

## What citizens' legal rights to information and privacy mean for CEOs

| Right to Information Act   | Information Privacy Act  |
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| <p>The RTI Act requires all documents of an agency or Minister to be open unless there is a specified reason for them not to be e.g. Cabinet confidentiality.</p>  | <p>The Privacy Principles govern how Ministers and agencies collect, store, use, and disclose personal information. If a Minister or agency fails to comply with their privacy obligations, there is the capacity for the affected person to be awarded up to \$100,000 in compensatory damages.</p> |
| <p>The RTI Act requires disclosure of documents even if they may cause embarrassment to the Government or may result in mischievous conduct by the applicant e.g. media publishing a misleading report.</p>  | <p>The Privacy Principles apply to all personal information held by a Minister or an agency with some limited exceptions, such as information which is publicly available.</p>   |
| <p>The decision about whether to disclose information under the RTI Act must be made in accordance with legal requirements. The RTI Act safeguards the independence of decision-makers by making it an offence to direct them to make a decision they do not believe is correct.</p>   | <p>Ministers are authorised to receive personal information held by departments when they need it to perform their ministerial role. The department does not breach the privacy principles when it gives information to its Minister for this purpose.</p>   |
| <p>The RTI Act gives a right of access to Government information. The RTI Act intends that Government information will be released administratively as a matter of course, unless there is a good reason not to. <i>Requested information should be released if at all possible without requiring a formal access application.</i></p> | <p>Privacy considerations should be addressed early in policy and project development to ensure optimal outcomes and efficiencies. OIC can assist agencies to problem solve any issues as they arise.</p>  |
| <p>Maximum disclosure of information to the community requires agencies to identify new data sets and information that can be proactively released and published in an accessible format. Agencies need to be aware of what information they hold and what the community wants to know and use.</p>                                    | <p>Privacy is not about secrecy; it is about ensuring that personal information is protected in a way that allows government to carry out its functions.</p>   |

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