

Right to Information Act 2009

Information Disclosure

Policy

January 2026

This Policy applies to all officers of Treasury, external boards and committees with access to information held or collected by Treasury and where applicable any contractors or consultants.

It also applies to Treasury officers who support the following independent statutory bodies:

- the Tasmanian Economic Regulator;
 - the Tasmanian Liquor and Gaming Commission;
 - the Tasmanian State Grants Commission; and
 - the Tasmanian Superannuation Commission.
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1 Purpose

The Department of Treasury and Finance (Treasury) holds information, for and on behalf of the Crown, in order to perform its functions and those of its Ministers. Treasury is a public authority as defined under the *Right to Information Act 2009* (the Act).

Section 23 of the Act requires principal officers of public authorities to prepare and promulgate policies and procedures for the release of information under the Act. This Policy is issued in compliance with the Act and explains the disclosure policy and processes in Treasury for the four types of information disclosure specified in the Act.

This Policy meets the requirements for policies and procedures specified in section 23 of the Act. It has been developed to:

- a. be used within Treasury; and
- b. enable relevant details of the Act to be published and made available to the public.

2 Scope

This Policy applies to all officers of Treasury, and where applicable, any contractors and consultants.

This Policy covers the four types of information disclosure identified in section 12(2) of the RTI Act:

- required disclosure;
- routine disclosure;
- active disclosure; and
- assessed disclosure.

This Policy does not apply to requests for personal information by an individual to whom the personal information relates. These requests should be dealt with under the *Personal Information Protection Act 2004*.

3 Definitions

active disclosure	A voluntary disclosure of information by a public authority or a Minister in response to a Request for Information.
assessed disclosure	A disclosure of information by a public authority or a Minister in response to a Request for Information from a person made under Division 2 of Part 2 of the RTI Act.
delegated officer	Officers delegated under section 24 of the Act to make a decision on an RTI request.
exempt information	Information that is exempt by virtue of a provision of Part 3 of the RTI Act or another law.
information	Means: <ul style="list-style-type: none"> (a) anything by which words, figures, letters or symbols are recorded and includes a map, plan, graph, drawing, painting, recording and photograph; and (b) anything in which information is embodied so as to be capable of being reproduced.
information owner	The manager of the branch or business unit within Treasury responsible for the initial collation, preparation, development and publishing of the information, and ensuring the information is updated and accurate.
journalist	Any person who: <ul style="list-style-type: none"> (a) is engaged in the profession or practice of reporting, photographing, editing or recording for a media report of a news, current affairs, information or documentary nature; and (b) is paid to perform that profession or practice by a person, or body, that <ul style="list-style-type: none"> (i) is subject to a code of ethics and a procedure for the Australian Press Council, or for another person or body that is prescribed, to deal with complaints about

	<p>persons engaging in such a profession or practice; or</p> <p>(ii) ii) is the holder of a licence under the <i>Broadcasting Services Act 1992</i> of the Commonwealth.</p>
officer	A member of staff of Treasury or any person employed by or for Treasury, whether or not that person is a State Service officer or State Service employee.
Ombudsman	The Ombudsman appointed under the <i>Ombudsman Act 1978</i> .
personal information	Information or opinion in any recorded format about an individual whose identity is apparent or is reasonably ascertainable from the information or opinion: and is alive, or has not been dead for more than 25 years.
Principal Officer	The Head of Agency (the Secretary, Treasury).
public authority	<p>Means:</p> <ul style="list-style-type: none"> • an Agency, within the meaning of the <i>State Service Act 2000</i>; or • the University of Tasmania; or • the Police Service; or • a council; or • a statutory authority; or • a body, whether corporate or unincorporate, 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 <i>Government Business Enterprises Act 1995</i>; or • a council-owned company; or • State-owned company.

request for information	A request for information by assessed disclosure under the RTI Act.
required disclosure	A disclosure of information by a public authority where the information is required to be published by the RTI Act or any other Act, or where disclosure is otherwise required by law or enforceable under an agreement.
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.
RTI Act	<i>Right to Information Act 2009</i>

4 Policy Statement

Section 7 of the Act gives a person a legally enforceable right to be provided with official information in the possession of Treasury, unless the information is exempt information.

Information management is the responsibility of all officers and it is also critical to enable disclosure of information under the RTI Act.

All officers are responsible and accountable for:

- keeping records of all official information produced, received or acquired;
- making records to support what they do; and
- registering documents in Treasury's record management system (CM).

