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# Right to Information – Information Disclosure Policy

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29 August 2025

## Policy Clearance

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## Document review

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## Accountabilities

|                           |                                                                                                                      |
|---------------------------|----------------------------------------------------------------------------------------------------------------------|
| Implementation            | State Service Officers, including Heads of Agencies, Senior Executives and employees in the Tasmanian State Service. |
| Compliance                | State Service Officers, including Heads of Agencies, Senior Executives and employees in the Tasmanian State Service. |
| Monitoring and Evaluation | Executive Government Services, Department of Premier and Cabinet                                                     |
| Development and/or Review | Executive Government Services, Department of Premier and Cabinet                                                     |

For assistance with this policy, please contact Executive Government Services at [executive.services@dpac.tas.gov.au](mailto:executive.services@dpac.tas.gov.au)

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# Definitions

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <b>Active disclosure</b>   | A disclosure of information by an Agency or a Minister in response to a request from a person made otherwise than under section 13 of the RTI Act. A voluntary release of information on a receipt of a request.                                                                                                                                                                                                                                                                                   |
| <b>Agency</b>              | For the purpose of this policy the term Agency has the same meaning as in section 3 of the <i>State Service Act 2000</i> .                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Applicant</b>           | The person requesting access to information under the RTI Act.                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Assessed Disclosure</b> | Assessed disclosure of information by an Agency or a Minister in response to an application pursuant to section 13 of the RTI Act. Application for Assessed Disclosure is a method of last resort.                                                                                                                                                                                                                                                                                                 |
| <b>Authorised Officer</b>  | Officers authorised to make certain decisions regarding disclosure of information.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Delegated Officer</b>   | Delegated Officer under section 24 of the RTI Act empowered to make decisions on applications for Assessed Disclosure.                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Disclosure Log</b>      | The Disclosure Log lists information that has been released in response to an RTI Application for documents held by an Agency of Minister.                                                                                                                                                                                                                                                                                                                                                         |
| <b>Exempt information</b>  | As set out in Part 3 of the RTI Act                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Information</b>         | Means: <ul style="list-style-type: none"> <li>a) anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph; and</li> <li>b) anything in which information is embodied so as to be capable of being reproduced; and</li> <li>c) information which relates to the official business of an Agency and or Minister and excludes information which is in possession of a Agency for the sole purpose of</li> </ul> |

collating or forwarding to a body other than another Agency.

|                               |                                                                                                                                                                                                                |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Information Custodian</b>  | The manager of a business unit within an Agency responsible for the creation and management of information relating to that business unit's business activity.                                                 |
| <b>Officer</b>                | A member of staff of an Agency or any person employed by or for an Agency, whether or not that person is a State Service Officer or State Service employee. Does not include consultants or contractors.       |
| <b>Principal Officer</b>      | The Head of an Agency (For example, the Secretary, Chief Executive Officer, Chair or General Manager)                                                                                                          |
| <b>Public Authority</b>       | Means an Agency within the meaning of section 3 of the <i>State Service Act 2000</i>                                                                                                                           |
| <b>Required Disclosure</b>    | A disclosure of information by an Agency where the information is required to be published by the RTI Act or any other Act or where disclosure is otherwise required by law or enforceable under an agreement. |
| <b>Right to Information</b>   | The legal right of individuals to request access to information held by an Agency, subject to certain exemptions.                                                                                              |
| <b>Routine Disclosure</b>     | A disclosure of information by an Agency which the Agency decides may be of interest to the public, but which is not a Required Disclosure, an Assessed Disclosure or an Active Disclosure.                    |
| <b>The RTI Act</b>            | <i>Right to Information Act 2009</i>                                                                                                                                                                           |
| <b>State Service Officers</b> | Includes Heads of Agencies, Senior Executives and Officers in the Tasmanian State Service.                                                                                                                     |

# 1. Background

The RTI Act requires a Principal Officer to develop policies and procedures in relation to the disclosure of information.<sup>1</sup>

While Agencies are treated independently by the RTI Act, it has been accepted that the Tasmanian State Service should work collaboratively to 'ensure bureaucratic boundaries do not get in the way of achieving outcomes'.<sup>2</sup>

In recognition of this, the Tasmanian State Service is committed to introducing processes that are in alignment when managing requests for information and the disclosure of information across Agencies.

