

1. RACGP Access to Information and RACGP Documents Policy

- 1.1 Policy number: CO-O-066.0
- 1.2 Category: Organisational
- 1.3 Approval date: February 2016
- 1.4 Revision date: February 2019
- 1.5 Unit responsible Office of the President and CEO

2. Policy declaration

Individuals interacting with the RACGP have different rights to access its documents. This policy details those rights and obligations, and provides guidelines for managing requests for access.

This policy is authorised by the CEO and endorsed by Council.

3. Background

3.1 Access to information

The RACGP's information is proprietary and valuable to the RACGP, and disclosure may be adverse to its interests. The RACGP as a company it is also subject to corporate regulation, under which there are several obligations requiring provision in certain circumstances. A breach of these regulations may carry sanctions.

Generally, only directors (Councillors) have the right to access a company's information.

It is expected all relevant and pertinent materials will be provided to Councillors during or in connection with board meetings. However, where further RACGP Information is sought or is sought by non-Councillors, Fellows, members or the public, access to that information will be provided in accordance with this Policy.

3.2 Objectives

This Policy aims to assist in the management of requests for RACGP Information.

3.3 Scope

This Policy applies to any request for RACGP Information, whether or not designated confidential, made to the RACGP by Councillors, members, employees or contractors (including members who are engaged in these capacities).

3.4 Out of scope

This Policy does not apply to documents:

- A. covered by professional privilege, or
- B. involved in any actual, anticipated or expected proceeding involving the RACGP.

4. Definitions

In this Policy:

RACGP Information means all RACGP information, documentation and materials not otherwise available on its website or to the public. It includes the RACGP's books, company registers, financial reports or records, and all other related information and materials, in both hardcopy and electronic formats.

Corporations Act means the *Corporations Act 2001* (Cth)

Member has the meaning given to the term 'member' in clause 110(a)(xvi) of the Constitution.

Other terms used in this Policy have the meaning given to them in Part 11.9 of the Constitution. In the event of any inconsistency between this Policy and the Constitution, the Constitution prevails.

All references in this Policy are to this Policy itself, unless otherwise indicated.

5. General Principles

5.1 General rule of access

The right to access RACGP Information is limited to:

- A. subject to clause 5.2, current Councillors, or
- B. subject to clause 5.3, former Councillors,
- C. subject to clause 5.4, current members.

This right is limited to access only, and unless agreed with the RACGP's Chief Executive Officer no reproduction or provision of original RACGP Information is permitted.

5.2 Councillor limitations on access

Councillor access to RACGP Information is necessarily limited to those documents they require to satisfy their duties, as required by law or as permitted by instrument between the RACGP and the Councillor. Clauses 5.6, 5.7 and 5.8 do not apply to this extent.

However, Councillors do not have an unlimited right of access. Requesting access for any other purposes may breach the Councillor's duties to not misuse RACGP Information and/or their position.

5.3 Former Councillors limitations on access

Former Councillors do not have an unlimited right to access the RACGP Information. Access is necessarily limited to that required by law or permitted by instrument between the RACGP and the Councillor.

5.4 Member limitations on access

Members do not have any rights to access RACGP Information, except as required by law, or in extraordinary or extenuating circumstances as determined by the CEO.

5.5 Other requests

Non-members do not have any rights to access RACGP Information, except as required by law.

5.6 Requests for RACGP Information

Requests for RACGP Information must be accompanied with sufficient information detailing:

- A. the nature of the information sought;
- B. the purpose for which the information is sought; and
- C. when access is sought (such time and date must incorporate a reasonable notice period).

5.7 **Determination of request**

A request for RACGP Information must be considered by the relevant General Manager. Councillor requests must be considered by the Chief Executive Officer. The Chief Executive Officer may provide the request to the Chair of Council for their deliberation.

Determination of whether or not to provide access to RACGP Information should include consideration of the following (as relevant):

- A. the potential the RACGP Information may actually be required by the RACGP during the requested periods;
- B. any difficulties or costs connected to providing the RACGP Information and/or access to the same (especially outside of standards business hours);
- C. any impact accessing the RACGP Information may have on the RACGP's productivity and effective management;
- D. any relevant confidentiality or privacy concerns surrounding the RACGP Information; and
- E. the benefits to the RACGP of providing the information .

Requests for access to RACGP Information will be assessed on a regular basis, unless required by law or deemed urgent. If access is granted, consideration must be had to:

- F. any predetermined periods for access;
- G. enabling sufficient time for the RACGP Information's collation;
- H. any physical access requirements;
- I. any electronic limitations; and
- J. any other issue material to the request.

5.8 **RACGP retains ultimate discretion**

Unless obligated under a provision of this Policy, by law or by another instrument permitting access to the requesting individual, the RACGP retains an unfettered discretion to determine whether to provide the RACGP Information or not.

5.9 **Confidentiality**

All RACGP Information is confidential to the RACGP, and access is made only under obligations of confidentiality. RACGP Information is proprietary and valuable, and unauthorised disclosure may damage the RACGP's interests.

The accessing individual must keep the RACGP Information confidential at all times. Unless required by law, the accessing individual must not directly, indirectly or inadvertently disclose it to any other person without the RACGP's prior written consent.

5.10 **Conditions of access**

When on the RACGP's premises, individuals must comply with all RACGP policies, and all relevant and reasonable RACGP directions and procedures, as notified by the RACGP or as may reasonably be inferred as relevant by the context.

Access may be made conditional on the requesting individual signing a confidentiality agreement.

6. Responsibilities of RACGP personnel

6.1 Councillors

The Chair of Council is responsible for enforcing this Policy within Council. All Councillors are responsible for supporting management in dealing with member requests for access to RACGP Information.

6.2 Senior Leadership Team

The Senior Leadership Team is responsible for assessing access requests to RACGP Information, and elevating to the Chief Executive Officer and/or Council (as required or appropriate).

6.3 Staff

All staff are responsible for promptly notifying their General Manager of any access requests to RACGP Information.

7. Non-compliance with this Policy

A failure to comply with this Policy may be met with disciplinary proceedings.

8. Related policies, documents and legislation

8.1 Policies

Nil.

8.2 Documents

Nil.

8.3 Legislation

Corporations Act 2001 (Cth)

9. Administrative procedures

9.1 Access to published policy

This policy will be available via the RACGP intranet and website.

9.2 Promulgation of published policy

Relevant staff members will be provided communications explaining the function and role of this Policy.

9.3 Review of this policy

This policy will have a review cycle of 3 years.