Treasury delegated officers involved in the release of information to the public will make decisions which are consistent with the objects and provisions of the RTI Act and with any Manual and Guidelines issued by the Ombudsman (refer www.ombudsman.tas.gov.au).

4.1 Object of the Right to Information Act 2009

It is the object of the Act to favour active disclosure of information wherever possible.

Section 3 of the Act includes this statement of the object of the Act:

1. *The object of the RTI Act is to improve democratic government in Tasmania:*
 - a) *by increasing the accountability of the executive to the people of Tasmania;*
 - b) *by increasing the ability of the people of Tasmania to participate in their governance; and*
 - c) *by 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.*
2. *This object is to be pursued by giving members of the public the right to obtain information held by public authorities and Ministers about the operations of government.*
3. *This object is also to be pursued by giving members of the public the right to obtain information about the operations of government.*
4. *It is the intention of Parliament -*
 - a) *that this Act be interpreted so as to further the object set out in subsection (1); and*
 - b) *that discretions conferred by this 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.*

In addition, section 12 of the RTI Act provides that:

This Act does not prevent and is not intended to discourage a public authority or a Minister from publishing or providing information (including exempt information), otherwise than as required by this Act.

5 Related Legislation, Policies and Documents

The [Ombudsman Guideline 3/2010 - Guideline in relation to process of disclosing information under each type of information disclosure](#) - sets out matters to take into account when deciding what information could be routinely disclosed.

The following legislation and related documents are also relevant:

- a. *Right to Information Act 2009 and associated regulations*
- b. *Personal Information Protection Act 2004 (PIP Act)*
- c. *State Service Act 2000*
- d. *Archives Act 1983*
- e. Right to Information Manual and Guidelines issued by the Ombudsman Tasmania
- f. Treasury RTI Disclosure Log
- g. Treasury Records and Information Management policies and guidelines
- h. *Tasmanian Government Corporate Brand Identity and Communications Policy*

6 Principles

The following principles will guide Treasury officers in making decisions about what information is released and the method of making that information available.

- Treasury will make official information in its possession publicly available when it is relevant, appropriate and in the public interest to do so and not subject to an exemption set out in the RTI Act. Some of the information that Treasury holds is not able to be released because it is:
 - a. information by its nature that is exempt from release;
 - b. contrary to the public interest to release; or
 - c. prevented by other law to be released.
- Applications for personal information by an individual to whom the personal information relates will be dealt with under the PIP Act.

7 Procedures for types of disclosure

7.1 Required Disclosure

Required disclosure is the disclosure of information by a public authority where the information is required to be published by legislation, or where disclosure is otherwise required by law or enforceable under an agreement.

Information subject to required disclosure could include financial statements that are required under the *Financial Management Act 2016*, the performance of the functions and the exercise of the powers of the Head of Agency (in accordance with the *State Service Act 2000*) and other reports which Treasury must make available under law.

7.1.1 Who will decide what information should be released as a required disclosure?

Treasury officers are allocated responsibility for compliance with the administration of specific Acts by the Principal Officer. These authorised officers are responsible for the release of information under those Acts.

A full list of legislation administered by Treasury can be viewed by visiting the About Us – Treasury’s Legislative Responsibilities section of the Treasury website at www.treasury.tas.gov.au/about-us/corporate-governance/our-legislative-responsibilities.

7.1.2 Process for the required disclosure of information

Authorised officers will disclose the required information in accordance with legislative requirements.

7.2 Routine Disclosure

Routine disclosure is the disclosure of information by a public authority which it decides may be of interest to the public, but where the disclosure is not one of the other three types of disclosure.

Information that is being released by way of routine disclosure will generally be available online (via the Treasury website) at no cost. Where people cannot access the information online, Treasury will provide an alternative and reasonable means of access.

If a person requires a method of accessing routinely disclosed information that incurs a cost to Treasury, they may be required to pay Treasury to access information by that method.

7.2.1 Identification of potential information types for routine disclosure

Each branch within Treasury is to annually review information it possesses and identify what information may be routinely disclosed. In addition, branches will also consider what information may be disclosed upon the completion of major projects or major tasks.

Officers should take account of the objects of the RTI Act and consider:

- What information may be material to the community – ie what is significant, relevant and meaningful?
- What information might key stakeholders and the community reasonably expect to be able to access?
- The extent of public or other demand for the information.
- How useful the information would be to the public in dealing with Treasury.
- Would publication improve the public's ability to contribute to the work of Treasury or to decision-making by Treasury?
- Would publication provide increased transparency about the operations of Treasury, such as information about Treasury expenditure?
- Would publication promote greater accountability by Treasury, for example by showing the basis of its decisions?
- Would the information promote community wellbeing?

