

# Confidential Information and Business Policy

Council Policy



Policy Name	Confidential Information and Business Policy		
Type	Council Policy		
Owner	Elected Members		
Responsible Officer	Chief Executive Officer		
Decision Number	22763	Approval Date	26/09/2023
Records Number	D2023/015057	Next Review Date	26/09/2027

## 1 Purpose

To ensure proper treatment and review of confidential information after consideration of confidential business at a council meeting, including (but not limited to) the agenda, business papers, resolutions and minutes.

## 2 Definitions

For the purposes of this policy, the following definitions apply:

Term	Definition
<b>Confidential information</b>	Information prescribed as confidential under the <i>Local Government (General) Regulations 2021</i> .
<b>Prescribed categories</b>	Refers to the categories set out in section 51 of the <i>Local Government (General) Regulations 2021</i> , see clause 3.2 of this policy.

## 3 Policy Statement

### 3.1 Scope

To promote transparency and public confidence, Council will only apply confidentiality to information when necessary or appropriate to do so.

This policy applies to information that was considered during or resulted from confidential business at a council meeting, including (but not limited to) the agenda, business papers, resolutions and minutes.

Confidential information is to be considered separately for the purposes of assessing whether or not the information is to remain confidential (for example, immediately releasing a resolution that is no longer confidential with related business papers remaining confidential for a specified period of time).

# Confidential Information and Business Policy

## Council Policy



### 3.2 Prescribed Categories of Confidential Information

Section 51 of the *Local Government (General) Regulations 2021* prescribes the following information 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 regulation 51 (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 regulation 51 (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 regulation 51 (2) – information in relation to a complaint of a contravention of the code of conduct.

### 3.3 Matters to Remain Confidential Indefinitely

Any information that falls under the prescribed categories in Regulation 51 of the *Local Government (General) Regulations 2021* must remain confidential until the reason as per Regulation 51 for confidentiality no longer applies.

### 3.4 Consideration of Confidential Business

After the conclusion of the consideration(s) of an item of confidential business, Council will determine by resolution whether the confidential information is:

- a) the type of confidential information that should no longer be confidential after a specified period of time; or
- b) the type of confidential information that should be subject to periodic review to determine if it should no longer be confidential.

If Council resolves a specified period of time for the information to remain confidential, that information is to be publicly released after the expiry of that period of time (see clause 3.6).

If Council resolves that the confidential information should be subject to periodic review to determine if it should no longer be confidential, that information will be added to the confidentiality review list (see clause 3.5).

# Confidential Information and Business Policy

## Council Policy



### 3.5 Review of Confidential Information

Council will maintain a list of confidential information, and review that list once every six (6) months to determine whether any matters are to no longer be confidential after a specified period, or are to remain confidential for review at a subsequent date.

Council decisions that are no longer deemed as confidential will form part of the Open Minutes of the meeting where Council endorsed the release of the decision.

### 3.6 Public Release of Information

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, on what date that decision was made, and where information about the matter that is no longer confidential can be accessed.

## 4 Responsibilities

Implementation and actions rest with the Chief Executive Officer (CEO), and are subject to the Council's delegations and sub-delegations registers pursuant to the *Local Government Act 2019 (NT)*.

Council is responsible for determining if information is confidential, as per the prescribed categories listed in Regulation 51 of the *Local Government (General) Regulations 2021*, and also if the information should no longer be confidential after a period of time, or whether the information should be subject to periodic review.

The CEO is responsible for maintaining a list of confidential information; Council is responsible for reviewing that list once every six (6) months to determine if the information is no longer confidential.

The CEO, or an authorised delegate, is responsible for ensuring that when information is no longer confidential that this information is appropriately reflected in Council's meeting minutes and records, as per clause 3.5 and 3.6.

## 5 Related Documents

- *Local Government Act 2019 (NT)*
- *Local Government (General) Regulations 2021 (NT)*

## 6 Version History

Version	Date	Action/Description of changes made	By
V1.0	24/01/2023	New policy	Director Corporate Services
V2.0	26/09/2023	Revised policy	Acting Director Corporate Services

# Confidential Information and Business Policy

Council Policy



## 7 Communication and Training

Will this policy be communicated through internal communications?	Yes
Where will this policy be available?	Intranet and ASTC website
Will training needs arise from this policy? If yes, who will be responsible.	Manager Governance