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City of Greater Geraldton

## 4.12 CONFIDENTIAL INFORMATION

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### SUSTAINABILITY THEME

Governance

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### OBJECTIVES

The objective of this policy is to ensure no detriment is caused to the Council, staff, member of public or community by any person through the release of personal, sensitive or confidential information, including information disclosed in a meeting which is closed to the public.

### POLICY STATEMENT

This policy applies to all Councillors, City employees, contractors and volunteers.

### POLICY DETAILS

#### 1. Legislation and Policy

Confidential, sensitive, and personal information, whether written, electronic, recorded, video footage or verbal is protected from unauthorised access and use under the following provisions:

- *The Local Government Act 1995, Part 5 Division 7;*
- *Local Government (Administration) Regulations 1996, Part 7;*
- *The Local Government (Rules of Conduct) Regulations 2007, regulation 6 and 7;*
- *City of Greater Geraldton Meeting Procedures Local Law 2011, Part 5 – Paragraph 5.15;*
- *Council Policy CP 4.2 Code of Conduct for Council Members and Committee Members, section 3.1; and*
- *Operational Policy OP054 Employee Code of Conduct, section 4.*

#### 2. Obligations

Council Members, Committee Members and employees shall not use confidential information to gain improper advantage for themselves or another person or body in ways which are inconsistent with their obligation to act impartially and in good faith, or to improperly cause harm, detriment or impairment to any person, body, or the Council.

Due discretion shall be exercised by all those who have access to confidential or sensitive information. This applies not only to the proper disclosure of that information, but also to the appropriate measures to be taken to ensure that the security of the information is not compromised.

Every matter dealt with by, or brought before, a meeting which is closed to the public, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Council members and/or employees of the City (and in the case of employees only so far as may be necessary for the performance of their duties) prior to the discussion of the matter at a meeting of the Council held with open doors.

Nothing in this section prevents a Council member or officer from disclosing confidential information:

- to a legal practitioner for the purpose of obtaining legal advice; or
- if the disclosure is permitted by law.

Nothing in the Local Government Act 1995 Division 7 or in this policy affects the operation of the *Freedom of Information Act 1992*.

## WORKPLACE INFORMATION

*Local Government Act 1995*

*The Local Government (Administration) Regulations 1996.*

*The Local Government (Rules of Conduct) Regulations 2007.*

*The City of Greater Geraldton Meeting Procedures Local Law 2011*

*Freedom of Information Act 1992, including associated regulations.*

*Council Policy CP 4.2 Code of Conduct for Council Members and Committee Members*

*Operational Policy OP054 Employee Code of Conduct.*

## ROLES AND RESPONSIBILITIES

Director Corporate and Commercial Services is responsible for implementing this policy.

## POLICY ADMINISTRATION

Directorate		Officer	Review Cycle	Next Due
Office of the Chief Executive Officer		Director Corporate & Commercial Services	Biennial	2019
Version	Decision Reference	Synopsis		
1.	CCS231 – 24 January 2017	CP002 EXISTING POLICY transferred to new template. Review cycle amended.		
2.	CCSXXX			