



## POLICY

Adopted: 16/05/2000  
Minute No:267  
Amended: 24/06/2003  
Minute No: 245  
Amended: 24/07/2007  
Minute No: 198  
Amended: 27/09/2011  
Minute No: 344  
Amended: 14/10/2014  
Minute No: 266

**FILE NO:** PSC2005-1592

**TITLE:** PUBLIC ACCESS TO RECORDS AFTER 30 YEARS

**REPORT OF BUSINESS SYSTEMS SUPPORT SECTION MANAGER**

### BACKGROUND

The *State Records Act, 1998* promotes the principles of accountability and access by requiring public sector offices, including local government Council's, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Council's will ensure that all records of continuing value are considered for public access in due course and in accordance with the Attorney General's 'Guidelines on Making Access Directions under Part 6 of the State Records Act 1998'.

### OBJECTIVE

- 1) The Policy is intended to outline the access provisions of the *State Records Act, 1998* and to explain the rights and obligations of Council and the public, under Part 6 of the Act.

### PRINCIPLES

- 1) All Council records are classed as being in an 'Open Access Period' 30 years after a record was created.
- 2) The 'Open Access Period' means that the public has a right to request access to any records once it falls into this period, without the need to submit a Government Information (Public Access) request.
- 3) Granting of access to records in the 'Open Access Period' is not automatic.

- 4) An evaluation of the requested record/s will be undertaken by Council staff and a determination of Open to Public Access (OPA) or Closed to Public Access (CPA) will be made. This is known as an Access Direction.
- 5) This Policy does not require Council to keep all records permanently to enable future public access. Council is entitled to destroy records in accordance with the State Records Authority of NSW – Local Government General Disposal Authority.

## **POLICY STATEMENT**

- 1) Assessment as to whether records should be open or closed to public access will be made on the basis of the known or likely contents of a series, group or class of records, not on an individual record basis.
- 2) Criteria for an OPA direction include public interest, whether similar records are already available, OPA precedents, appropriate elapse of time and whether the records are already public knowledge or are available elsewhere. An OPA direction will remain in force until it is revoked.
- 3) Criteria for a CPA direction include whether the information has been provided under an expectation of confidentiality, information protected under other legislation, unreasonable disclosure of sensitive personal information, safety and security. A CPA direction will remain in force for the period (up to five years) specified in the direction and will be reviewed every five years.
- 4) Application for access to records must be in writing, specifying that access be requested under s.54 of the *State Records Act* and detailing the records to which access is required.
- 5) No fee will be payable for Public Access requests.
- 6) Council will notify applicants of its access decision on their requested record/s in writing.
- 7) Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the *State Records Act 1998*.
- 8) A CPA direction does not affect an individual's entitlement to access a record under the *Government Information (Public Access) Act 2009*.

## **RELATED POLICIES**

- 1) Access to Information Policy.

## **SUSTAINABILITY IMPLICATIONS**

Nil

## **SOCIAL IMPLICATIONS**

This Policy allows the public greater access to records for those records older than 30 years. This means they are not required to request these records through a Government Information (Public Access) request.

## **ECONOMIC IMPLICATIONS**

Nil

## **ENVIRONMENTAL IMPLICATIONS**

Nil

## **RELEVANT LEGISLATIVE PROVISIONS**

- 1) Part 6, *State Records Act 1998 (NSW)*;
- 2) *Government Information (Public Access) Act 2009*.

## **IMPLEMENTATION RESPONSIBILITY**

- 1) Information Services Coordinator.

## **PROCESS OWNER**

- 1) Information Services Coordinator.

## **REVIEW DATE**

- 1) 14 October 2016.