Right to Information (RTI) Policy

What is Right to Information?

Tasmania's *Right to Information Act 2009* *(RTI Act Tasmania)* commenced on 1 July 2010 and provides for greater access to information held by government bodies by:

- authorising and encouraging greater active disclosure of information held by public authorities in response to informal requests without the need for applications
- authorising and encouraging greater routine disclosure of information held by public authorities without the need for requests or applications
- giving members of the public an enforceable right to information held by public authorities
- providing that access to information held by government bodies is restricted in only limited circumstances which are defined in the Act.
- A copy of the Act is available on the Tasmanian Government Legislative database.

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1. Purpose

The purpose of this policy is to provide guidance on the management of information disclosure by Education Regulation (education regulators) to comply with the requirements of the *Right to Information Act 2009 (the Act)*.

Education Regulation includes the following education regulators: Tasmanian Assessment, Standards and Certification Board (TASC), Teachers Registration Board (TRB), Non-Government Schools Registration Board (NGSRB) and the Office of the Education Registrar (OER).

The Director Education Regulation (Registrar) is the Principal Officer for the purposes of the *Right to Information Act 2009 (RTI Act)*. The position of Education Registrar is a Statutory Position established under Section 218 of the *Education Act 2016*. The Director Education Regulation holds the functions of the Education Registrar outlined in the *Teachers Registration Act 2000* and the *Tasmanian Assessment, Standards and Certification Act 2003.*

Within this policy, references to 'Education Regulation' and 'education regulators' are used frequently and refer to the regulators that make up Education regulation as noted above.

2. Scope

This policy applies to all State Service Officers, and where applicable, any contractors and consultants.

This policy applies to the disclosure of information in accordance with the *RTI Act*, including the four types of information disclosure identified in section 12(2) of the Act:

- **Required** disclosure
- **Routine** disclosure
- **Active** disclosure
- **Assessed** disclosure

Education Regulation may need to disclose information outside of the RTI Act, such as when compelled by Parliament, the Courts, a Commission of Inquiry, or other legislation. This policy does not apply to these situations.

3. Legislation

This policy meets the requirements for policies specified in section 23 of the *Right to Information Act 2009 (RTI Act)*. They have been developed to:

a) be used within the education regulators; and
b) enable relevant details of the RTI Act to be published and made available to the public.

Section 23 of the *Right to Information Act 2009* (RTI Act) requires principal officers of public authorities to develop and promote policies and procedures for releasing information under the Act.

This policy and accompanying procedure meet that requirement by outlining Education Regulation's approach to information disclosure and explaining the processes for the four types of information release provided for under the RTI Act.

4. Policy Statement

The *Right to Information Act 2009* (RTI Act Tasmania) exists to give people a legally enforceable right to be provided with information in the possession of government in Tasmania, unless it is exempt information, which is exempt by its nature or contrary to the public interest[1] to disclose the information.

Effective information management is the responsibility of all State Service officers and is essential to support the lawful disclosure of information under the RTI Act. Education Regulation is committed to fulfilling its obligations under the RTI Act to achieve the purposes set out at section 3 of *RTI Act.*

All officers are responsible and accountable for:

- making records to support what they do
- keeping records of all official information produced, received or acquired.
- ensuring information is accessible when it is lawful to do so.

Delegated officers within Education Regulation who are responsible for the release of information must make decisions in accordance with the objects and provisions of the *Right to Information Act 2009.*

4.1 Object of the Right to Information Act 2009

The object of the *RTI Act* is to favour active disclosure of information wherever possible.

Section 3 of the *RTI Act* provides:

1. The object of this Act is to improve democratic government in Tasmania –
   a) by increasing the accountability of the executive to the people of Tasmania; and
   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.
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(1) of the Act provides:

5. 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.

[1] As defined in Ombudsman's RTI Manual (Tas 2010) "The "public interest" here refers to the wider public good, not to what the public might find interesting."

5. Principles

The following principles[2] guide Education Regulation in making decisions about what information is disclosed and the method of making that information available.

- **Transparency:** ensuring information is made accessible wherever possible.
- **Fairness:** ensuring decisions regarding information requests are impartial and consistent.
- **Efficiency:** ensuring requested information is provided in the least amount of time possible.
- **Confidentiality:** safeguarding personal and sensitive information with careful application of exemptions and with regard to relevant legislation.

Education Regulation will make official information in their possession publicly available when it is relevant, appropriate and in the public interest to do so, and where information is not subject to an exemption set out in the Act. Some of the information that the education regulators hold is not able to be disclosed because it is:

1. Information that, by its nature, is exempt from disclosure;
2. contrary to the public interest to disclosure; or
3. prevented by other law or agreements to be disclosed.

