



# Tiwi Islands Regional Council

**Title:** Confidentiality Policy  
**Policy No:** 39  
**Adopted By:** Council  
**Next Review Date:** October 2019  
**Responsibility:** Chief Executive Officer/Human Resource Manager  
**InfoXpert Document Number** 208973

Version	Decision Number	Adoption Date	History
1	Resolution 17 of 25-10-2017	25 October 2017	Original

As an employee, elected member and committee member of the Tiwi Islands Regional Council you may be exposed to confidential information. Confidential information is not to be disclosed unless prior written approval is given by the Chief Executive Officer or another officer given delegated authority by the CEO.

**“Confidential Information”** means any and all confidential information, data, reports, operations, dealings, records, materials, plans, statistics, finances or other contracts and things (other than a contract or thing which is already in the public domain), whether written or oral and of whatever type or nature relating to property, assets, liabilities, finances, dealings or functions of Tiwi Islands Shire Council or any undertaking from time to time carried out by the Tiwi Islands Regional Council.

As an Employee of the Council you are required to not disclose confidential information during and after the term of your employment or make use of or disclose any confidential or sensitive information or divulge the affairs of Local Government knowledge which is gained in the course of your employment with the Shire, except as far as:

- 4.4.1 it may be required by law,
- 4.4.2 or to the appropriate regulatory body if an offence has been committed breaking any federal or territory laws, but only so long as you have exhausted the appropriate reporting channels.

Disclosure to the media directly or indirectly is never permitted unless with CEO approval.

Breaching this policy may result in disciplinary action including dismissal if deemed appropriate as per section Part 7.3 of *Local Government Act*.



# Tiwi Islands Regional Council

## Part 7.3 Confidential information

### 75 Improper disclosure of information

- (1) A person who discloses confidential information acquired as a member of a council, a local authority, a local board or council committee is guilty of an offence.

Fault elements:

- (a) the person makes the disclosure intentionally or recklessly; and
- (b) the person knows or ought to know that the information is confidential.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (2) However, this section does not prevent the disclosure of confidential information:

- (a) for the purposes of carrying out functions as a member of the council, local authority, local board or council committee; or
- (b) as authorised by the person to whom the duty of confidence is owed; or
- (c) to a court or tribunal; or
- (d) to a law enforcement agency; or
- (e) to an inspector.

### 76 Improper use of information

- (1) A person who makes improper use of information acquired as a member of a council, local authority, local board or council committee is guilty of an offence.

Fault element: Intention.

Maximum penalty: 400 penalty units or imprisonment for 2 years.

- (2) A person makes improper use of information if the person uses it to gain some private benefit, or to inflict harm on another.



## Tiwi Islands Regional Council

By signing this document you agree with the terms dictate above and not disclose any confidential information.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_