing responsibility to ensure the disclosed information remains accurate and up-to-date, and that information is amended or removed as required.

Routinely disclosed information will include, at a minimum:

* Organisational structure and functions
* Departmental governance policies
* Major policy and program initiatives
* Total expenditure relating to telecommunications and mobile devices
* Gifts and hospitality received
* Contracts and consultancies awarded greater than $50,000
1. **Active disclosure**

The *Tasmanian Government Communications Policy* provides general guidance about communications.

Many direct requests for information can simply be responded to by the Departmental officer who receives the request. However, more complex requests may need to be dealt with in writing, with management or senior management clearance for the disclosure of information.

Requests for information from the media are to be referred to the Corporate Communications Branch to agree on the process for response.

Direct requests for information from Members of Parliament must be dealt with through the relevant Ministers’ offices, with reference to any relevant protocols.

Considerations that may indicate information should not be actively disclosed include, but are not limited to:

* Whether the information includes personal, commercial, or confidential information, or information of third parties.
* Whether the information may be subject to copyright or ownership issues.
* Whether the information is part of an ongoing investigation, or legal action.

If Departmental officers are in doubt about whether information should be disclosed, they must seek advice from the Executive Officer (Right to Information), or Director Secretariat and Legal Services.

If a decision is made to refuse to actively disclose information, the Departmental officer responding to the request should direct the person to the Right to Information section of the Department’s website, or to the Execuctive Officer (Right to Information), for information about making an application for assessed disclosure.

1. **Assessed disclosure**

Assessed disclosure is the form of disclosure after all other avenues have been explored.

A person making a request for assessed disclosure must make the application in writing. The Department’s application form and information about making an application are available on the Department’s website.

Decisions regarding assessed disclosure must be made in accordance with the provisions of the RTI Act. The Principal Officer or delegate are responsible for such decisions.

The Department may decide to publish information that has been provided to an applicant in response to a request for assessed disclosure. Decisions to publish will be made on public interest grounds, and to support the Department’s commitment to make information available to a broad audience. Where it is decided to publish, information will be made available on the Department’s website within two working days of the information being disclosed to the applicant. Assessed disclosure decisions and associated statements of reasons, personal information, and commercially sensitive information will not be published.