

TITLE:	Elected Member Access to Information Policy		
DIVISION:			
ADOPTED BY:	Council		
DATE OF ADOPTION:	17 July 2014	DATE OF REVIEW:	July 2018
MOTION NUMBER:	131/14		
POLICY NUMBER:	CP000010		
AUTHORISED:	Chief Executive Officer		

THIS POLICY APPLIES TO:
All Elected Members

PREAMBLE

The aim of all policy is for Councillors to provide strategic input into the effective operational framework of the organisation under S.11 of the Local Government Act

SUMMARY

This Policy covers the rights and obligations of Elected Members in relation to accessing Council information and records, the use of information accessed by Elected Members and the responsibilities of the CEO in relation to the provision or denial of access to information.

OBJECTIVES

The objectives of this policy are to:

- Outline Elected Member's rights to information necessary for the exercising of the role of an Elected member;
- Provide the process by which Elected Members can access council records and other information; and
- Provide a framework through which breaches of this Policy will be managed.

BACKGROUND

Elected Members have the same general right as members of the public to inspect and take away copies of records and documents and are subject to the same constraints. The provisions of the *Information Act* apply to both members of the community and to Elected Members. A range of documents may not be made available in accordance with the *Information Act*.

The *Local Government Act* outlines the roles of Elected Members (Section 11) and the CEO (Section 100). There is a separation of responsibilities and accountabilities for these roles with implications for access to information.

POLICY STATEMENT

Elected Members have the right to inspect any record of the Council provided that it is relevant to exercising their responsibility as Elected Members and is not subject to privacy, confidentiality or legal restraint. This right does not extend to matters about which a Member is merely curious.

A Request for access to information will be treated on its merits but as a general rule those records immediately seen as relevant to exercising of a Member's responsibility relate to matters before a Council meeting and matters which will come before Council in the near future.

Members can also request access to other documents of the Council either by a Notice of Motion or by a Freedom of Information application under the *Information Act*.

Elected Members who have a personal or pecuniary interest in a document of Council have the same rights of access as any other person subject to compliance with the Code of Conduct.

ACCESSING INFORMATION

A Member may ask to inspect a particular Council record. Such requests shall be in writing, addressed to the CEO, and should clearly state the purpose for which access is required. Unless circumstances of urgency apply, three clear working days' notice is required for an inspection of documents stored on site. The timeframe will be extended for those files/documents stored offsite

The CEO will not unreasonably decide that a document is not relevant to the performance of the Member's duty and will provide, in writing, reasons for the decision if access is refused.

If the CEO allows access then this will occur at a suitable date and time in the presence of the CEO or another nominated Council Officer. A Member accessing records is not to remove documents from files or remove any files or documents from Council's premises other than copies (if any) made available by the designated staff member.

If the CEO decides that access to a document or other information held by the Council should not be given to a Member and the Member is dissatisfied with the CEO's ruling then the Member can:

- Seek Council support for the requested access by giving notice of intention to move for the production of the record (Notice of Motion); or,
- Lodge an FOI application under the *Information Act*.

ACCESS BY THE PRESIDENT

The President is subject to the same requirements of access and restrictions on the use of information as apply to other Members. In addition, access will also be provided to documents and files necessary for the President to exercise that role. This includes files relevant to correspondence received directly by the President.

ACCESS TO COMPUTER SYSTEM

Elected Members have access to the computer system for official emails and internet use but **not** access to Council records and databases.

USE OF INFORMATION

Reference should be made to the Code of Conduct that offers guidance to Members in relation to integrity, conflicts of interest and due care and diligence when dealing with information provided to them in the course of their role as Elected Members.

Elected Members have a role both as a member of the governing body of the Council and as an elected office bearer: Members need to be aware of the need to reconcile the two areas of responsibility when dealing with Council information and documents. In particular whilst it is in the public interest to maintain open and transparent government, not all information available to Members is, or should be, available to the public. Members are made privy to information of a confidential nature the disclosure of which is specifically prohibited in certain circumstances and may be to the detriment of the Council in other circumstances.

In addition, the right of Members to have access to records for the purpose of exercising their duty does not carry with it the right to disclose any information to another person, unless it is already in the public domain.

A Member has no authority to release documents on behalf of Council, or, to provide to a member of the public information made available to the Member as an elected representative which is not already in the public domain.

The President has no authority to provide, to other Members, information made available to the President to enable the President to fulfil their role.

The CEO will provide guidance and assistance to Members in determining whether a document is confidential and/or not to be released.

BREACHES OF THIS POLICY

Allegations of non-compliance with this policy should be immediately reported to the CEO and will be managed in accord with the procedures for a breach of the Code of Conduct.

LEGISLATION, TERMINOLOGY AND REFERENCES

NT Local Government Act
NT Information Act
Privacy Act
Code of Conduct

IMPLEMENTATION AND DELEGATION

The CEO has delegated authority to implement this policy

EVALUATION AND REVIEW

This Policy is to be reviewed every four (4) years, and may be reviewed at other times at the discretion of Chief Executive Officer.