



Right to Information Policy



**SPIRIT of
TASMANIA**

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RIGHT TO INFORMATION POLICY

1. Overview

TT-Line Company Pty Ltd (the Company) is a State Owned Company and is therefore subject to the Tasmanian Government's *Right to Information Act 2009* (the **RTI Act**).

The Company operates in a highly competitive commercial environment in both its passenger and freight markets. The competitive nature of its business will require a comprehensive review of information that may be requested under the RTI Act to ensure that the Company does not provide exempt information.

2. Purpose

Section 23 of the RTI Act requires Chief Executive Officers of State Owned Companies as the principal officer under the RTI Act to prepare and publish policies and procedures for the disclosure of information. This Information Disclosure Policy is issued in compliance with the RTI Act and explains the disclosure Policy and process by which it is carried out at the Company. This Policy should be read in conjunction with the Ombudsman's Guideline 3/2010 - Guideline in relation to process of disclosing information under each type of information disclosure.

http://www.ombudsman.tas.gov.au/right_to_information2/rti_process/right_to_information_guidelines_and_manual

3. Objective

Section 3 of the RTI Act provides:

- a) the object of this RTI Act is to improve democratic government in Tasmania by
 - i. increasing the accountability of the executive to the people of Tasmania
 - ii. increasing the ability of the people of Tasmania to participate in their governance and
 - iii. acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.
- b) this object is to be pursued by giving members of the public the right to obtain information held by public authorities and Ministers;
- c) this object is also to be pursued by giving members of the public the right to obtain information about the operations of Government; and
- d) it is the intention of Parliament:
 - i. that this RTI Act be interpreted so as to further the object set out in subsection (1); and
 - ii. that discretions conferred by this RTI Act be exercised so as to facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information.

4. Statement of Basic Policy Principles

The following principles will guide Employees in making decisions about what information they release and the method of making that information available:

- a) the Company holds information to assist it to perform its functions for the benefit of the people of Tasmania;
- b) the Company will make information it holds publicly available when it is of general public interest to do so and does not subject the Company to commercial disadvantage;
- c) by law some of the information that the Company holds is not able to be released to the general public or to individuals;
- d) unless there are exceptional circumstances, upon request a person should be given access to their personal information (refer to the Privacy Policy);
- e) if information is to be made available via a commercial arrangement then access to information will be provided at the lowest reasonable cost (refer to the Privacy Policy);
- f) all requests for information will be addressed in a timely manner; and
- g) formal application for assessed disclosure (which is the formal process under the RTI Act) is the method of last resort.

5. Disclosure of Information

The RTI Act divides the release of information into four categories:

- a) routine disclosure;
- b) required disclosure;
- c) active disclosure; and
- d) assessed disclosure.

5.1 Routine Disclosure

The Company will publish information it holds which it considers to be of both significant value and general public interest where it does not have a detrimental effect on the Company's commercial activities.

The RTI Act defines routine disclosure as the disclosure of information by a public authority which it decides may be of interest to the public, where the disclosure is not one of the other three types of disclosure (Required, Active or Assessed).

Information that is being released by way of routine disclosure will in most cases be available online (through the Company's website) and at no cost. Where a person cannot access the information online, the Company will provide an alternative means of access at the lowest cost which satisfies the person's need to access the information. If a person chooses a more costly method of accessing the information, they may be required to pay the difference to have access to the information by that method.

5.2 Who Makes The Decision To Routinely Disclose Information?

The Leadership Team member of each department in consultation with the Chief Executive Officer will regularly review information it holds or is gathering and make a decision as to whether it should be routinely disclosed.

5.3 Decision Making Framework for Routine Disclosure

Decisions about routine disclosures should take into account the object of the RTI Act, the Ombudsman's Guidelines and the following questions:

- a) is the information about significant aspect of the Company's work (e.g. major projects, key initiatives and policy documents)?
- b) is the disclosure of the information lawful (i.e. having regard to other legislation)?
- c) is the disclosure of the information appropriate (i.e. having regard to issues such as privacy principles and security issues)?
- d) is the information accurate (all efforts should be made to ensure that information is up to date and accurate)?
- e) what is the cost and time involved in producing the information?
- f) is the information otherwise exempt (e.g. having regard to part 3 of the RTI Act)?

5.4 What Type Of Information Should Not Be Routinely (or Actively) Disclosed?

In deciding whether information can be released in full or in part decision makers must take into account factors such as:

- a) information obtained from third parties – the legitimate rights of third parties will not be compromised;
- b) personal privacy - decisions must be consistent with the Personal Information Privacy Protection Principles in the *Personal Information Protection Act 2004* (PIPA);
- c) confidentiality – confidentiality provisions in an Act or contract;
- d) intellectual property rights;
- e) unlawful release;
- f) defamation; and
- g) all decisions will be made taking into account the need for a timely response and the objective of the RTI Act to favour disclosure of information wherever possible.

5.5 Active Disclosure

The RTI Act defines active disclosure as the disclosure of information by a public authority, including a State Owned Company in response to a request from a person, but which is not an application for assessed disclosure under the RTI Act.

Broadly speaking active disclosures cover the information which does not meet the test for routine disclosure as it does not have major significance or general public interest or has not yet been considered for routine disclosure.

