



Name	GOV18 Confidential items
Policy Type	Council
Responsible Officer	Chief Executive Officer
Approval Date	21/04/2021
Review Date	21/04/2025

### 1. Purpose

To ensure proper treatment and review of confidential information after consideration of confidential business at a council meeting.

### 2. Scope

This policy applies to information that was considered during or resulted from confidential business at a council meeting, including (but not limited to) the agenda, business papers, resolutions, and minutes.

Confidential information is to be considered separately for the purposes of assessing whether or not the information is to remain confidential (for example, immediately releasing a resolution that is no longer confidential with related business papers remaining confidential for a specified period of time).

### 3. Definitions

For the purposes of this Policy, the following definitions apply:

Confidential	Information not privy to the public
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### 4. Policy Statement

#### 4.1. Principles

- 4.1.1 Councils preference is to, where possible, make decisions on confidential items in open session but hold debate in closed sessions.
- 4.1.2 Where this is not possible and information associated with the confidential report will compromise the prescribed regulation 50 in the Local Government (*General*) Regulations 2021, Council will vote in closed session.
- 4.1.3 All content associated with confidential reports will be discussed and debated in closed session.
- 4.1.4 Any information that falls under the prescribed categories in regulation 50 of the *Local Government (General) Regulations 2021* must remain confidential until the reason for confidentiality no longer applies.

**4.2. Confidential Information**

- 4.2.1 For Section 293 of the Act, Regulation 50 of the *Local Government (General) Regulations 2021 ,2021*, prescribes the following information as confidential:
- (a) information about the employment of a particular individual as a member of the staff or possible member of the staff of the council that could, if publicly disclosed, cause prejudice to the individual.
  - (b) information about the personal circumstances of a resident or ratepayer.
  - (c) information that would, if publicly disclosed, be likely to:
    - (i) cause commercial prejudice to, or confer an unfair commercial advantage on, any person: or
    - (ii) prejudice the maintenance or administration of the law; or
    - (iii) prejudice the security of the council, its members, or staff; or
    - (iv) subject to regulation 50 (3) – prejudice the interests of the council or some other person;
  - (d) information subject to an obligation of confidentiality at law, or in equity;
  - (e) subject to regulation 50 (3) – information provided to the council on condition that it be kept confidential and would, if publicly disclosed, be likely to be contrary to the public interest;
- 4.2.2 subject to regulation 50 (2) – information in relation to a complaint of a contravention of the code of conduct. For regulation 50 (1)(f), the following information is no longer confidential after the complaint has been decided:
- (a) a decision notice in relation to the complaint;
  - (b) a report of proceedings or findings of the complaint.
- 4.2.3 Information mentioned in regulation 50 (1)(c) (iv) and (e) does not prejudice the interests of the council or some other person or is not contrary to the public interest if the information, if publicly disclosed, only causes:
- (a) embarrassment to the council, members, or the council's staff; or
  - (b) a loss of confidence in the council; or
  - (c) discussion of a matter that is controversial in the council area; or
  - (d) the council to be susceptible to adverse criticism.

### **4.3 Consideration of confidential business**

- 4.3.1 After the conclusion of the consideration of an item of confidential business, Council will decide whether confidential information is:
- (a) the type of confidential information that should no longer be confidential after a specified period of time; or
  - (b) the type of confidential information that should be subject to periodic review to determine if it should no longer be confidential.
- 4.3.2 Where Council resolves a specified period of time for the information to remain confidential, that information is to be publicly released after the expiry of that period of time (see Clause 4.5).
- 4.3.3 Where Council resolves that confidential information should be subject to periodic review to determine if it should no longer be confidential, that information will be added to the confidentiality review list (see Clause 4.4).

### **4.4 Confidentiality review list**

- 4.4.1 Council will maintain a list of confidential information and review that list once every six months to determine whether any matters are to no longer be confidential after a specified period or are to remain confidential for review at a subsequent date.

### **4.5 Public release of information**

- 4.5.1 When information is no longer confidential, a notation will be put in the relevant document (including the version on the website) that the information is no longer confidential, on what date that decision was made, and where information about the matter that is no longer confidential can be accessed.

## **5 Associated Documents**

Any policies, templates, procedures, guidelines, strategies or plans relevant to the policy

## **6 References and Legislation**

Northern Territory Local Government Act 2019

Local Government (General) Regulations 2021

**7 Review History**

<b>Date Reviewed</b>	<b>Description of changes (Inc Decision No. if applicable)</b>
21/04/2021	New policy as per Local Government Act