Applications for personal information by an individual to whom the personal information relates will be dealt with under the *Personal Information Protection Act 2004 (Tas)*.

6. Types of Disclosures

6.1 Required Disclosure

Required disclosure is the disclosure of information by a public authority where (1) the information is required to be published by legislation, or (2) where disclosure is otherwise required by law or enforceable under an agreement, including statutory publications such as Annual Reports.

6.2 Routine Disclosure

Routine disclosure is the disclosure by a public authority of information that it is not legally required to publish, but that may be of interest to the public. Routine disclosure makes commonly requested or useful information publicly available without the need for a formal request. This information will generally be available online.

Refer to each regulator's website:

- www.oer.tas.gov.au
- www.tasc.tas.gov.au
- www.trb.tas.gov.au

Where people cannot access the information online, the education regulators will provide an alternative and reasonable means of access. If a person requires a method of accessing the information that incurs a cost, they may be required to pay to access the information by that method.

[2] Page 8 - Right to information Policy (DPAC) - https://www.dpac.tas.gov.au/__data/assets/pdf_file/0028/464068/Right-to-Information-Information-Disclosure-Policy-2025-4.PDF

6.3 Active Disclosure

A disclosure of information by an Agency or a Minister in response to a request from a person made otherwise than under section 13 of the RTI Act. A voluntary release of information on a receipt of a request.

6.4 Assessed Disclosure

Assessed disclosure of information by an Agency or a Minister in response to an application pursuant to section 13 of the RTI Act. In these circumstances, the Act requires the information to be assessed against legislative criteria, including exemptions and the public interest test, before a decision on disclosure is made. Assessed disclosure is the form of disclosure of last resort.

Process for making an application for assessed disclosure

TRB, NGSRB and OER applications

A person making a request for assessed disclosure must make the application in writing by completing an *Application for Assessed Disclosure*[3] available from Right to Information - Department for Education, Children and Young People.

Applications for assessed disclosure are to be sent to:

Right to Information Officer Legal Services

Department for Education, Children and Young People (DECYP)

GPO Box 169 HOBART TAS 7001, or

Email: RTI.PIP@decyp.tas.gov.au

TASC applications

For TASC applications use Right to Information request form and send by email to enquiries@tasc.tas.gov.au or by post to GPO Box 333, Hobart TAS 7001

Applications must be accompanied by the application fee (detailed on the Application for assessed disclosure form). This fee is 25 fee units[4]. The fee may be waived if the applicant is:

- impecunious (in financial hardship); or
- a Member of Parliament, and the application is in connection with their official duty; or
- a member of the media or journalist acting in connection with their professional duties; or
- able to show that the information sought is intended to be used for a purpose that is of general public interest or benefit.

[3] https://publicdocumentcentre.education.tas.gov.au/library/DoE Form Library/Application-for-Assessed-Disclosure.pdf

[4] 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. Refer http://www.treasury.tas.gov.au.

7. Roles and Responsibilities

All State Service Officers have a responsibility to make information available where appropriate.

It is the responsibility of the Boards (TASC, TRB, NGSRB), Education Registrar (OER), and leadership teams to promote access to information.

It is the responsibility of Principal Officers/Delegated Officers to make decisions regarding RTI applications for Assessed Disclosure and make decisions within statutory timeframes, keeping in mind the objects of the RTI Act, other relevant legislation and guidelines issued by the Ombudsman.

All officers within an Agency are responsible and accountable for:

- making records to support what they do
- keeping records of all official information produced, received or acquired.
- ensuring information is accessible when it is lawful to do so.

It is the responsibility of Principal Officers/ Delegated Officers to make decisions regarding RTI applications for Assessed Disclosure and make decisions within statutory timeframes, keeping in mind the objects of the RTI Act, other relevant legislation and guidelines issued by the Ombudsman.

Detailed responsibilities are set out in the Right to Information Procedure – for Education Regulation. (hyperlink to insert)

8. Relationship between the Right to Information Act 2009 and the Personal Information Protection Act 2004

The *Right to Information Act 2009* and the *Personal Information Protection Act 2004* serve distinct purposes. The RTI framework is designed to promote transparency and accountability in government by enabling public access to official information in the public interest. It is not intended to be the primary mechanism for individuals seeking access to their own personal information. Requests for personal information are generally more appropriately managed under the PIP Act, which provides individuals with a right to access and correct their personal information without the formality, public interest balancing, or application fees associated with RTI. Where reasonable, RTI requests that pertain to an individual's own personal information will be handled under the PIP Act instead.