Other questions relevant to a decision to routinely disclose are:

- Does Treasury possess or have custody of the information?
- Does the information relate to the official business of Treasury?
- Has the information been archived or is it out-of-date or otherwise inaccessible?
- Is it impracticable or resource intensive to prepare the material for routine release?
- Is the information significant - is it about important aspects of Treasury such as major projects, key initiatives or policy documents?
- Is the information preliminary or deliberative or does it represent a final and approved position or decision?

- Does the information tell the public what we do, how we do it or how we spend public money?
- Is the release of the information lawful - having regard to the RTI Act, other legislation and any other legal obligation such as an agreement or copyright?
- Is the release appropriate - having regard to issues such as privacy principles, defamation, third party and security issues?
- Is the information accurate? All efforts should be made to ensure that information is up to date and accurate.
- What is the cost and time involved in producing the information? The release of information should be at the lowest reasonable cost.
- Is the information otherwise exempt - having regard to Part 3 of the RTI Act?
- Might other legislation or case law prohibit the release of the information?
- Is it in the public interest to release - having regard to matters to be considered under Schedules 1 and 2 of the RTI Act?

7.2.2 Who will decide what types of information can be routinely disclosed?

The Principal Officer must approve types of information deemed as suitable and appropriate for routine disclosure prior to the information being published.

7.2.3 Publication of new items of routine information

Once the publication of information is approved by the Principal Officer, the publishing and subsequent updating of the information item is the responsibility of the information owner.

Within each Branch, normal processes and procedures for the publishing/uploading of information on the Treasury website apply.

Publication should be in a format that is accessible, taking into consideration the principles of availability and accessibility as outlined in the Tasmanian Government Communications Policy at www.communications.tas.gov.au/policy.

7.2.4 Who ensures that published information is kept up to date?

Once approved, the information owner is responsible for the preparation and publication of the items of routine information in the first instance, and for maintaining the currency of the information, where applicable.

7.2.5 When will information be removed from the Treasury website?

Information published as a routine disclosure may be automatically removed from the Treasury website after two years unless an earlier removal date is determined by the information owner.

7.3 Active Disclosure

Active disclosure is the voluntary disclosure of information by a public authority or a Minister in response to a request from a person made outside the provisions of the RTI Act and is not an assessed disclosure.

In general, this is the voluntary release of information on receipt of a request.

7.3.1 Who will decide what information can be actively released?

The normal Treasury clearance processes and protocols apply to the public release of information. General enquiries will be dealt with through established channels; for example telephone enquiries may be appropriate for certain simple requests but more complex requests for information may need to be dealt with in writing.

If an authorised officer determines that some or all of the information held by Treasury should not be actively disclosed, the officer will tell the person making the request and explain their rights to seek an assessed disclosure under the RTI Act.

All decisions should be made taking into account the need for a timely response and the object of the RTI Act to favour disclosure of information wherever possible.

The *Tasmanian Government Corporate Brand Identity and Communications Policy* at www.communications.tas.gov.au/policy provides general guidance about communications and should be referred to along with Treasury approval protocols.

Other applicable processes include:

a) Requests received from the media

As outlined in the *Tasmanian Government Corporate Brand Identity and Communications Policy*, with the exception of Tasmanian Government ministers, only approved agency spokespeople may speak to the media on behalf of the government.

Approval to be a spokesperson must be sought from the Secretary.

Although there are some roles within Treasury which may be an exception to this, generally where the information is being sought by the media, the officer will forward the request to the Office of the Secretary. The Office of the Secretary will liaise with the Treasurer's Office or Minister's Office and the Government Communications Office as required.

When responding to media enquiries and using government spokespersons, staff must abide by policies and protocols issued by the Government Communications Office in the Premier's Office.

b) Requests received from Members of Parliament

Where the information is being sought by a Member of Parliament, the request should be forwarded to the Office of the Secretary who will determine the most appropriate course of action.

c) The information is potentially contentious or sensitive

Where the information being sought is potentially contentious or sensitive, the request should be forwarded to the Office of the Secretary.

d) The information may include exempt information or information protected from release

Where the information being sought may include exempt information, the request should be forwarded to the Office of the Secretary.

7.3.2 Process for the active disclosure of information

Information that is publicly available can be provided orally, in hard copy or in electronic form. Any usual costs and procedures for accessing information will apply.

