

## Policy

### 1. Purpose

This policy sets out how the Environment Protection Authority (EPA) discloses information in accordance with the *Right to Information Act 2009* (the RTI Act)

### 2. Principles

The State Service Principles and Code of Conduct in the *State Service Act 2000* are core to the State Service, defining expectations of State Service employees.

The EPA will release information in its possession to the public when it is relevant, appropriate, in the public interest to do so and not exempt pursuant to the RTI Act.

### 3. Accountabilities

All employees of the Agency are responsible for adhering to and responding to requests for information in accordance with this policy.

- The **Chief Executive Officer**, as the Agency's principal officer, is responsible for deciding applications for information under the RTI Act and he/she may delegate these functions or powers to employees in the Agency.
- Each **Branch/Section/Unit** must comply with this policy and supply information to the Right to Information (RTI) Unit in a timely manner and assist applicants who wish to make a request, if needed.
- The **RTI Unit** will process and manage right to information requests in consultation with the relevant Branch/Section/Unit.

### 4. Staff requirements

- 4.1 The Agency expects all employees to be committed to fulfilling its obligations under the RTI Act, particularly with regard to making information readily available to a broad audience.
- 4.2 Employees are expected to comply with specified timeframes when providing the RTI Unit with Agency information so that the RTI Unit can comply with statutory timeframes pursuant to the RTI Act.
- 4.3 All employees are responsible and accountable for appropriate record-keeping and should be aware that all official business records may be disclosed under the RTI process.

## Procedures

### 1. Initiating policy

These procedures are made as per the Act and under the Information Disclosure Policy.

### 2. Scope

These procedures apply to all employees.

There are four types of information that may be disclosed as defined in s12(2) of the RTI Act:

1. required;
2. routine;
3. active; and
4. assessed.

### 3. Workflow and Direction

#### Required Disclosure

- 3.1 The Agency is required under a variety of legislation to disclose certain information. For example, Agency annual reports are required to be published in accordance with the *State Service Act 2000*.

#### Routine Disclosure

- 3.2 The Agency proactively makes available a wide range of information it considers may be of interest to the general public. This includes information about the Agency's structure, services, activities and finances. Examples include: gifts, benefits or hospitality received; organisational structure and functions; and Agency governance policies.
- 3.3 Information released routinely will generally be available on the Agency's website at no cost to the applicant. Where a person cannot access information freely online, it may be available by other means, which may incur a reasonable fee. For example, The LIST information.
- 3.4 Online content must be approved by the relevant supervisor or manager, in consultation with the Manager Strategic and Legal Services.
- 3.5 Each Branch/Section/Unit is required to regularly review information it holds and identify what information may be routinely disclosed and how and when that disclosure should occur. Disclosure must be lawful. For example, there are restrictions on the disclosure of personal information in line with the *Personal Information Protection Act 2004*.  
Personal Information Protection Policy
- 3.6 Information should be considered for routine disclosure when it is:
  - significant, relevant and meaningful to the community;
  - reasonably expected to be able accessible to key stakeholders and the community;
  - requested on a regular basis;
  - helpful to the public when dealing with the Agency and/or contributes to the Agency's work or decision-making;
  - promoting transparency and accountability of the Agency's decisions and operations;
  - easily provided at no or low cost.

#### Active Disclosure

- 3.7 Active Disclosure is a disclosure of information by the Agency in response to a request from a person. For example, if information is more than 10 years' old and is not sensitive or confidential, an active disclosure may occur.

- 3.8 It is the responsibility of Branch/Section/Unit, as information custodians, to make decisions on active disclosure.
- 3.9 Complex requests for information may need to be dealt with in writing with management clearance for disclosure. It depends on the nature of the information requested. For example, information about third parties; confidential information and internal communications may need clearance. If in doubt, the person should be directed to submit an assessed disclosure (RTI) request.

## Assessed Disclosure

- 3.10 Assessed disclosure occurs after all other avenues have been explored.
- 3.11 An assessed disclosure is made through the RTI process.
- 3.12 The Chief Executive Officer of the Agency is the principal officer and in order to make decisions assessing information pursuant to the RTI Act, his/her functions can be delegated to employees. The staff within the RTI Unit are the CEO's delegated officers.
- 3.13 The RTI Unit assesses the information pursuant to the RTI Act, makes a decision and, if appropriate, releases information.
- 3.14 The Agency may publish information it releases on its Disclosure Log, within two working days. This will occur if it is in the public interest to do so and supports the Agency's commitment to making information available to a wider audience. Statements of reasons; personal information and commercially sensitive information will not be published.

## 4. Supporting Documents

### Making a Request

- 4.1 A person can make a RTI request via:
  - Mail: EPA – Strategic and Legal Services  
GPO Box 1550  
Hobart Tasmania 7001
  - Email: [Enquiries@epa.tas.gov.au](mailto:Enquiries@epa.tas.gov.au)
- 4.2 Further details including the request form and information about the RTI filing fee is available at [Right to Information](#).

### Relevant legislation

- *Right to Information Act 2009*
- *Personal Information Protection Act 2004*
- *State Service Act 2000*
- *Archives Act 1983*