
Document Information Disclosure - new Governance Policy

Author:	Jordan Carter, Chief Executive
Purpose of paper:	To seek Council adoption of a new Document Information Disclosure governance policy under the PDP.

Council considered a draft Document Information Disclosure policy at its meeting in February 2016.

In discussion Councillors considered the paper and as per the minutes:

Discussions were held responding to the draft Policy, including on what can be considered as a confidential paper and whether the Policy also covers information that can be withheld due to privacy reasons, such as personal matters as per the Privacy Act.

I have updated the policy following the discussion at the last meeting as follows:

- Clause 1.5 - amended to clarify that personnel matters are also excluded from coverage.
- Clause 1.6 - amended the date from which the policy applies to 1 July 2015, to allow time for the administrative systems required to be developed and put in place.
- New clause 2.3 - added to specify that an 'item' is any paper or document sent to Council and will be read widely (i.e. only excluded items specified in section 5 are excluded).
- Clause 3.1 - amended to include the reasons an item is confidential in the register.

These updates incorporate the feedback received from Council. There has been no feedback from members. The prior discussion has covered in substance the requirements of the PDP, and so the policy is ready for adoption.

Recommendation

THAT Council approves the Council Governance Policy - Document Information Disclosure, with the "Date In Force" to be 1 June 2016.

Jordan Carter
Chief Executive

Document Information Disclosure Policy

Policy	CNL-DID: Document Information Disclosure Policy
Version	1.0
Date in force	1 June 2016
Planned review	1 June 2018

1 Introduction

- 1.1 This policy sets out the Council's Document Information Disclosure process.
- 1.2 It is an InternetNZ Governance Policy, and applies to InternetNZ.
- 1.3 It explains how the Council will manage confidential information, and when and how that is then disclosed to the public.
- 1.4 The approach this DIDP takes is to default to openness and only to withhold information when there is a particularly significant reason to do so. In that event, any withholding will be time specified and reviewed to check whether it may now be released.
- 1.5 Nothing in this DIDP will require the Council to disclose information that is protected under the Privacy Act or that relates to personnel matters.
- 1.6 This policy will apply to documents that were submitted to Council on or after 1 July 2015.

2 Submitting Confidential papers to Council

- 2.1 InternetNZ staff or Subsidiaries may submit to the Council items that are clearly marked as Confidential, and specify the timeframe that that item must be withheld from the public.
- 2.2 This status is for matters that are truly confidential, for example:
 - 2.2.1 To protect the privacy of members (e.g. when lists of new members are approved) or other people
 - 2.2.2 To protect the organisation's ability to act (e.g. if legal advice or tactics/strategy were being discussed related to a dispute or campaign)
 - 2.2.3 To protect the organisation's reputation or ability to function (e.g. if a security flaw was discovered, or an employment dispute was being managed, or a newly-realised operational risk was being tackled)
 - 2.2.4 To protect the organisation's commercial interests (e.g. negotiation of a lease for premises)
 - 2.2.5 As required for the proper administration of the .nz ccTLD (e.g. recommendations to change the wholesale fee for domain names from DNCL and NZRS are confidential until the decision is made).

- 2.3 An “item” for this policy is any sort of document presented to Council for its consideration or agreement – examples include a policy document, a report, draft correspondence, a review. Unless something is excluded (see section 5) it will be counted as an “item” covered by this Policy.
- 2.4 If no timeframe is specified, the default release will be two years later. Two years is the maximum time before review.
- 2.5 In doing so, the author of the item must justify why that item is Confidential and why the specified time period for that status is required.
- 2.6 The Chief Executive must approve any item being lodged as a Confidential item, and satisfy themselves that it meets the threshold and reasons for confidentiality set out in this policy before giving such approval.
- 2.7 Any Confidential items for the Council will be distributed to Council separately from the rest of the documentation for the Council Meeting, and will not be provided to the public in advance of that Council Meeting.
- 2.8 Councillors may challenge the justification for Confidential status of an item. They could make a decision to release such an item by resolution. In the event that such a resolution is passed and the paper is no longer Confidential, it will be released to the public alongside the Minutes from the Council Meeting.

3 Administration, review and disclosure

- 3.1 InternetNZ staff will keep a register of all Confidential items, the grounds on which they are Confidential, and their specified timeframe for being withheld.
- 3.2 At each Council meeting, staff will make a recommendation as to which pending items should be released, and which should continue to be withheld beyond the initial timeframe. Staff will develop the recommendation in consultation with the item’s author.
- 3.3 The only justification for continued Confidential status beyond the maximum / default two-year period would be that release would be seriously prejudicial to InternetNZ. An extension could only be authorised by Council resolution specifying what the item is and why release would be seriously prejudicial.
- 3.4 Items that are no longer Confidential will be published on a page on the InternetNZ website following the Council meeting, and indication will be made in the minutes of the meeting and in notice of the minutes that the material has been released.

4 Appeals

- 4.1 If anyone believes that a document should be disclosed because they do not agree it should have been confidential (i.e. that this policy has been mis-applied), or for any other reason, the Council will consider the request on a case-by-case basis.
- 4.2 In general, the Council will seek to interpret this policy with a bias towards being as “open as is possible”.

5 Excluded material

- 5.1 For clarity, the following information is not covered by this policy:
 - 5.1.1 The Council’s email lists
 - 5.1.2 Staff email
 - 5.1.3 Staff drafts of documents, where finals do get released or where the documents are never presented to Council