



Version Control and Objective ID	Version No: 2	Objective ID: A5972834
Adopted at Council Ordinary Meeting on	10 December 2019	
Date of Review	10 December 2023	

1. Statement

This policy aims 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*.

2. Purpose and Principles

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 to Council by the Chief Executive Officer or by the Council and shall remain so unless 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 relating to 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 compromise 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 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*.

3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan theme:

- A Trusted and Leading Organisation

4. Regulatory Authority

- Section 171(3) *Local Government Act 2009* – Use of information by councillors
- Section 200(5) *Local Government Act 2009* – Use of information by local government employees
- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- Ipswich City Council Code of Conduct for Employees
- Councillor Code of Conduct
- Council’s Complaints Management Framework
- Council’s Complaints Management Policy

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. Scope

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.

7. Roles and Responsibilities

All Councillors and Council employees are bound by the provisions of this Policy in addition to all other obligations under relevant Legislation, Regulations and Council documents including those outlined in Clause 4 above.

8. Key Stakeholders

N/A

9. Monitoring and Evaluation

In accordance with Council's Complaints Management Framework complaints regarding breaches of confidentiality and the complaint management process and its investigation will be captured and maintained in Council's EDRMs (Objective). These records will include:

- Correspondence sent and received;
- Evidence of the process used to consider the complaint;
- Records of meetings, telephone conversations and interviews;
- Findings from the investigation;
- Recommendations and approvals.

The CEO and GMs will be provided regular de-identified reports on the effectiveness of maintaining confidentiality and management of confidentiality complaints across the organisation. Reports will be presented to Council quarterly and to the Risk and Governance Committee.

Report data will inform business improvements and training needs for Councillors and employees in maintaining confidentiality.

10. Definitions

N/A

11. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Corporate Governance Manager is responsible for authoring and reviewing this policy.