For requests that are not from the media or a Member of Parliament for information that is not potentially contentious, sensitive or potentially exempt or protected from release, officers will:

- direct the person to the information if it is already publicly available (including directing the person to a commercially available source if the information is available for sale);
- consider asking for a request in writing to provide greater clarity around the information being sought, and to whom the information is to be provided;
- decide whether the information can be released to the person in full or in part, taking into consideration factors such as:
 - third parties – who may have provided commercial-in-confidence information or information strictly in confidence;
 - personal information – decisions must be consistent with Treasury’s Personal Information Protection Policy and the Personal Information Privacy Protection Principles as set out in the PIP Act;
 - confidentiality – information provided in confidence (commercial or otherwise);
 - copyright or ownership of the material;
 - the exemptions¹ outlined in the RTI Act;
 - contractual obligations that may relate to the information;
 - defamation; or
 - if the information is part of an ongoing investigation or legal action,
- release any of the requested information that can be disclosed and where applicable inform the person of any relevant information that cannot be disclosed in this way and provide the person with advice on their rights to apply for an assessed disclosure under the RTI Act to obtain access to any information which cannot be actively disclosed.

7.3.3 Making information available via active disclosure

All decisions should be made taking into account the need for a timely response and the objective of the RTI Act to favour active disclosure of information wherever possible.

¹ Refer to definition of exempt information in Section 4.

Information which is prohibited from release by law will not be actively disclosed.

7.3.4 Charges for information which is actively disclosed?

Generally there is no charge for information which is actively disclosed. However, a division/business unit 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 disclosing the information (eg the information needs to be transcribed; or providing the information in the form requested is more costly than currently available form).

Charges must be based on the Costing Fees and Charges Guidelines for Use by Agencies prepared by Treasury. A copy of the guidelines is available at <https://www.treasury.tas.gov.au/budget-and-financial-management/guidelines-instructions-and-legislation/budget-guidelines>.

7.4 Assessed Disclosure

Assessed disclosure is the form of disclosure of last resort and is where information possessed by a public authority or a Minister may be disclosed following receipt of a formal application for information under section 13 of the RTI Act.

A person making a request for assessed disclosure must make the application in writing. Treasury's Application for Assessed Disclosure form and information about making an application is available on Treasury's website.

Applications for assessed disclosure for Treasury are to be emailed to:

rti@treasury.tas.gov.au

or posted to:

Right to Information Officer
Department of Treasury and Finance
GPO Box 147
Hobart TAS 7001

Applications should be accompanied by, and cannot be accepted prior to the receipt of, the application fee unless a fee waiver has been granted. This fee is set at 25 fee units². The fee may be waived if the applicant is:

- experiencing financial hardship;
- a Member of Parliament, and the application is in connection with their official duty;
- a journalist, 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.

Information which is prohibited from release by law will not be disclosed upon an application for assessed disclosure.

7.4.1 Who can make a decision on an application for assessed disclosure?

The Principal Officer and Ministers responsible for the administration of Treasury may delegate their decision-making powers for assessed disclosures. Delegated Right to Information officers are responsible for assessed disclosure decisions.

The provisions of section 24 of the RTI Act require that all delegated officers have the knowledge and skills to undertake the task of assessing applications. All delegated officers are required to undergo training to ensure a sound understanding of the RTI Act and the Ombudsman's Manual and guidelines.

7.4.2 Process for assessing an application

The process for assessing an application for assessed disclosure is outlined in the RTI Act and in the Manual and Guidelines published by the Ombudsman. The Manual also includes fundamental considerations when working with the RTI Act; refusing applications; dealing with third parties; the public interest test; and exemptions and statements of reasons.

The Ombudsman's Manual and all Guidelines are available at www.ombudsman.tas.gov.au/right-to-information.

All requests for information will be dealt with in a timely manner, taking into account the time required to assess the application and the need to consult third parties, including re-defining or transferring the application upon

² Fee units are indexed annually and information about the *Fee Unit Act 1997* and the current fees can be found on the Department of Treasury and Finance's website – <https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units>.

negotiation with the applicant. Timeframes for processing applications and negotiations are set out in the RTI Act.

An application for assessed disclosure may be transferred in full or in part to another public authority or Minister where the subject matter of the application is more closely connected with the functions of another public authority or Minister, or where that other public authority is the custodian of that information.

7.4.3 Search and retrieval of information

Upon receipt of a request for assessed disclosure, the delegated officer will liaise with information owner/s and branches responsible for the management of the information. The responsibility for searching and producing the information to be assessed is the responsibility of the delegated officer.

