

Information Disclosure Policy

1 Background

This Policy has been prepared in accordance with section 23 of the *Right to Information Act 2009* (RTI Act) and the Ombudsman's Guideline 3/2010 and is to be used by the Motor Accidents Insurance Board (MAIB) to direct the disclosure of the information held by the MAIB.

It applies to all officers of the MAIB and where applicable, any consultants or contractors and has been developed to ensure a consistent and sound approach in relation to the disclosure of information for use within the MAIB.

2 Types of Information Disclosures

2.1 Required Disclosure

The disclosure of information by a public authority where the information is required to be published by this or any other Act, or where disclosure is otherwise required by law or enforceable under an agreement.

2.2 Routine Disclosure

A disclosure of information by a public authority which the public authority decides may be of interest to the public, but which is not a required disclosure, an assessed disclosure or an active disclosure.

2.3 Active Disclosure

A disclosure of information by a public authority or a Minister in response to a request from a person made otherwise than under Division 2 of Part 2 of the RTI Act.

2.4 Assessed Disclosure

A disclosure of information by a public authority or a Minister in response to an application in accordance with section 13 of the RTI Act.

2.5 Definitions

2.5.1 Delegated Officer

A person specified in an instrument of delegation in accordance with section 24 of the RTI Act.

2.5.2 Exempt information

Information which is exempt information by virtue of a provision of Part 3 of the RTI Act.

2.5.3 Information

- anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph; and
- anything in which information is embodied so as to be capable of being reproduced.

2.5.4 Officer

In relation to a public authority, includes a member of the public authority, a member of the staff of the public authority and any person employed by or for the public authority, whether or not that person is a State Service officer or State Service employee.

2.5.5 Ombudsman

The Ombudsman appointed under the *Ombudsman Act 1978*.

2.5.6 Personal Information

Any information or opinion in any recorded format about an individual –

- whose identity is apparent or is reasonably ascertainable from the information or opinion; and
- who is alive, or has not been dead for more than 25 years.

2.5.7 Principal Officer

- in relation to an Agency, within the meaning of the *State Service Act 2000*, the Head of Agency; or
- in relation to the Police Service, the Commissioner of Police; or
- in relation to a council, the general manager of that council; or
- the Chief Executive of a State-owned company or council owned company; or
- the Chief Executive Officer of a Government Business Enterprise; or
- in the case of any other public authority, the principal administrative officer of the public authority.

2.5.8 Public Authority

- an Agency, within the meaning of the State Service Act 2000; or
- the Police Service; or
- a council; or
- a statutory authority; or
- a body, whether corporate or unincorporated, that is established by or under an Act for a public purpose; or
- a body whose members, or a majority of whose members, are appointed by the Governor or a Minister of the Crown; or
- a Government Business Enterprise within the meaning of the *Government Business Enterprise Act 1995* (GBE Act); or
- a council-owned company; or
- a State-owned company.

3 Legislative Obligations

Several provisions of the Act impose specific obligations on the Principal Officer of a public authority in relation to the disclosure of information, including:

- Section 12(3)(a) requires the Principal Officer to implement adequate processes in the public authority to ensure that there is appropriate active disclosure, routine disclosure or required disclosure by the public authority.
- Section 12(3)(b) requires the Principal Officer to ensure that the processes referred to above comply with guidelines issued by the Ombudsman under section 49 of the Act.
- Section 23 (1)(a) requires the Principal Officer to develop policies and procedures in relation to the disclosure of information, for use in the public authority.
- Section 23(1)(b) requires the Principal Officer to publish details of these policies and procedures, and of the RTI Act and the way in which people can exercise their rights under the RTI Act in respect of the public authority.

4 Information Disclosure Principles

The following principles have been developed to form a framework for consistent decision-making in relation to the disclosure of information held by the MAIB and the appropriate process by which this information is available.

4.1 General Principles

- The MAIB will make information it holds publicly available, when it is in the public interest to do so and not subject to an exemption set out in the RTI Act (See Appendix 1 – Right to Information Publication Scheme – Classes of Information).
- Decisions regarding the disclosure of information will only be made by the Principal Officer or their delegated officers.

- Certain information held by the MAIB will not be released should it be deemed that the information:
 - By its nature is exempt from release under the RTI Act;
 - Is not exempt by its nature but is not in the public interest to release; or
 - Is prevented by other laws or agreements from being released.
- Applications for personal information will be responded to in accordance with the *Personal Information Protection Act 2004*. Unless there are exceptional circumstances, applicants will be given full access to their personal information.
- Fees may apply for processing requests for information, either in accordance with the application fee set out in section 16 of the RTI Act 2009, or under other fee arrangements where relevant.
- All requests for information will be addressed in accordance with legislative requirements, where applicable. If there are no legislative requirements then requests for information will be addressed in a timely manner, taking into account the time required to assess the application and the need to consult including redefining or redirecting the application upon negotiation with the applicant.

4.1.1 Responsibilities of the Principal Officer

The Principal Officer for the MAIB is the Chief Executive Officer.

In accordance with the Ombudsman Guideline 3/2010, in deciding what information is to be routinely disclosed, the Principal Officer will take into account the objective of the RTI Act as well as considering the following factors:

- What information may be material to the community;
- What information key stakeholders and the community might reasonably expect to be able to access;
- The extent of public demand for the information;
- How useful the information would be to the public in dealing with the authority;
- Whether publication would improve the public's ability to contribute to the work of the authority, or to decision-making by the authority;
- Whether publication would promote greater accountability by the authority, for example by showing the basis of its decisions; and
- Whether the information promotes community wellbeing.

