

Right to Information Act 2009 – Information Disclosure Policy

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Custodian and Review Responsibility:	Executive, Ministerial and Parliamentary Services
Contact:	Marnie Glennon, Team Leader, Ministerial and Parliamentary Services
Applies to:	All DHHS – THO North West - THO North & THO South
Policy Type:	DHHS wide Policy
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Routine Disclosure:	Yes

Approval

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This Policy may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for the Department of Health and Human Services. **PLEASE DESTROY PRINTED COPIES.** The electronic version of this Policy is the approved and current version and is located on the Department of Health and Human Services' Strategic Document Management System. Any printed version is uncontrolled and therefore not current.

Purpose

- The Purpose of this Policy is to fulfil the responsibility of the Principal Officer (the Secretary of the Department of Health and Human Services; or the Chief Executive Officer of a Tasmanian Health Organisation) of a public authority to issue policies and procedures under the *Right to Information Act 2009* (the Act).
- Section 23 (1) (a) of the Act requires Principal Officers of public authorities to prepare and distribute policies and procedures for the release of information under the Act. This Policy is issued in compliance with the Act and explains the disclosure policy and processes in the Department of Health and Human Services (DHHS) and the Tasmanian Health Organisations (THOs) for the four types of information disclosure specified in the Act.
- This Policy applies to DHHS and the three THOs.

Background

- The [Right to Information Act 2009](#) gives members of the public the right to obtain information contained in the records of the Government and public authorities.
- Public service staff have a responsibility to comply with a number of practices under the Act designed to ensure accountability to the Parliament and the public for the operations and performance of their Agency.
- The objectives of the Act centre on the notion of accountability. As outlined in its objectives, the underlying principle of the Act is that the information held by Tasmanian public authorities belongs to the people of Tasmania and has been collected for and on behalf of them.
- All Agencies hold information, for and on behalf of Tasmania, in order to perform its functions and those of its Ministers. DHHS and the THOs are public authorities as defined under the Act.
- This Policy document covers the four types of information disclosure identified in section 12 (2) of the Act: required disclosure, routine disclosure, active disclosure and assessed disclosure.
- This is a DHHS and THO wide policy and must not be re-interpreted so that subordinate policies exist. Should discreet operational differences exist, these should be expressed in the form of an operating procedure or protocol.
- Pursuant to a Ministerial Direction under Section 38 of the *Tasmanian Health Organisation Act 2011*, the THOs use DHHS administrative services to administer some functions, including Right to Information (RTI).
- **Failure to comply with this policy**, without providing a good reason for doing so, may lead to disciplinary action.

Roles and Responsibilities/Delegations

- All staff must act in accordance with the principles of the Act, associated [Manual and Guidelines](#) issued by the Ombudsman, and DHHS policies and procedures.

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- All staff have a responsibility to create and manage records of their work-related activity in accordance with Section 20 of the [Archives Act 1983](#). All records must remain accessible and reliable whilst in the custody of DHHS / the THOs.
- It is the responsibility of Departmental Executive members, Directors and Chief Executive Officers to:
 - take ownership and accountability for the quality, timeliness and accuracy of work which is produced by their staff. This includes identifying required clearances. The DHHS [Senior Management Group Clearances](#) formally details responsibilities regarding the quality, timeliness, consultation, and general and specific clearance requirements of information. The THOs have their own formal clearance frameworks which must also be followed in respect to RTI
 - decide, in consultation with EMPS where clarification is required, what information may be made available on a voluntary basis, either by way of general publication or in response to a request.
- It is the responsibility of the Principal Officer and RTI Delegated Officers to execute their statutory responsibilities consistent with the objects and provisions of the Act and with the [Manual and Guidelines](#) issued by the Ombudsman (refer www.ombudsman.tas.gov.au).
- It is the responsibility of EMPS to:
 - lead the administration of DHHS and the THOs obligations under the Act through the provision of advice to inform application of the Act
 - maintain a record of DHHS / THO RTI activity for the purpose of reporting requirements
 - alert the Secretary/Senior Managers/Minister(s) to any issues arising from information release, proactively query information, and alerting Strategic Communications and Media as appropriate
 - develop, periodically review, and maintain procedures, templates and training on RTI for the DHHS / THOs.
- It is the responsibility of the information owner or RTI Delegated Officer to:
 - ensure information being released is comprehensive, and consistent with previous information provision
 - ensure documentation is consistent with DHHS, THO and whole-of-government communication guidelines and the requirements detailed in the DHHS [Senior Management Group Clearances](#) or respective THO clearance framework as appropriate.

Risk Implications

- Under Section 23 (1) (a) of the Act, the Principal Officer of a public authority must develop policies and procedures in relation to disclosure of information for use in the public authority. Non-compliance may risk sanction or direction on specific conciliatory action by the Ombudsman of Tasmania.

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- The object of the Act is to improve democratic government in Tasmania. Failure to comply with this Policy may risk reputational damage for DHHS or the THOs, if it is not seen to be willingly compliant with the Act.

Authorised Officer Table

<i>Disclosure Type</i>	<i>Example</i>	<i>Officer(s) Authorised to Disclose Information</i>
Required	Annual Report	Secretary or responsible officer allocated responsibility for the administration of the relevant Act by the Secretary
Routine	Your Health and Human Services Progress Chart	Information owner
Active	A copy of a document such as a report or fact sheet	Information owner, except under the following circumstances where information is: being sought by the media; being sought by Members of Parliament or; potentially contentious Under these circumstances, the decision should be forwarded to the respective Group head of the information owner
Assessed	Information formally assessed for exemption or disclosure under the <i>Right to Information Act 2009</i>	Principal Officer and RTI Delegated Officers

Training

- Executive, Ministerial and Parliamentary Services develops, periodically reviews, and maintains procedures, templates and training on RTI for DHHS and THOs.
- Executive, Ministerial and Parliamentary Services conducts both formal training presentations and ad hoc Right to Information training for any staff member in the DHHS or THOs requiring it.

Audit

- This Policy will be included in the work program of the DHHS Internal Audit function. This work program is approved by the Audit and Risk Committee and will assess underlying systems and procedures for compliance with the requirements of this policy. The overall focus of this assessment will be one of continuous improvement to DHHS activities.

Attachments

- 1 [Right to Information Delegated Officers](#)
- 2 Right to Information Procedure

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