

## Dealing with Confidential Information Policy

**NOTE:** Council regularly reviews and updates its policies. The latest controlled version can be obtained from the Policy Register on Council's intranet or by contacting Council's Corporate Services Branch. **A hard copy of this electronic document is considered uncontrolled when printed.**

### Table of Contents

1. POLICY STATEMENT .....	1
2. SCOPE .....	1
3. GENERAL INFORMATION .....	1
4. DEFINITION.....	3
5. LEGISLATIVE REFERENCE .....	4
6. RELATED DOCUMENTS.....	4
7. NEXT REVIEW .....	4
8. VERSION CONTROL .....	4

### 1. POLICY STATEMENT

This policy provides guidelines for South Burnett Regional Council ('Council') representatives in relation to the management of confidential and sensitive information.

### 2. SCOPE

This policy applies to all Council representatives.

### 3. GENERAL INFORMATION

This policy aims to:

- assist Council in determining what is considered to be confidential information and how this information should be handled;
- provide guidance to Councillors in complying with the *Local Government Act 2009* ('Act') regarding the proper handling of confidential information;
- provide guidelines relating to the management of confidential and sensitive information in respect to Council reports, communication with Council representatives, communication with members of the public and provide guidance to Council representatives in complying with the Act.

#### 3.1. Consideration of Confidential Information

The following types of information are deemed to be confidential to Council unless or until the Council resolves to the contrary:

- commercial in confidence information, including where the release of information would affect a company's competitive advantage (including competitive tender situations);
- information derived from government departments or ministers that have been classified as confidential;
- information of a personal nature or about personal affairs, for example the personal details of Council representatives;
- 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 customers of Council;

- information not owned or controlled by Council;
- information that could result in any action being taken against Council for defamation;
- information involving legal advice to Council or a legal issue or a matter before the courts;
- information that is expressly given in confidence; or
- information about:
  - the appointment, dismissal or discipline of Council employees;
  - industrial matters affecting Council employees;
  - Council's budget information in certain circumstances;
  - rating concessions in certain circumstances;
  - contracts proposed to be made by Council;
  - starting or defending legal proceedings involving Council; or
  - any action to be taken by Council under the *Planning Act 2016*.

It is acknowledged that some of the above classes of information may need to be disclosed from time to time for legal reasons or in accordance with the Act, *Right to Information Act 2009* and the *Information Privacy Act 2009*.

### 3.2. Information Security Classifications

Classification	Description	Example data types
<b>Unofficial</b>	Information that is unrelated to Council and is of a personal nature.	Personal correspondence, dinner plans.
<b>Official - Public</b>	Information that if breached owing to accidental or malicious activity would have an insignificant impact.  This information is authorised for public access but may not be made available in the public domain.	Council strategies, published project outlines, Council meeting calendar, published report data.
<b>Official - Internal</b>	Information that if breached owing to accidental or malicious activity would be unlikely to cause harm to Council, another organisation or an individual if released publicly.  This information has a restricted audience, and access must only be authorised based on organisational, operational or in the public interest or by legislative needs.	Identity information of staff members or customers (for example - employee number or position title), internal correspondence, business unit process and procedure, team leave calendar.
<b>Sensitive</b>	Information that if breached owing to accidental or malicious activity could reasonably be expected to cause harm to Council, another organisation or an individual if released publicly.  This information has a restricted audience, and access must only be authorised based on strict organisational, operational or in the public interest or by legislative needs.	Customer personal information and human resources data (for example - tax file number, passport details, bank account details), organisational financial / supplier data not published, unpublished project information, data/status report.
<b>Protected</b>	Information that if breached owing to accidental or malicious activity could reasonably be expected to cause serious harm to Council, another organisation or an individual if released publicly.	Health records, personal data regarding persons under the age of 18, credit card data, commercially significant data, legal advice, legal proceedings

	This information has a restricted audience, and access must only be authorised based on very strict organisational, operational or in the public interest or by legislative needs.	
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### 3.3. Responsibilities of Council Representatives

Council representatives must be aware of their responsibilities and agree that they should:

- exercise due care when handling or using information acquired in their role;
- acknowledge that there will be information that must be treated as confidential, as its release would prejudice public trust and confidence in the integrity of Council;
- acknowledge that disclosure of confidential information constitutes a breach of the Act and that Council, or an external agency/authority may take disciplinary action for any damages caused;
- if uncertain, presume information is confidential and seek advice from the Chief Executive Officer ('CEO'), a General Manager or Manager prior to any release; and
- undertake not to disclose and prevent disclosure of confidential information to any person or organisation, specifically:
  - avoid discussing confidential Council information with family, friends and business associates; and
  - ensure documents containing confidential information are properly safeguarded at all times – including materials stored at private or business residences.
- not use confidential information to gain improper advantage for themselves or any other person or body; and
- not use confidential information to cause harm or detriment to Council or any other person or body.

### 3.4. Use of Information by Councillors

Councillors must handle information in a way that promotes and maintains the public's trust and confidence in the integrity of the Council. Improper release of Council information by a Councillor is considered a breach of the Act.

A breach of the Act includes a release such as:

- verbally telling any person about the information or any part of the information;
- providing the original or a copy of documentation or any part of the documentation that is marked confidential; or
- paraphrasing any confidential information and providing that in writing or verbally.

A person may make a complaint about a breach by a Councillor by giving notice of the complaint to the Council's CEO or lodging a complaint directly with the Office of the Independent Assessor.

### 3.5. Release of Confidential Information

Any release of confidential information for any purpose to any person or organisation (other than to those who are entitled to the information) is a breach of the Act.

Release of information can include:

- verbally telling any person about the information or any part of the information;
- providing the original or a copy of documentation or any part of the documentation that is marked confidential; or
- paraphrasing any confidential information and providing that in writing or verbally.

## 4. DEFINITIONS

**Councillor** means a Councillor of a local government, includes the Mayor.

**Council representative** means all Councillors and Council employees including permanent, casual and temporary employees, apprentices, trainees, contractors, volunteers, and work experience

students.

**External Parties** means anybody that is not engaged by Council.

**Independent Assessor** means the Independent Assessor ('IA') appointed under the Act.

**Information** means data with context. Includes, but is not limited to, physical or digital files in any format and data recorded by Council's applications. Any information within Council's possession even if not technically Council's information such as record provided by a third party. Information comes in any number of forms including letters, reports/documents, facsimiles, attachments, tapes, emails, electronic media, voicemail and/or other forms of information including discussions during formal and informal meetings.

**Record** means information in any format that has been generated or received by Council in the course of its activities, and which must be retained by Council as evidence of its actions and decisions.

## 5. LEGISLATIVE REFERENCE

*Information Privacy Act 2009 (Qld)*

*Local Government Act 2009 (Qld)*

*Planning Act 2016 (Qld)*

*Right to Information Act 2009 (Qld)*

## 6. RELATED DOCUMENTS

Code of Conduct for Councillors in Queensland

South Burnett Regional Council Employee Code of Conduct Policy – Statutory011

South Burnett Regional Council Information Management Recordkeeping Policy – Statutory039

South Burnett Regional Council Information Privacy Policy – Statutory038

## 7. NEXT REVIEW

As prescribed by legislation or April 2028

## 8. VERSION CONTROL

Version	Revision Description	Adopted Date	ECM Reference
1	Development of policy	12 June 2019	2599012
2	Review of policy	15 December 2021	2599012
3	Administrative amendment – organisational structure review – resolution 2022/432	27 April 2022	2599012
4	Review of policy	16 April 2025	2913093

  
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