

Logan City Council

Administrative Access to Information Procedure

Logan City Council
2019

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1 Procedure Objective

This Procedure sets out the process for management of all requests for administrative access to information. Any exceptions to this process must have the prior written approval of the Chief Executive Officer (CEO), or in the case of a Councillor or the CEO, by the Mayor.

2 What is administrative access?

'Administrative access' refers to the release of information by means other than a formal access application under the *Right to Information Act 2009* (RTI Act) or *Information Privacy Act 2009* (IP Act).

Administrative access schemes are generally reactive (responding to requests for information when received) but also include proactive schemes for disseminating information in advance of requests, such as in publication schemes and libraries.

Administrative access:

- puts information into the community faster and at lower cost;
- reduces Council time and resources spent processing individual information requests; and
- demonstrates a commitment to openness, accountability and transparency, which in turn may increase confidence in government.

Administrative release is a discretionary process but the framework for release is based on the same philosophy underpinning the RTI Act and IP Act.

The administrative access scheme is designed to give individuals access to their own personal information, except where legislation prevents such release, or the information contains the personal information of another person, which would require Council to consider the disclosure rules contained in the Information Privacy Principles.

3 Benefits of the administrative access scheme

Potential benefits of the administrative access scheme include:

- reduced number of access applications made under the RTI Act and IP Act;
- quicker outcomes and greater satisfaction for users of Council's services;
- lower costs for members of the public and Council (compared to the application fee and potential processing and access fees and charges under the RTI Act);
- demonstrating that Council is operating in accordance with the spirit of openness and accountability in the RTI Act; and
- engagement with the community rather than automatic deferral to formal legal processes.

4 When is administrative access appropriate?

Administrative access is appropriate where any of the following apply:

- there is demand for access to the requested information;
- there are no significant adverse effects as a result of disclosing the information, either generally or to particular applicants (this is discussed below); and
- the information involved is of a kind that would be released if it was requested under the RTI Act, either generally or to particular applicants.

As a general rule, the sorts of documents that may be suitable for administrative release include those:

- provided to Council by the person seeking access to them (for example, correspondence sent to Council from the requester);
- provided by Council to the person seeking access to them (for example, previous correspondence sent by Council to the requester);
- which are publicly available; and
- which are routinely made available by Council.

It is not appropriate to release:

- information that is prohibited from release under law;
- information that is exempt under the RTI Act or the IP Act;
- information in draft form;
- information that is no longer readily available as it has been archived or is difficult to access for similar reasons.

CCTV footage should not be released administratively without first consulting the Integrity & Information Program, to ensure that all privacy and risk implications have been considered.

5 Administrative access applications

5.1 Who can make an administrative access application

Anyone can apply for access to information under the administrative access scheme. However, there is no guarantee that access will be given.

In most cases the administrative access scheme will be used by applicants who require access to their own personal information.

5.2 What to include on an administrative access application

Applications should be made in writing, and can be lodged in any of the following ways:

1. In person at one of Council's customer service centres
Administration Centre – 150 Wembley Road, Logan Central
Beenleigh Customer Service Centre – 105 George Street, Beenleigh
Jimboomba Customer Service Centre – 18-22 Honora Street, Jimboomba
2. Via email to council@logan.qld.gov.au
3. By post to Logan City Council, PO Box 3226, Logan Central QLD 4114

Applications must include the applicant's full name, contact details and provide details about the information that is being requested.

Applications for copies of the applicant's own personal information must be signed and email requests must include a scanned attachment containing the applicant's signature. The applicant will also need to provide either original or certified copies of identification documents (ie Driver's Licence, Passport).

5.3 How much does an administrative access application cost?

There is no application fee associated with making a request for administrative access to information. However Council reserves the right to impose fees to provide access to the information. Where the costs of providing the requested information exceeds \$100, the costs of providing the information would be calculated on a reasonable cost basis, with a quote sent to the applicant for acceptance before Council commences the work.

5.4 How Council will deal with an administrative access application

If a person requests access to someone else's personal information, it may not be possible to release the information administratively as to do so may breach the privacy principles. If Council employees receive such a request, they should consult with the Integrity & Information Program for guidance.

Council may refuse to deal with an application for administrative access to information where the applicant does not provide the requisite identification, or where the request is unreasonable (for example – for large amount of information, for information that has previously been provided, or for information that is already publicly available on the website or in a library).

Council has the right to refuse access under the administrative access scheme, and if appropriate, refer enquiries to the more formal RTI Act or IP Act processes.

5.5 Relationship with other legislative schemes

Where it is decided that information cannot be released administratively, the person requesting it should be advised that they can apply for access under the RTI or IP Acts, and access may be granted or refused in accordance with the provisions of those Acts.

Applying for, or obtaining access to, documents under the administrative access scheme does not prevent a person from applying for access under the RTI Act or the IP Act at a later stage. However, where a document is available through administrative access or another legislative scheme (even if there is a cost involved) Council may be able to refuse access under section 53 of the RTI Act.

If Council receives an application which is stated to be made under the RTI or IP Acts, but which covers documents to which the applicant would obtain full access under the administrative access scheme, the applicant should be advised of this fact. If the applicant agrees, the RTI or IP Act application can be withdrawn and access given through the administrative access scheme, rather than going through the formal legislative process.

If the reverse happens, and Council receives a request for administrative access to information which would more appropriately be handled through the formal process, the applicant should be advised to apply under the RTI Act or IP Act.

5.6 Review rights

In most cases, there will be no review rights if Council refuses access under the administrative access scheme. If a person is dissatisfied with Council's response to their administrative request for information, the person should be advised of their right to make an application for access to the information under the RTI Act or IP Act.

6 Roles and Responsibilities

The Chief Executive Officer has designated the following roles and responsibilities for managing requests for administrative access to information within Council:

Role	Responsibilities
Councillors	<ul style="list-style-type: none">▪ Send or refer all requests for administrative release of information to council@logan.qld.gov.au
CEO, Directors and Managers	<ul style="list-style-type: none">▪ authorise the administrative release of information where appropriate and in accordance with the Administrative Access Policy and this procedure▪ refuse the administrative release of information in accordance with the Administrative Access Policy and this procedure
Council employees	<ul style="list-style-type: none">▪ only release information under the Administrative Access Policy and this procedure as authorised by the CEO, Director or Manager

7 Definitions

Definitions for terms used within the Procedure can be found in the Administrative Access to Information Policy (DM: 13315028).