This policy is a whole-of-government policy on the managing of Right to Information requests within the Tasmanian State Service serving to consolidate existing practices and move Agencies towards a new way of working together. Once adopted by an Agency, this policy supersedes the *Information Disclosure Policy* that was in place in that Agency.

## 2. Policy Statement

The RTI Act exists to give people a legally enforceable right to be provided with information in the possession of government to improve democratic government in Tasmania.

This right recognises that information held by government is held on behalf of the people of Tasmania and is the property of the State. Accordingly, people should be given the maximum amount of information reasonably possible to allow participation to enable scrutiny of government operations.

These purposes are set out in the object of the RTI Act at section 3 and include the following:

- Improve democratic government.
- Increase the ability of people to participate in their governance.
- Recognising that information is collected for and on behalf of the people of Tasmania.
- Members of the public have a right to obtain information.

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<sup>1</sup> *Right to Information Act 2009* s 23(1)(a).

<sup>2</sup> Dr Ian Watt, *Independent Review of the Tasmanian State Service*; *Commission of Inquiry into the Tasmanian Government's Responses to Child Sexual Abuse In Institutional Volume 7: Chapter 17, 6.2.4 Under-resourced and mixed assessment processes*.

- To facilitate, and promote promptly at the lowest reasonable cost, the maximum amount of official information.<sup>3</sup>
- Encourage publishing or of providing information.<sup>4</sup>

Agencies are committed to fulfilling their obligations under the RTI Act to achieve these important purposes.

Further, the Tasmanian State Service is committed to fulfilling these obligations in a way that ensures maximum consistency for people applying for information.

Agencies recognise the importance of maintaining and preserving evidence of the State's business activity and will take care to appropriately manage information in their possession.

### 3. Responsibilities

All State Service Officers have a responsibility to make information available where appropriate.

It is the responsibility of the Executive and leadership teams to promote access to information.

All officers within an Agency are responsible and accountable for:

- making records to support what they do
- keeping records of all official information produced, received or acquired.
- ensuring information is accessible when it is lawful to do so.

It is the responsibility of Delegated Officers to make decisions regarding RTI applications for Assessed Disclosure and make decisions within statutory timeframes, keeping in mind the objects of the RTI Act, other relevant legislation and guidelines issued by the Ombudsman.<sup>5</sup>

### 4. Principles

Appropriately Authorised Officers within Agencies will make official information in their Agency's possession publicly available when it is in the public interest<sup>6</sup> and lawful to do so.

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<sup>3</sup> *Right to Information Act 2009* s 3.

<sup>4</sup> *Right to Information Act 2009* s 12.

<sup>5</sup> *Right to Information Act 2009* s 12(2).

<sup>6</sup> For matters relevant to the public interest please see the Act Schedule 1.

The following principles should guide decision-making about what information is released and how it is made available.

- **Transparency:** ensuring information is made accessible wherever possible.
- **Fairness:** ensuring decisions regarding information requests are impartial and consistent.
- **Efficiency:** ensuring requested information is provided in the least amount of time possible.
- **Confidentiality:** safeguarding personal and sensitive information with careful application of exemptions and with regard to relevant legislation.

Applications for personal information by an individual to whom the personal information relates should be dealt with under the *Personal Information Protection Act 2004* wherever possible. The applicant may decide that they require additional information and so an RTI application for Assessed Disclosure under the RTI Act may be more appropriate.

## 5. Purpose

The purpose of this policy is to provide guidance to Agencies on the management of information disclosure to comply with the requirements of the RTI Act, meet the accountability and transparency objectives of the RTI Act, and ensure applicants have an RTI experience that is in alignment with processes across Agencies.