All information, whether potentially exempt or not, must be disclosed to the delegated officer.

Section 50(2) of the RTI Act provides that it is an offence to deliberately fail to disclose information which is the subject of an application for assessed disclosure of information, in the circumstances where the information is known to the person to exist, other than where non-disclosure is permitted in accordance with the RTI Act or another Act. A penalty of up to a maximum fine of 50 penalty units applies to any breaches.

7.4.4 Providing a written decision

The delegated officer responding to an application for assessed disclosure must provide the applicant with a written decision that explains:

- the information in Treasury's possession;
- whether or not the information is released;
- the reasons for any exemptions; and
- the applicant's rights to seek a review of an assessed disclosure decision.

7.4.5 Review provisions

Review provisions are contained in Part 4 of the RTI Act. Internal review is not available for decisions made on behalf of a Minister, but external review by the Ombudsman may be sought. To request a review of a reviewable decision by a delegate of the Principal Officer, the applicant must apply to the Principal Officer within 20 working days. Applicants may subsequently seek an external review by the Ombudsman.

8 Publication Policy

8.1 Assessed Disclosure

In relation to assessed disclosures, Treasury may publish certain information released in response to a request for assessed disclosure of information made under the RTI Act where publication is considered to be in the public interest. Such information will be accessible via the RTI disclosure log at <https://www.treasury.tas.gov.au/about-us/corporate-governance/right-to-information/right-to-information-disclosure-log>.

The RTI disclosure log makes information released to an applicant available to a wider audience and increases Government transparency and accountability. The RTI disclosure log includes:

- the date on which the information was released;
- a summary of the request for information, as this gives context to the nature of the released information;
- the category of the applicant (ie Member of Parliament; media representative; organisation; private individual);
- Where the category of applicant is a Member of Parliament, the RTI disclosure log will indicate whether the application is on behalf of a constituent or other person.
- the information released which is considered to be in the wider public interest;
- where appropriate, supplementary contextual information providing greater balance or depth to the response to the request if necessary.

8.1.1 Determining what information to publish on the Treasury website

Only the Principal Officer may determine whether publication of information disclosed in response to an application for assessed disclosure is in the public interest. Applicants should note that:

- if they seek and are granted a waiver of the application fee on the basis of general public interest, and it is determined that the information is in the broader public interest, publication of the released information is likely;
- their identity will not be published (the category of applicant will be published, ie Member of Parliament, media representative, private individual);
- a summary of the application will be published, to provide context to the nature of the released information;

- only information that is considered to be in the broader public interest will be published;
- applicants' personal information will not be published; and
- exempt information of a commercial or confidential nature will not be published.

8.1.2 Advice to applicants and third parties

Applicants will be advised in the letter acknowledging their application that information released to them may later be published on the RTI disclosure log. Any third parties consulted during the assessment process will also be advised of this possibility. The applicant or third party may wish to provide their views regarding the potential publication of the information on the RTI disclosure log.

8.1.3 Discretion not to publish

The Principal Officer retains discretion not to publish some or any of the information which has been released to an applicant. Factors to be considered may include:

- whether the personal information of an individual would be apparent from the information;
- whether the business affairs of a third party would be revealed;
- whether the information has been redacted so significantly that it would be very difficult to discern its meaning; or
- whether the information is so voluminous that it would not be practicable to publish.

While information released to an applicant may contain that applicant's personal information, it would not be reasonable to publish that personal information.

The following information will also generally not be published:

- the direct telephone number or signature of an officer;
- pages from which the content has been fully redacted;
- information about the business, commercial, financial or professional affairs of any person; or
- confidential information relating specifically to the applicant.

8.1.4 What if the released information is subject to an internal or external review?

If only partial information is provided to the applicant, but this is later changed following an internal or an external review, that additional information will then be published on the RTI disclosure log.

Where practicable, the information released will be scanned and made available online in a PDF format.

8.1.5 Timing of disclosure

Where a Principal Officer or delegated officer decides to disclose released information, it will be disclosed, where practicable, within two working days of advising of the decision to release.

If the information released is extensive or voluminous, it may be released progressively, with a note indicating that this is the case.

8.1.6 Tenure of information in RTI disclosure log

Information may be removed from the RTI disclosure log after 12 months unless the information has enduring public value.

9 Review of Information Disclosure Policy

This Information Disclosure Policy will be reviewed at least every three years, or earlier if necessary.

10 Contact Details

rti@treasury.tas.gov.au

or

Right to Information Officer
Department of Treasury and Finance
GPO Box 147
Hobart TAS 7001