

## POLICY

<b>TITLE:</b>	Confidential Information & Business Policy (Council Meetings)		
<b>DIRECTORATE:</b>	Council		
<b>ADOPTED BY:</b>	Council Resolution: OMC-24/355		
<b>DATE OF ADOPTION:</b>	29 November 2024	<b>DATE OF REVIEW:</b>	29 November 2026
<b>POLICY NUMBER:</b>	110		
<b>LEGISLATIVE REF:</b>	<i>Local Government Act 2019; Sections 99 (The Act)</i> <i>Local Government (General) Regulations; Div 2, 51-53</i>		

### 1. INTRODUCTION

#### 1.1. Purpose

The purpose of this Policy is to ensure proper treatment and review of confidential information and business which is considered at a Council meeting.

#### 1.2. Scope

This Policy applies to information that was considered during or resulted from confidential business at a Council Meeting (as defined).

The scope of this Policy does not apply to workplace confidentiality requirements applying to the CEO, staff and others as outlined in relevant workplace policies, employment or service contracts.

#### 1.3. Definitions

According to Section 293 (1) of the Act, the following information is prescribed as **confidential**:

- a) 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;
- b) information about the personal circumstances of a resident or ratepayer;
- c) information that would, if publicly disclosed, be likely to:
  - i. cause commercial prejudice to, or confer an unfair commercial advantage on, any person; or
  - ii. prejudice the maintenance or administration of the law; or
  - iii. prejudice the security of the council, its members or staff; or
  - iv. subject to sub regulation (3) – prejudice the interests of the council or some other person;
- d) information subject to an obligation of confidentiality at law, or in equity;
- e) subject to sub regulation (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;
- f) subject to sub regulation (2) – information in relation to a complaint of a contravention of the code of conduct.
- g) Example for sub regulation (1)(d) - information that may be subject to legal professional privilege.

**Council Meeting** means any meetings of Council, or Council Committees constituted under the Act.

#### 1.4. Responsibilities

All persons within scope of this Policy are required to adhere to this Policy and its associated procedures.

The CEO (or authorised delegate) is responsible for the maintenance of the *Confidentiality Review List*.

The Council is accountable for the overall management of this Policy.

## 2. POLICY STATEMENT

### 2.1 Policy

- 1) To promote transparency and accountable decision making, Council will cease the application of confidentiality to information when it is no longer necessary or appropriate.
- 2) Council will only consider matters in confidence that fall under the prescribed categories of the Local Government (General) Regulations 2021 (NT) and retain this information until the reason no longer applies.

## 3. CONSIDERATION OF CONFIDENTIAL INFORMATION

- 1) When considering confidential information, confidentiality is to be considered for the purpose of assessing whether the information is to remain confidential. Council may release different types of information relating to confidential business at different times. For example, confidential resolutions that are no longer confidential may be released independently of related reports or attachments, which may remain confidential.
- 2) Closure of Council meetings to discuss confidential business occurs in accordance with Section 99(2) of the Act.
- 3) At the conclusion of the consideration of confidential business at a meeting, the Council must decide, in accordance with this Policy, whether the type of confidential information considered is the type mentioned in sub regulation (2)(a) or (b).
- 4) Council will decide whether confidential information:
  - a. Should no longer be confidential after a specified period of time; or
  - b. Should be subject to periodic review to determine if it should no longer be confidential.
- 5) If Council resolves a specified period of time for the information to remain confidential, that information is to be publicly released after the expiry period.
- 6) If Council resolves that confidential information should be subject to periodic review, that information will be added to the *Confidentiality Review List*.

## 4. INFORMATION WHICH IS NO LONGER CONFIDENTIAL

- 1) For sub regulation (1)(f), the following information is no longer confidential after the complaint has been decided:
  - a. a decision notice in relation to the complaint;
  - b. a report of proceedings or findings of the complaint including a summary of decision under regulation 80 or 81.
- 2) Information mentioned in sub regulation (1)(c)(iv) and (e) does not prejudice the interests of the Council or some other person or is not contrary to the public interest if the information, if publicly disclosed, only causes:
  - a. embarrassment to the Council, members or the Council's staff; or
  - b. a loss of confidence in the Council; or
  - c. discussion of a matter that is controversial in the Council area; or
  - d. the Council to be susceptible to adverse criticism.

## 5. REVIEW OF CONFIDENTIAL INFORMATION

- 1) The Council will undertake a six-monthly review of its *Confidentiality Review List*, when a report will be provided to Council by the CEO with a recommendation to either release or retain the decision.
- 2) Any decisions that are retained in confidence will remain on the *Confidentiality Review List* and continue to be reviewed six-monthly.

## 6. RELEASE OF INFORMATION

- 1) When information is no longer confidential, a notation will be put in the relevant document (including the version on the website) that the information is no longer confidential, the date that decision was made, and where information about the matter that is no longer confidential can be accessed.
- 2) Council decisions that are no longer confidential will be released on the Council website.

## 7. RELEVANT POLICIES

Policies and procedures to be read in conjunction with this policy are:

- 1) Confidentiality Review List
- 2) Codes of Conduct
- 3) Council Meeting Protocols
- 4) Council Committee Terms of Reference Policy
- 5) Privacy Policy

## 8. IMPLEMENTATION AND REVIEW

### 8.1. Implementation

Relevant personnel will be made aware of this Policy, and it will be published on the Barkly Regional Council website. The Register is to be kept confidential.

### 8.2. Review

This policy will be reviewed on or before 29 November 2026.

## 9. VARIATIONS, REVOCATIONS AND/OR CHANGES

Barkly Regional Council reserves the right to revoke and/or amend this policy from time to time as is considered necessary to better manage its business and/or to comply with any legislative requirements.

## 10. APPROVAL

This policy is approved.

Chris Kelly  
Chief Executive Officer

  
Signature

29 Nov 2024  
Dated

END