This policy is designed to support consistency across the Tasmanian State Service while allowing flexibility to accommodate Agency-specific needs.

This policy is to be read in conjunction with the *Right to Information - Information Disclosure Procedures*.

## 6. Scope

This policy applies to all State Service Officers. This policy applies to the disclosure of information in accordance with the RTI Act, including the four types of information disclosure identified in section 12(2) of the Act:

- Routine Disclosure
- Active Disclosure
- Required Disclosure
- Assessed Disclosure

Agencies may need to disclose information outside of the RTI Act, such as when compelled by Parliament, the Courts, or a Commission of Inquiry. This policy does not apply to these situations.

## 7. Routine Disclosure

Routine Disclosure means a disclosure of information by an Agency which the Agency decides may be of interest to the public, but which is not a Required Disclosure, an Assessed Disclosure or an Active Disclosure.

Information will be made routinely available online through Agencies' websites. Where people cannot access the information online, Agencies will provide an alternative and reasonable means for access. If a person requires a method of accessing the information that incurs a cost, Agencies may charge a fee for the access of that information.

Information should only be Routinely Disclosed to the public if an Agency has assessed it as being of interest to the public. Please see the *Right to Information – Information Disclosure Procedures* for more information on determining what information is in the public interest.

Routine Disclosures should be updated on a regular basis, at minimum, every twelve months provided the timing is appropriate to the type or nature of the information. The Department of Premier and Cabinet coordinates whole of government Routine Disclosures in April and October every year, however Agencies can Routinely Disclose information at other times as well.

## 8. Active Disclosure

Active Disclosure refers to a disclosure of information by an Agency in response to a request from a person made otherwise than under section 13 of the RTI Act. Active disclosure is a voluntary release of information in response to a request for it.

Agencies must seek to provide information actively in response to requests as much as possible.<sup>7</sup> When a request for information is received, Agencies will first consider whether it can be released actively.

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<sup>7</sup> *Right to Information Act 2009* s 12(3)

Agencies should ensure Officers have the requisite training and processes in place to ensure that Active Disclosure is explored as a first result in response to all requests for information.

Active Disclosures occur across Agencies all the time without going through a formal process. This policy does not intend to limit the ability of Agencies to continue to provide answers to questions from the public or useful information upon request where doing so would not involve the release of any sensitive information.

The release of information in response to a request is at the discretion of the Information Custodian.

If a request for information is received and the Information Custodian is unsure whether the requested information is sensitive or not, a senior manager should be contacted for advice.

If the information is deemed as being sensitive,<sup>8</sup> the requestor should be advised and given the option (as appropriate) of reframing the request to exclude sensitive information, or agreeing to receiving redacted information, or applying for Assessed Disclosure.

This policy is also not intended to limit the usual business of any communications teams within Agencies who regularly facilitate the provision of answers and information in response to formal requests for information from journalists and others.

## **9. Required Disclosure**

Required disclosure refers to the disclosure of information that is required by law or enforceable under an agreement.

Agencies should ensure compliance with any lawful requirement to disclose information.

Where multiple Agencies are required by law to disclose the same information, they should seek to achieve as much consistency as possible in what is being released if it would be in the public interest to do so.

## **10. Assessed Disclosure**

Assessed Disclosure refers to the disclosure of information by an Agency or a Minister in response to an application pursuant to section 13 of the RTI Act.

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<sup>8</sup> Right to Information – Information Disclosure Procedures p. 15 for further information.

Assessed Disclosure must be managed in accordance with the provisions of the RTI Act.

Assessed Disclosure must be used as a method of last resort<sup>9</sup> and Agencies should take specific actions to investigate whether information can be provided actively before an application is accepted for Assessed Disclosure.

All Officers within each Agency must cooperate with their Ministers, Principal Officer, or Delegated Officers in responding to requests for Assessed disclosure.