4.2 Methods of Disclosure under the RTI Act

4.2.1 Required Disclosure

Examples of information that fall under required disclosure include Annual Reports (required under the GBE Act) and the Public Interest Disclosures Procedures (required under the *Public Interest Disclosures Act 2002*).

Upon approval from the Principal Officer, required information will be disclosed in accordance with legislative requirements.

4.2.2 Routine Disclosure

The MAIB will regularly review information it holds or is gathering and will make a decision as to whether it should be routinely disclosed.

The identification of information to be considered for routine disclosure can be made by any officer of the MAIB; however approval to disclose the information is to be provided by the Principal Officer or their delegates before disclosure occurs.

Information that is being released by way of routine disclosure will generally be available online (via the MAIB website www.maib.tas.gov.au) at no cost. If some members of the public cannot access the information online, the MAIB will provide an alternate and reasonable means of access, which satisfies the person's right to access the information.

4.2.3 Active Disclosure

Active disclosure is the voluntary release of information on receipt of a request under section 13 of the RTI Act.

Information that is to be actively disclosed must be approved by the Principal Officer.

Information that is being released by way of active disclosure will generally be available at no cost, however the MAIB may charge a fee for the provision of the information if:

- The information is to be used for financial gain; or
- Additional cost is involved in responding to the request.

4.2.4 Assessed Disclosure

The majority of information that MAIB holds is personal in nature and is unable to be released via active, routine or required disclosure. Therefore, all except a small number of applications for information will be assessed under the *Personal Information Protection Act 2004* (PIP Act) in the first instance and if the information is not available under the PIP Act the request will be dealt with under the RTI Act.

Officers authorised to make a decision on an application for assessed disclosure are the Principal Officer and officers that have been formally delegated functions under section 24 of the RTI Act. The provisions of section 24 require that all delegated officers have the knowledge and skills to undertake the task of assessing applications.

All Delegated Right to Information Officers within MAIB are required to undergo formal training to ensure a sound understanding of the RTI Act and the Ombudsman's manual and guidelines. As the Principal Officer, the Chief Executive Officer has delegated his decision-making power to a limited number of officers within the MAIB.

5 Application Process

5.1 Application Form

A form to assist in making an application is available on the MAIB website - www.maib.tas.gov.au

5.2 Address for Applications

Applications under the RTI Act for information owned by MAIB are to be addressed to:

Right to Information Officer

Motor Accidents Insurance Board

PO Box 590

Launceston TASMANIA 7250

5.3 Fee for Application

All applications must be accompanied by the application fee as per section 16 of the RTI Act. The fee is indexed annually and calculated as 25 fee units.

The value of a fee unit is calculated in accordance with the *Fee Units Act 1997* (FU Act), which provides for annual indexation. The Minister administering the FU Act (currently the Treasurer) is required to publish that value prior to 1 July each year.

From 1 July 2020, the value of a unit is \$1.62, with the result that **the application fee for assessed disclosure for the 2020-21 financial year is \$40.50.**

The fee may be waived by the Principal Officer if the applicant is:

- In financial hardship;
- A member of parliament and the application is in connection with their official duty; or
- Able to show that the information sought is intended to be used for a purpose that is of general public interest or benefit.

6 Assessment of Applications

6.1 Assessment Process

The process and requirements for assessing an application for assessed disclosure is outlined in RTI Act and the Manual and Guidelines, which have been published by the Ombudsman (www.ombudsman.tas.gov.au). The Manual also includes fundamental considerations in working with the RTI Act, refusing applications, dealing with third parties, the public interest test and exemptions and statement of reasons.

6.2 Response Time

All requests for information that require disclosure will be addressed in a timely manner and in accordance with section 15 of the RTI Act (20 working days after the acceptance of the application).

6.3 Refusals

Where a delegated officer responding to an application for assessed disclosure determines that the information is exempt under the RTI Act, the applicant will be provided with a written notice of the decision under section 22, which includes the reasons for the decision and an explanation of the right to seek a review of the assessed decision.

6.4 Transfer of Applications

An application for assessed disclosure may be transferred in full or part to another public authority or Minister under section 14 of the RTI Act, where the subject matter of the application is more closely connected with the functions of another public authority or Minister.

7 Review and Amendment

The Chief Operating Officer is responsible for reviewing this guideline every year. Amendments shall be authorised by the Chief Executive Officer before reissue.

Appendix 1 – Right to Information Publication Schedule (Classes of Information)

Class of Information	Examples of the Information Available
About Us – Organisational information, location and contacts, information relating to constitutional and legal governance.	MAIB Organisational Overview Annual Reports
Our Services – Description of the services offered by the public authority, including advice and guidance, booklets and leaflets, transactions and media releases.	Tasmania’s Motor Accidents Insurance Board Brochure Claims Procedures and Scheduled Benefits Payable Brochure Foundation Guidelines
Our Priorities – Strategic and performance information, major projects or initiatives, plans, assessments and reviews.	About MAIB – Road Safety Annual Reports Statement of Corporate Intent
Our Decisions – Policy proposals and decisions, decision making processes, internal criteria and procedures, consultations.	Claims Procedures and Scheduled Benefits Payable Brochure
Our Policies & Procedures – Current written protocols for fulfilling the authority’s functions and responsibilities.	Complaint Handling Policy Personal Information Protection Policy MAIB Customer Service Charter Public Interest Disclosures Act Procedures Right to Information Procedures Information Disclosure Policy Board of Directors Code of Conduct Ministerial Charter Staff Code of Conduct
Our Finances – Information relating to projected and actual income and expenditure, tendering, procurement and contracts.	Annual reports
Lists and Registers – Information held in registers required by law and other lists and registers relating to the functions of the public authority.	Premiums & Vehicles Classifications Schedule

NB: All information is available on the MAIB website www.maib.tas.gov.au