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Strategic Policy and Legislation Division

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Local Government Bulletin

Right to Information – Implications for Local Government (replaces previously withdrawn Bulletin number 20/08)

Purpose

This Bulletin contains information on the implementation of new public right to information arrangements.

Background

In June 2008, the Freedom of Information Independent Review Panel chaired by Dr David Solomon handed down a report entitled *The Right to Information – Reviewing Queensland’s Freedom of Information Act*. The Report calls for the Queensland Government to move from a "pull" model under the existing *Freedom of Information (FOI) Act 1992* to a "push" model in the release of information (Recommendation 2).

The whole-of-Government response *The Right to Information: A response to the review of Queensland’s Freedom of Information (FOI) Act* published on 4 August 2008 is in the process of being implemented.

On 4 December 2008, the Queensland Government released two Bills for consultation - the Right to Information Bill and the Information Privacy Bill. The consultation period for the two Bills ends on 31 March 2009.

Information about the draft Bills and other related information can be accessed through the Right to Information website - www.qld.gov.au/righttoinformation. If the Bills are enacted by Parliament, Queensland government agencies and local governments will be subject to the *Right to Information (RTI) Act*, supported by a policy framework premised on a pro-disclosure approach to the management of government information. The formal access mechanism in the new RTI Act is intended to be used only as a ‘*last resort*’.

All departments are currently working to put in place systems and procedures for the release of information as soon as possible, including publication schemes and decision-making processes that routinely promote release of as much information as practicable.

From the time the RTI legislation commences, local governments will be legislatively required to implement publication schemes containing information likely to be frequently

sought by the community - these are intended to replace the Statement Of Affairs required under the current FOI Act, and could include information about matters such as elected members and key personnel, services, corporate and operational plans etc

Local governments will continue to accept applications for information in much the same way as the current FOI processes.

In order to show the community the kinds of information being released under FOI, and to reduce duplicate applications, local governments will be required to publish logs of disclosures made as a result of access applications. Disclosure logs will catalogue releases of non-personal information only.

Applications for a person's personal information are proposed to be managed under the processes of the new Information Privacy (IP) Bill. Other access applications (i.e. applications that include a mix of personal and non-personal information) will be handled under RTI.

In addition the IP Bill condifies in legislation *11 Information Privacy Principles* (IPPs), which govern how departments will collect, secure/ store, use and disclose personal information.

The Queensland Government is currently considering whether to extend the application of the Information Privacy Principles under the IP Bill to local governments. Privacy legislation currently applies to local governments in New South Wales, Victoria, Tasmania and the Northern Territory. It is understood that Western Australia's proposed Privacy Bill also includes coverage of local governments. Consultation with local governments will be undertaken on this issue during the consultation period for the Bills.

Training opportunities will be coordinated and provided by the Office of the Information Commissioner, Department of Local Government, Sport and Recreation and Department of the Premier and Cabinet at all stages of implementation of the RTI framework and IP Bill.

Further information

Any further enquiries on this matter should be addressed to Jennifer McLeod, phone: 07 32247280, Fax: 07 32251351. The Department's postal address is PO Box 15031, City East, Queensland 4002.

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