Agencies should make training available to State Service Officers on the existence and requirements of the RTI Act to ensure that State Service Officers understand the importance of the RTI Act and their legal obligations to provide requested information.

When handling applications for Assessed Disclosure, Delegated Officers should engage with applicants early and as regularly as required throughout the process to keep them informed of the progress of their application.

Detailed information on how to manage applications for Assessed Disclosure are included in the *Right to Information – Information Disclosure Procedures*.

## 11. Publication on Disclosure Log

Information released in response to a request for Assessed Disclosure should be published on an Agency's Disclosure Log if the information may be of interest to the public and it would not be unlawful to do so.

The Disclosure Log makes information released to an applicant available to a wider audience and increases Government transparency and accountability.

Information may be removed from a Disclosure Log after a period of six months at the discretion of the Agency.

## 12. Delegated Officers

The RTI Act grants Principal Officers a range of powers and functions to make decisions on the disclosure of information.

These functions and powers can be delegated under section 24 of the RTI Act to another person.

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<sup>9</sup> *Right to Information Act 2009* s 12(3)

Heads of Agencies should ensure they have sufficient Delegated Officers to respond to the number and complexity of applications for Assessed Disclosure required to be processed by the Agency.<sup>10</sup> This is largely dependent on, the size of the Agency and or the volume and complexity of requests.

Agencies must ensure that Delegated Officers have the requisite skills and knowledge to undertake the delegated functions and powers. This requires an assessment of the skills currently held by the Officer through their qualifications and/or experience but should also include the provision of RTI specific training.

All new Delegated Officers should complete the whole-of-government RTI training modules before being given a delegation.

The *Right to Information – Information Disclosure Procedures* contains more information on the requirements necessary for a delegation under the RTI Act.

## 14. Conflict of Interest

Decision makers are required to be impartial and have no personal stake in the decision being made.

Delegated Officers must avoid any actual or perceived conflicts of interest in exercising the functions and powers of the RTI Act. If a Delegated Officer has been involved in the creation of any information being assessed through a right to information request, then the application should, if staffing levels permit, be passed onto another Delegated Officer.

Please see the *Right to Information – Information Disclosure Procedures* for more information on conflict of interest.

## 15. Review

This policy will be reviewed every three years.

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<sup>10</sup> This may include requests to corresponding portfolio Ministers.

## 16. Associated policies, legislation, and documents

### **Tasmanian legislation:**

*Right to Information Act 2009 (Tas)*

*Right to Information Regulations 2021 (Tas)*

*Personal Information Protection Act 2004 (Tas)*

*Libraries Act 1984 (Tas)*

*State Service Act 2000 (Tas)*

*Archives Act 1983 (Tas)*

*Acts Interpretation Act 1931 (Tas)*

*Work Health and Safety Act 2012 (Tas)*

*Security of Critical Infrastructure Act 2018 (Cth)*

### **Corresponding laws include (section 34 (3) RTI Act)**

*Freedom of Information Act 2016 (ACT)*

*Freedom of Information Act 1982 (Cth)*

*Government Information (Public Access) Act 2009 (NSW)*

*Information Act 2002 (NT)*

*Right to Information Act 2009 (Qld)*

*Freedom of Information Act 1991 (SA)*

*Freedom of Information Act 1982 (VIC)*

*Freedom of Information Act 1992 (WA)*

### **Ombudsman guidelines and manual**

Guideline 3/2010 –in relation to process of disclosing information under each type of information disclosure – sets out matters to consider when deciding what information could be routinely disclosed.

The Ombudsman Manual

### **Agencies policies and protocols:**

Records and Information Management Branch policies and guidelines

Tasmanian Government Corporate Brand Identity and Communications Policy

Communications Policy

Whole of Government Media Protocols

## 17. Contact Details

Right to Information

Department of Premier and Cabinet

GPO BOX 123

Hobart TAS 7001

Or email [righttoinformation@dpac.tas.gov.au](mailto:righttoinformation@dpac.tas.gov.au)