9. Related legislation, policies and procedures

- Right to Information Act 2009 (Tasmania)
- Right to Information Regulations 2021 (Tasmania)
- Right to Information Procedure – for Education Regulation

Disclosure of information is governed primarily by the *Right to Information Act 2009 (Tasmania)*, however the following legislation and related documents are also relevant in application of the Act:

- Personal Information Protection Act 2004 (Tasmania)
- State Service Act 2000 (Tasmania)
- Archives Act 1983 (Commonwealth)
- *Department of Premier and Cabinet (DPAC) (Tasmania)* - Right to Information - Information Disclosure Policy and Procedures 2025.

- Tasmanian Government Corporate Brand Identity and Communications Policy
- Department for Education, Children and Young People (DECYP) Records and Information Management policies and guidelines

Ombudsman guidelines and manual[5]

- Available via https://www.ombudsman.tas.gov.au/right-to-information

TASC Information Protection and Access webpage

- https://www.tasc.tas.gov.au/about/policies/information-protection-and-access/

10. Definitions

For the purposes of this policy the following definitions apply:

TERM	DEFINITION
Active disclosure	A voluntary disclosure of information by a public authority or a Minister in response to a request from a person made otherwise than under section 13 of the Act.
Assessed disclosure	A disclosure of information by a public authority or a Minister in response to a request from a person made under section 13 of the Act. Application for assessed disclosure is the method of last resort.
Delegated officer	Officers delegated under section 24 of the Act to make a decision on an application for assessed disclosure or to undertake an internal review of a decision.
Education Regulation	Tasmania's four Education Regulators (the Regulators') comprise the Teachers Registration Board (TRB), the Tasmanian Assessment, Standards and Certification Board (TASC), the Non-government Schools Registration Board (NGSRB) and the Registrar, Education. The Office of the Education Registrar (OER) supports the Registrar, Education to perform statutory functions under the *Education Act 2016* and operates independently of the Department for Education, Children and Young People (DECYP). Since July 2025, the Education Regulators have embraced a unified Board Member appointment model, bringing together the expertise of seven board members across three independent Boards, the TRB, TASC and NGSRB. While the boards share governance arrangements, each regulator is established under its own legislation and exercises its statutory functions independently. Together, the regulators are responsible for: • regulating the teaching profession in Tasmania • regulating senior secondary course accreditation, assessment, standards and certification • regulating non-government schools and making decisions relating to the registration of non-government schools

[5] Available via Right to Information (RTI) | Ombudsman Tasmania https://www.ombudsman.tas.gov.au/right-to-information

- administering home education and other statutory functions under the *Education Act 2016*.

Exempt information	Information that is exempt as set out in Part 3 of the Act
Information	Means: a) anything by which words, figures, letters, or symbols are recorded and includes a map, plan, graph, drawing, painting, recording, and photograph; b) anything in which information is embodied so as to be capable of being reproduced; and c) information which relates to the official business of the education regulators and excludes information which is in the possession of the regulators for the sole purpose of collation or forwarding to a body other than another public authority.
Officer	A member of staff of the one of the education regulators or any person employed by or for one of the education regulators, whether or not that person is a State Service officer or State Service employee.
Ombudsman	The Ombudsman appointed under the *Ombudsman Act 1978*.
Principal Officer	Refers to the Director Education Regulation
Public authority	Means: a) an Agency, within the meaning of the State Service Act 2000; or b) the Police Service; or c) a council; or d) a statutory authority; or e) a body, whether corporate or unincorporated, that is established by or under an Act for a public purpose; or f) a body whose members, or a majority of whose members, are appointed by the Governor or a Minister of the Crown; or g) a Government Business Enterprise within the meaning of the Government Business Enterprises Act 1995; or h) a council-owned company; or i) State-owned company.
Required disclosure	A disclosure of information by a public authority where the information is required to be published by the 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 *Right to Information Act 2009*

Contact details

Right to Information
Education Regulation
GPO Box 104
Hobart TAS 7001
Or email: educationregulation@decyp.tas.gov.au

Document information

Authorised by:	TRB, TASC, NGSRB (Boards) and Education Registrar (OER)
Policy Owner:	TRB, TASC, NGSRB Board and Education Registrar (OER)
Contact:	educationregulation@oer.tas.gov.au
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Next review date:	Minor review Oct 2027 Major review Oct 2029
Category:	Governance policy

Version	Date	Summary of changes	Date of next scheduled review
1	2026	This policy was developed to establish a single, whole-of-education regulatory policy for RTI that applies consistently across all regulators, including the TRB, TASC, NGSRB and OER.	Minor review Oct 2027 Major review Oct 2029