

**FILE NO:** PSC2005-1592

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

**OWNER:** ORGANISATION SUPPORT SECTION MANAGER

## 1. PURPOSE:

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

## 2. CONTEXT/BACKGROUND:

- 2.1 The State Records Act 1998 promotes the principles of accountability and access by requiring public sector office(s), including local government councils, to create full and accurate records of their business and administrative transactions, and ensuring that records of significant value are preserved. Councils 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'.

## 3. SCOPE:

- 3.1 This policy relates to all person(s) who request either personal information or a record from Port Stephens Council that is deemed older than 30 years. A record is taken to be 30 years old, when 30 years have elapsed since it came into existence or since the original record of which it is a copy came into existence.
- 3.2 The fact that a record is not open to public access under this Act does not affect any entitlement to obtain access to information contained in the record under the Government Information (Public Access) Act 2009.

## 4. DEFINITIONS:

- 4.1 An outline of the key definitions of terms included in the policy.

Disclose                      Make information available and release or provide access to information.

Exercise                      A function includes perform a duty.

Person	Includes an agency, the government or another jurisdiction (including a jurisdiction outside Australia) and an agency of the government of another jurisdiction.
Public Office	An office established or continued for a public purpose by or under the provisions of a legislative instrument.
Personal Information	Information or an opinion about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Record	Information created, received and maintained as evidence and as an asset by an organisation or person, in pursuit of legal obligations or in the transaction of business.
OPA	Open to Public Access.
CPA	Closed to Public Access.

## 5. STATEMENT

- 5.1 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.
- 5.2 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.
- 5.3 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.
- 5.4 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 5 years) specified in the direction and will be reviewed every 5 years.
- 5.5 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.
- 5.6 No fee will be payable for Public Access requests.

- 5.7 Council will notify applicants of its access decision on their requested record/s in writing.
- 5.8 Documentation of Access Directions will contain sufficient detail to help meet Council's statutory obligations under the State Records Act 1998.
- 5.9 A CPA direction does not affect an individual's entitlement to access a record under the Government Information (Public Access) Act 2009.

## 6. RESPONSIBILITIES:

- 6.1 Organisation Support Section Manager - Responsible for the implementation and review of this policy.

## 7. RELATED DOCUMENTS

- 7.1 State Records Act 1998 No 17 (Part 6).
- 7.2 Government Information (Public Access) Act 2009.

## CONTROLLED DOCUMENT INFORMATION:

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<b>EDRMS container No</b>	PSC2005-1592	<b>EDRMS record No</b>	22/279809
<b>Audience</b>	Port Stephens community and Council employees		
<b>Process owner</b>	Organisation Support Section Manager		
<b>Author</b>	Organisation Support Section Manager		
<b>Review timeframe</b>	3 years	<b>Next review date</b>	23 August 2025
<b>Adoption date</b>	16 May 2000		

## VERSION HISTORY:

Version	Date	Author	Details	Minute No.
1.0	16/5/2000	Information Services Coordinator		267
2.0	24/6/2003	Information Services Coordinator		245
3.0	24/7/2007	Information Services Coordinator		198
4.0	27/9/2011	Information Services Coordinator		344
5.0	14/10/2014	Information Services Coordinator		266
6.0	21/09/2016	Information Services Coordinator	<p>Definition of scope, namely what constitutes which documents are available under the State Records Act 1998 and the Government Information (Public Access) Act 2009 inserted.</p> <p>Scope to include legislative direction for access to records under 30 years old (Government Information (Public Access) Act 2009 inserted.</p> <p>The relevant legislation being State Records Act 1998 No 17 current version for 15 January 2016 inserted.</p> <p>Formatted in accordance with PSC Policy template released May 2016.</p> <p>Note: no change in legislation since policy last reviewed in 2014.</p>	
7.0	25/10/2016	Information Services Coordinator	Adopted by Council.	314

8.0	27/11/2018	Business Systems Support Section Manager	No changes to Policy. Template updated to include numbering. Updated EDRMS reference number.	160
9.0	27/10/2020	Organisation Support Section Manager	The Public access to records after 30 years was reviewed and updated in the new template. Updated Policy Owner to Organisation Support Section Manager. 4.1 – Updated Records definition to be in line with the Business Operating System. 6.1 – Updated Information Services Coordinator to Senior Records Team Leader. Updated EDRMS reference number.	223
10.	23/08/2022	Organisation Support Section Manager	6.1 – Deleted ‘Senior Records Team Leader’ and added ‘Organisation Support Section Manager’ to reflect current organisation structure.	224