

Policy



STRATEGIC

CONFIDENTIALITY

Head of Power

Local Government Act 2009

Key Supporting Council Document

Lockyer Valley Regional Council Corporate Plan (2017-2022):

5.7 Compliant with relevant legislation.

Definitions

Confidential information

refers to any information or document that is considered to have a personal, commercial or strategic sensitivity and for which the public discussion or disclosure of the information or document is considered to be prejudicial to a person, an entity or Council. It can include anything that has been acquired by or made available to a person, entity or Council during the relationship between the parties.

Commercial in Confidence

generally, means sensitive information that an individual, entity or Council shares with another party in confidence. Therefore, the party receiving this information is obligated not to further disclose or use that information without consent or unless required by law.

Disclosure

The release of documents or information about a person, entity or Council.

Policy Objective

This policy has been established to assist Councillors and Council employees in determining what might be considered confidential information and how this information is to be handled in accordance with the *Local Government Act 2009*.

Policy Statement

This policy applies to all councillors, council staff, contractors and others that act on Council's behalf to ensure they work in accordance with the policy principles and in accordance with the relevant legislation.

Councillors and Council employees must use Council information in a way that promotes and maintains the public's trust and confidence in the integrity of the local government and complies with the use of information as stated in the *Local Government Act 2009*.

Council operates in an environment of public accountability in which it seeks to inform the public of issues under consideration and the nature of decisions made by Council. Therefore, information should ordinarily be released to the public unless there are compelling reasons which indicate that this is not in the public interest.

It is accepted that Councillors and Council employees will be in receipt of confidential information. It is Council's responsibility to ensure that such information is treated confidentially, so as not to harm, prejudice or compromise the interests of Council or any individual or organisation or enable any individual or organisation to gain a financial advantage.

The following types of information may be deemed to be confidential by the Chief Executive Officer or by the Council and shall remain so unless otherwise required by law or the originator or Council resolve to the contrary:

- Commercial in confidence information — including where the release of information would affect a company's competitive advantage; this is particularly relevant in a competitive tender situation;
- Information derived from government departments or ministers that has been classified as confidential by the department or a minister;
- Information of a personal nature or about personal affairs, for example the personal details of councillors or council employees;
- Information to inform strategic decision-making processes of Council, including a property disposal or acquisition process, where release of the information may prejudice Council;
- Financial and legal analysis where the disclosure of that information may prejudice Council or someone else;
- Information relating to clients of Council;
- Information not owned or controlled by Council;
- Information that could result in any action being taken in relation to defamation;
- Information involving legal advice to Council, a commercial settlement or a legal issue or a matter before the courts;
- Information that is expressly given to Councillors in confidence;
- Information about:
 - the appointment, dismissal or discipline of employees;
 - industrial matters affecting employees;
 - the local government's budget;
 - rating concessions;
 - contracts proposed to be made by the local government;
 - starting or defending legal proceedings involving the local government;
 - any action to be taken by the local government under the *Sustainable Planning Act 2009*, including deciding applications made to it under that Act.

It is acknowledged that some of the above types of information may need to be disclosed from time to time for legal proceedings or in accordance with the *Right to Information Act 2009* or *Information Privacy Act 2009*.

Related Documents

Right to Information Act 2009

Information Privacy Act 2009

Lockyer Valley Regional Council Code of Conduct for Employees

Councillor Code of Conduct

Council's Complaints Management Framework

Council's Complaints Management Policy