

# Supporting Information – Council Information

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## Policies and Procedures

A number of policies address matters relating to confidentiality:

- The Councillors' Records Management Policy (POL 043) considers issues of privacy, security and confidentiality including the creation of confidential records and subsequent access (building controls, system controls and access).
- Fraud and Corruption Policy (POL 100) outlines the provision of confidential Council information to unauthorised people or organisations for financial benefit and the selling of confidential information as examples of fraud and corrupt conduct and includes mechanisms for reporting wrongdoing. The Policy promotes an organisational culture that will not tolerate any action of fraud or corruption
- The Media Policy (POL 090) provides that Council representatives must not discuss staff, confidential legal advice or matters of commercial in confidence with the media. The Policy provides that any breach of the Policy by Councillors may be a breach of the Code of Conduct and, in relation to staff, disciplinary action is also applicable.
- Procurement and Disposal Policy (POL 110) commits to maintaining commercial confidentiality, including that any information provided to Council by a potential supplier and contractor shall be treated as commercial-in-confidence and must not be released, other than in the course of Council business, unless authorised by the supplier or relevant legislation. Confidentiality of commercial sensitive material (e.g. prices) must be maintained at all times.
- Provision of Information to and Interaction Between Councillors and Staff Policy (POL 089) Councillors approaching any staff member directly for confidential or otherwise sensitive information that does not relate to the exercise of their civic responsibilities and is not generally available to the public is not appropriate under the Policy. There are also provisions in relation to the use and security of confidential information which mirror those in the Code of Conduct.

Council's adopted Code of Conduct and corresponding Administrative Procedures also specifically addresses confidentiality in several areas:

- When engaging in other business or employment, members of staff must not use confidential information obtained through their work with the council.
- Confidentiality provisions in relation to information about code of conduct complaints and the management and investigation of complaints.
- Use and security of confidential information (considered in further detail below).

Of particular relevance are the provisions in relation to the use and security of confidential information, as set out below:

### Use and security of confidential information

*8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.*

*8.11 In addition to your general obligations relating to the use of council information, you must:*

- a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions*
- b protect confidential information*
- c only release confidential information if you have authority to do so*
- d only use confidential information for the purpose for which it is intended to be used*
- e not use confidential information gained through your official position for the purpose*
- f of securing a private benefit for yourself or for any other person*
- g not use confidential information with the intention to cause harm or detriment to the council or any other person or body*
- h not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).*

The Office of Local Government NSW (OLG) has recently introduced changes to the Model Code of Conduct for Local Councils in NSW. It is proposed that any professional development activities relating to the Code will include 'refresher training' in relation to confidentiality requirements and conduct standards, including investigation processes relating to any alleged breach of those provisions.

### **Code of Conduct**

The Administrative Procedures for the Code of Conduct set out the mechanism under Section 440 of the *Local Government Act 1993* (NSW) (the Act) in relation to the management and investigation of Code of Conduct complaints.

Complaints alleging a failure to comply with the use and security of confidential information provisions under the Code of Conduct include processes relating to a complainant and respondent.

The complaint was not made under the Code of Conduct in relation to a specific individual(s) who respondent.