



Tiwi Islands Regional Council

Title: Confidentiality Policy
Policy No: 39
Adopted By: Council
Next Review Date: October 2023
Responsibility: Manager Organisational Development and Change
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| Version | Decision Number | Adoption Date | History |
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| 2 | Resolution 8 on January 22 2020 | 22 January 2020 | Version two (230872) |
| 1 | Resolution 17 on 25 October 2017 | 25 October 2017 | Original |

Background

Employees, elected members and committee member of the Tiwi Islands Regional Council (TIRC) are exposed to confidential or sensitive information.

TIRC requires employees and elected members to follow this policy and treat confidential information appropriately during and after their terms or employment.

Policy

Confidential information is not to be disclosed unless prior written approval is given by the Chief Executive Officer (CEO) or another officer given delegated authority by the CEO. Employees must sign to acknowledge they have read and understood this policy.

Information is considered confidential if it relates the operational or financial operations of TIRC and is not intended to be publicly available. It could be written information or news passed on orally. It includes information that is presented in different formats such as data, reports, operations, dealings, records, materials, plans, statistics, finances or contracts (other than a contract or thing which is already in the public domain). It may relate to property, assets, liabilities, finances, dealings or functions of TIRC.

As an employee of the Council you must not disclose confidential information during and after the term of your employment or make use of or disclose any confidential or sensitive information or divulge the affairs of Local Government knowledge which is gained in the course of your employment with TIRC , except as far as:



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- 4.4.1 it may be required by law,
- 4.4.2 or to the appropriate regulatory body if an offence has been committed breaking any federal or territory laws, but only so long as you have exhausted the appropriate reporting channels.
- 4.4.3 TIRC ensures that all relevant employee-related documentation, financial documentation, and recordkeeping activities are maintained and disposed of as per the Information Act of 2002, the Fair Work Act of 2009, ATO Regulations, and the Privacy Act of 1988.

Disclosure to the media directly or indirectly is never permitted unless with CEO approval.

Private information submitted by members of the public, for example applications, permits, complaints, should also be treated as confidential information.

Breaching this policy may result in disciplinary action including dismissal if deemed appropriate as per section Part 7.3 of Local Government Act 2008 (NT), except included below. For more information please refer to the act or the Fair Work Act 2009 (Commonwealth).

Part 7.3 Confidential information

75 Improper disclosure of information

- (1) A person who discloses confidential information acquired as a member of a council, a local authority, a local board or council committee is guilty of an offence.

Fault elements:

- (a) the person makes the disclosure intentionally or recklessly; and
- (b) the person knows or ought to know that the information is confidential.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (2) However, this section does not prevent the disclosure of confidential information:

- (a) for the purposes of carrying out functions as a member of the council, local authority, local board or council committee; or
- (b) as authorised by the person to whom the duty of confidence is owed;
or



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- (c) to a court or tribunal; or
- (d) to a law enforcement agency; or
- (e) to an inspector.

76 Improper use of information

- (1) A person who makes improper use of information acquired as a member of a council, local authority, local board or council committee is guilty of an offence.

Fault element: Intention.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (2) A person makes improper use of information if the person uses it to gain some private benefit, or to inflict harm on another.

By signing this document you agree with the conditions of this policy and agree to not disclose confidential information.

Name: _____ Date: _____

Signature: _____