5.6 Access to Personal Information of the Person Making the Request

Personal Information is one important category of information which is often actively disclosed.

Generally, the PIPA allows a person to have access to information which is personal information about them.

Points to remember about release under the PIPA include:

- a) some personal information is available through a commercial arrangement, for instance birth certificates;
- b) in some situations where personal information is incorrect or out of date the person may be able to ask for it to be amended or request that a notation be made that the information is incorrect or out of date;
- c) some information about a person which is of a medical or psychiatric nature may be released via a medical practitioner instead of direct to the person; and
- d) a person requesting personal information will usually have to provide proof of identity before personal information is released.

The Privacy Policy must be considered and complied with when providing access to Personal Information.

5.7 What Happens If The Information Cannot Be Actively Disclosed?

A person who has requested the information should be informed if relevant information cannot be actively disclosed and advised that they have a right to make a formal application for an assessed disclosure.

5.8 Should There Be a Charge For Information That Is Actively Disclosed?

Generally there should not be a charge for the active disclosure of information, however a fee may be charged if:

- a) the information is to be used for a commercial purpose; or
- b) additional cost is involved in responding to the request (e.g. the information needs to be transcribed; or
- c) information has been requested in a more costly form than is already available (e.g. on the website, but the person has requested a printed copy).

5.9 Required Disclosure

"Required disclosure" means a disclosure of information by a public authority where the information is required to be published by law or under an enforceable agreement. An example of this type of disclosure is the Company's Annual Report.

5.10 Assessed Disclosure

Assessed disclosure is the form of disclosure of last resort. It should only be used in rare circumstances where information is not already available or requires detailed examination and therefore not suitable for active disclosure.

Assessed disclosure is a formal process requiring an application. Information for the public about making an application is available to the public on the Company's website at:
<http://www.spiritoftasmania.com.au>.

5.11 Who Can Make a Decision On An Application?

The RTI Act permits the Chief Executive Officer of a State Owned Company or their delegate to make a decision on an application for assessed disclosure.

The Chief Executive Officer has delegated this decision making role to several officers.

If a request for an internal review is made in respect of a decision made by a delegated officer, this review will ordinarily be undertaken by the Chief Executive Officer. In the event that the Chief Executive Officer is unable to perform the review, arrangements may be made for an appropriate delegated officer to perform the review.

5.12 Processing an Application for Assessed Disclosure

The RTI Act requires delegated officers to have the knowledge and skills to undertake the task of assessing applications. The Ombudsman has issued a manual and guidelines to assist delegated officers. Delegated officers must be familiar with these documents.

6. Application

This Policy applies to company information that is required to be disclosed subject to the requirements of the RTI Act.

7. Reporting Breaches

Upon becoming aware of a breach of this Policy, Employees must immediately report the breach to their Manager or as otherwise required or permitted.

Auditors may report breaches of this Policy to the Board.

A breach of this Policy may result in disciplinary action in accordance with the Performance Counselling and Discipline Policy. Such disciplinary action may include (depending on the severity of the breach) reprimand, formal warning, demotion or termination of employment.

8. Interpretation of Policy

Questions relating to the interpretation or enforcement of this Policy should be directed to an individual's Manager.

APPENDIX A – GENERAL COMPANY TERMS AND DEFINITIONS

ATO means the Australian Taxation Office.

Board means the current Board of Directors elected or appointed to govern the affairs of the Company, the members of which may change from time to time.

Contractor means a contractor or subcontractor or an employee of a contractor or subcontractor who carries out work in a contracted capacity for the Company.

Commonwealth record has the same meaning as in the Archives Act 1983.

Company means TT-Line Company Pty Ltd.

Employee means a person who is employed by the Company.

Leadership Team means the Chief Executive Officer, Chief Financial Officer, General Manager – Corporate Services, General Manager – Freight Sales and Port Operations; General Manager – Human Resources, General Manager – Marine Operations, General Manager – Retail & Hospitality, General Manager – Marketing, and the Manager Passenger Sales & CarRes Development.

Manager means an Employee, who is appointed to a position that directs controls and/or has line management responsibility for other Employees.

PIPA means the *Personal Information Protection Act 2004 (Tas)*

Personal Information means information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.

RTI Act means the *Right to Information Act 2009 (Tas)*

Sensitive Information means personal information or an opinion relating to personal information about individuals':

- a) Racial or ethnic origin;
- b) Political opinions;
- c) Membership of a political association;
- d) Religious beliefs or affiliations;
- e) Philosophical beliefs;
- f) Membership of a professional or trade association;
- g) Membership of a trade union;
- h) Sexual preferences or practices;
- i) Criminal record; or
- j) Health information about an individual.

Social Media means social network websites, personal websites and other applications where users build online profiles and share content (including video and photographs) with other profiles to which they choose to be linked and blogs that host and distribute user-created or user-uploaded multimedia content.

Worker has the same meaning as the term 'Worker' as per Section 7 of the *Work Health & Safety Act 2012* (Tasmania). This means a person who carries out work in any capacity for the Company, including work as: (a) an Employee; (b) a contractor or subcontractor; (c) an employee of a contractor or subcontractor; (d) an employee of a labour hire company who has been assigned to work in the person's business or undertaking; (e) an outworker; (f) an apprentice or trainee; (g) a student gaining work experience; (h) a volunteer; or (i) a person of a prescribed class.