



1 HEAD OF POWER

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Information Privacy Act 2009*
- *Right to Information Act 2009*
- *Human Rights Act 2019*
- *Crime and Corruption Act 2001*
- *Invasion of Privacy Act 1971*

2 POLICY PURPOSE

This policy provides clear guidelines to help Councillors and staff balance two key responsibilities:

- the duty to inform and consult the public regarding Council business
- the obligation to prevent the unauthorised disclosure of sensitive information

Personnel must use careful discretion when handling Council information. Material does not need to be explicitly marked as “confidential” or “private” to be protected; information may be inherently confidential by its very nature.

3 POLICY OBJECTIVE

The objective of this Policy is to comply with sections 171 and 200 of the *Local Government Act 2009* and set out the obligations of Councillors and Employees when dealing with confidential information.

4 POLICY SCOPE

This policy applies to all Councillors, Council employees, contractors and volunteers. It covers all information held by the Council that is or should reasonably be understood to be confidential or private.

5 POLICY STATEMENT

Council holds a wide variety of information concerning its business operations, private individuals and commercial entities. Because it is difficult to predict in advance which disclosures might negatively impact the Council or its residents, Council aims to minimise risk by fully preserving the confidentiality of all information possible.

However, Council is also subject to various laws that mandate the release of certain information to the public or government bodies. Council is committed to fully complying with these disclosure obligations while simultaneously upholding the privacy principles set out in the *Information Privacy Act 2009*.

5.1 RESPONSIBILITY

Breaching this policy may cause the Council to violate sections 171(3) and 200 of the *Local Government Act 2009* and/or the *Information Privacy Act 2009*. Additionally, if an unauthorised disclosure causes damage to third parties, the individual responsible may face personal liability and/or criminal prosecution.

All employees, contractors and volunteers must understand what the Council considers confidential and take personal responsibility for preventing unauthorised disclosure. This duty requires personnel to:

- exercise due care when handling any information acquired in their role with Council
- presume information is confidential if uncertain, and immediately seek advice from a supervisor, the Governance and Records Officer or the Chief Executive Officer (CEO)
- recognise that some information must remain confidential because releasing it would damage public confidence and the integrity of Council
- obtain explicit consent before discussing anyone's personal information with a third party
- refrain from discussing confidential Council matters with family, friends or business associates
- safeguard all documents and media containing confidential information at all times

5.2 ACKNOWLEDGEMENT

Council acknowledges that confidential information may occasionally need to be disclosed for legal proceedings or in compliance with the *Right to Information Act 2009* and/or the *Information Privacy Act 2009*.

5.2.1 External Access Requests and Disputes

When an external party requests access to Council records, personnel must assume those records contain confidential material. Access may only be granted in accordance with relevant legislation, local laws, Council policy or established administrative access procedures.

If there is confusion or a dispute regarding access, external parties have a legal right to formally apply for the information under the *Right to Information Act 2009* or the *Information Privacy Act 2009*.

5.2.2 Safeguarding Information

Council takes all reasonable precautions to maintain confidentiality and ensure that personal information, commercial-in-confidence data and other sensitive materials are protected against intentional or unintentional misuse, both internally and externally.

5.3 CONFIDENTIAL INFORMATION

Council operates within a framework of strict public accountability. Council is committed to keeping the community informed about issues under consideration and the decisions made by the Council and its committee.

5.3.1 Presumption of Disclosure

As a general rule, Council information should be released to the public unless there is a compelling reason demonstrating that disclosure is not in the public interest.

5.3.2 Strictly Confidential Information

Despite this commitment to transparency, there are specific areas where a reasonable person would expect information to be withheld and treated as strictly confidential. These include:

- **Governance, Legal and Risk Management**
 - legal advice received by the Council, including its substance, effect, conclusions, underlying reasoning and any recommended course of action
 - classified material provided by government departments or Ministers
 - information involving legal advice to the Council, or legal issues and matters before the courts
 - matters involving potential or actual insurance claims and liability
 - material that poses a risk of defamation against Council
 - financial and legal analysis where disclosure could compromise the Council or third parties
 - matters considered in meetings closed to the public pursuant to the *Local Government Regulation 2012*
 - information examined at Councillor workshops or briefing sessions, unless explicitly declassified
 - any information declared confidential by the Mayor, CEO, the CEO's delegate or by Council resolution until declared otherwise
- **Commercial, Financial and Property Operations**
 - Information about the Council's budget, including rating concessions, unless cleared for public release
 - information regarding proposed Council contracts
 - trade secrets belonging to any person or body
 - commercial-in-confidence data, particularly where release would compromise a third party's competitive advantage
 - information relating to property disposal or acquisition procedures, where the release of the information may prejudice the Council
- **Personnel, Privacy and Third Parties**
 - any material provided to the Council or staff on the explicit condition that it remains confidential
 - human resources and industrial matters, including appointments, dismissals, discipline and performance appraisals
 - personal details and affairs of Councillors, staff or private individuals
 - the names and contact addresses of complainants or witnesses

5.4 RISK MANAGEMENT

This policy serves to mitigate the risks associated with the collection, storage, use and disclosure of confidential information. Council is committed to ensuring that all elected members and staff clearly understand how to apply core privacy principles to the information they handle while performing their duties. To further safeguard against the improper access, storage or misuse of private data, this policy operates in conjunction with the Council's Code of Conduct for Staff and established records management procedures.

6 HUMAN RIGHTS COMPATIBILITY STATEMENT

In accordance with the *Human Rights Act 2019*, Council must act and make decisions in a manner that is compatible with human rights, giving them proper consideration at all times. Exceptions apply only if another law mandates a specific action, or if limiting a human right is reasonable and demonstrably justified. This policy has been assessed as compatible with Human Rights protected under the *Human Rights Act 2019*.

7 DEFINITIONS

Term	Definition
Council	Pormpuraaw Aboriginal Shire Council
Confidential Information	Any information that is not generally known or available to the public upon request. This material often relates to the Council's commercial or operational activities and includes privileged information, such as legal advice. This confidentiality applies regardless of format and includes verbal discussions, physical documents, electronic data and media, audio recordings, emails, facsimiles and attachments
Councillors	Elected members of Pormpuraaw Aboriginal Shire Council
Information Privacy	This refers to the Council's obligation to handle all personal information in strict compliance with the privacy principles set out in the <i>Information Privacy Act 2009</i>
Employee	Any person employed with Pormpuraaw Aboriginal Shire Council
Personal Information	Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can be reasonably ascertained from the information or opinion

8 RELATED POLICS AND OTHER DOCUMENTS

- Code of Conduct for Staff
- Code of Conduct for Staff Summary
- Councillors Code of Conduct

9 MONITORING AND REVIEW

Notwithstanding the above, this policy is to be reviewed every four (4) years for relevance and to ensure that its effectiveness is maintained.

10 RESPONSIBILITY

This Policy is to be implemented by the CEO; and reviewed and amended in accordance Governance and Records Officer

11 VERSION CONTROL

Version	Details	Resolution No	Date
v1			21 June 2021
v2	Amended and adopted	2026/193	19 October 2026