

**SUBJECT: ACCESS TO INFORMATION POLICY - PRIVACY IMPLICATIONS**

**FILE NO: F00086**

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**Question by Councillor Myles (11/12/2007):**

*That matters in relation to privacy, if they be in conflict with the Council's "Public Access to Council Documents Policy", be reported to the Council in 2008.*

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**Response:**

The Council adopted the "Access to Information Policy" at the 11 December 2007 Council Meeting.

This policy is clear that no documents with privacy implications would automatically be supplied to a requesting member of the public as outlined in section 2.6 as below:

"2.6 The protection of personal information is an important function of the Council but it is recognised that it can only be one factor in determining whether the public interest is served by the release of information."

The public interest test is then outlined in detail in Section 7 of the Policy. Application of the public interest test comes under the operational auspices of the Public Officer to review, if any decision on supply of documents is queried, by the requesting person (LGA 1993 – Section 343 (1)). The intent of this legislation is to allow the Public Officer to manage the process around access to public documents. In the Public Officer's management of the process for access to public documents, members of the public also have the right for a third party internal review of the decision to deny access to a document.

If the Public Officer were to report any conflict relative to privacy and access to information, to the Council, this in of itself could be seen as a breach of the privacy legislation for the requesting persons.

Therefore the request to report to the Council is not supported.

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