



CITY OF HOBART

AGENDA

Finance and Governance Committee Meeting

Open Portion

Tuesday, 17 April 2018

at 5.00 pm

Lady Osborne Room, Town Hall

SUPPLEMENTARY ITEM

ORDER OF BUSINESS

12 ANONYMOUS INFORMATION REQUESTS - POLICY POSITION..... 3

The General Manager reports:

“That in accordance with the provisions of Part 2 Regulation 8(6) of the *Local Government (Meeting Procedures) Regulations 2015*, these supplementary matters are submitted for the consideration of the Committee.

Pursuant to Regulation 8(6), I report that:

- (a) information in relation to the matter was provided subsequent to the distribution of the agenda;
- (b) the matter is regarded as urgent; and
- (c) advice is provided pursuant to Section 65 of the Act.”

12 Anonymous Information Requests - Policy Position
File Ref: F18/32136

Report of the Acting General Manager of 13 April 2018.

Delegation: Council

REPORT TITLE: ANONYMOUS INFORMATION REQUESTS - POLICY POSITION**REPORT PROVIDED BY:** Acting General Manager**1. Report Purpose and Community Benefit**

- 1.1. The purpose of this report is to seek the Council's support for the establishment of a policy position in relation to responding to anonymous information requests.

2. Report Summary

- 2.1. In recent times the Council has received a number of anonymous requests for information.
- 2.2. The information requested relates mainly to financial, governance and human resources matters.
- 2.3. The Council has sought advice about these anonymous requests for information from Simmons Wolfhagen and Ombudsman Tasmania.
- 2.4. A formal policy position from the Council would assist in determining the approach for how to deal with these requests.

3. Recommendation***That:***

1. ***The Council adopt a policy position on responding to anonymous requests for information which would result only in the provision of information that is on the public record.***

4. Background

- 4.1. In recent times the Council has received a number of anonymous requests for information.
- 4.2. This contact is mainly through two mechanisms – by emailing Aldermen or emailing the administration through the City of Hobart email address.
- 4.3. Generally the approach from the Council's administration in responding to these requests has been by providing links to information which is on the public record, that is, the City's website.
- 4.4. When the Council administration has been made aware of emails sent to Aldermen only, information relating to these questions has been placed on the HUB for Aldermen.
- 4.5. The information requested relates mainly to financial, governance and human resources matters.
- 4.6. In August 2017, the Council approached Simmons Wolfhagen seeking advice on responding to requests from anonymous groups.
- 4.7. This advice states that the Council is entitled to adopt a policy position to only provide information that is already on the public record, where a request for information is anonymous.
- 4.8. The advice goes on to say that formal requests for information may be made pursuant to the *Right to Information Act 2009*. The *Right to Information Regulations 2010* state that in regulation 4 that the minimum information that must be provided as part of an application includes the name of the applicant.
- 4.9. This gives clear support for the notion that Council has no obligation to provide information to a person if they do not provide their name.
- 4.10. The Ombudsman has also provided advice that notes that Council has acknowledged the intent of the *Right to Information Act 2009* which is to encourage the release of information, however, whether or not the Council chooses to provide information in response to general requests, anonymous or otherwise, is largely a matter for Council; it cannot be compelled to do so in any event.
- 4.11. Given both pieces of advice from Simmons Wolfhagen and Ombudsman Tasmania, it is proposed that the Council adopt a policy position in responding to anonymous information requests.
- 4.12. It is proposed that this policy position would provide an approach to dealing with anonymous information requests where the Council would only provide information that is already on the public record (such as Council's website, on an open agenda etc.).

- 4.13 The other option open to the Council is to simply not respond to these anonymous requests for information, however it is recommended that the Council adopt the position proposed below.

5. Proposal and Implementation

- 5.1. If the Council adopts a policy position in response to anonymous requests the Council would only provide information that is on the public record.

6. Financial Implications

- 6.1. Funding Source and Impact on Current Year Operating Result

6.1.1. Nil

- 6.2. Impact on Future Years' Financial Result

6.2.1. Nil

- 6.3. Asset Related Implications

6.3.1. Nil

7. Legal, Risk and Legislative Considerations

- 7.1. These have been addressed in the body of the report.

8. Delegation

- 8.1. This matter is delegated to the Council.

As signatory to this report, I certify that, pursuant to Section 55(1) of the Local Government Act 1993, I hold no interest, as referred to in Section 49 of the Local Government Act 1993, in matters contained in this report.



Heather Salisbury
ACTING GENERAL MANAGER

Date: 13 April 2018
File Reference: F18/32136