

# Review of Confidentiality Orders

Friday, 10 November 2023

Audit and Risk Committee

Strategic Alignment - Enabling Priorities

**Program Contact:**

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Public

**Approving Officer:**

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Operating Officer

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## EXECUTIVE SUMMARY

The Chief Executive Officer identified a requirement to review the confidentiality orders across Council documents, including the process and decision-making of placing documents in confidence.

The internal audit identified five moderate and one low risk rated findings, plus six improvement opportunity findings.

Internal audit is an essential component of a good governance framework. It is the mechanism which enables Council to receive assurance that internal controls and risk management approaches are effective, that it is performing its functions legally, effectively, and to advise how it can improve performance.

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## RECOMMENDATION

### THAT THE AUDIT AND RISK COMMITTEE

1. Notes the internal audit report provided as Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
  2. Endorses the responses of the Administration to the Review of Confidentiality Orders as outlined in Attachment A to Item 5.3 on the Agenda for the meeting of the Audit and Risk Committee held on 10 November 2023.
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## IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	<b>Strategic Alignment – Enabling Priorities</b> Internal audit is an essential component of a good governance framework. It enables Council to ensure it is performing its function legally, effectively and efficiently.
Policy	Development of the Public Transparency Policy.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Not as a result of this report
Opportunities	Internal audits suggest a range of improvement opportunities related to the area being reviewed, enhancing functions and services and aligning Council processes to best practice standards.
23/24 Budget Allocation	Budgetary requirements will be dependent on the outcomes of the investigation of use of technology to support confidentiality order reviews.
Proposed 24/25 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
23/24 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

# DISCUSSION

## Background

1. The Review of Confidentiality Orders was conducted by BRM Advisory.

## Report

2. This audit was identified by the Chief Executive Officer, who requested a review of the confidentiality orders process to ensure good governance, accountability and transparency in decision-making.
3. The objective of this review was to:
  - 3.1. Assess Council's policies and procedures in accordance with the *Local Government Act 1999 (SA)*.
  - 3.2. Compare Council's policies and procedures in managing Confidentiality Orders against best practice.
  - 3.3. Assess Council's performance in the management of confidential orders since 2018.
  - 3.4. Identify any opportunities for improvement.
  - 3.5. Provide a draft Public Transparency Policy.
4. The findings of the internal audit are indexed into the following risk ratings:

Finding	Risk Rating
Adopt a Public Transparency Policy to guide decision making practices	Moderate
Improved documentation of the reasons for retaining or extending confidential items	Moderate
Develop guidelines explain how 'commercial advantage' and 'commercial information' as ground for confidentiality are to be applied	Moderate
Provide further guidance and training to report authors about the presentation of reports and attachments to minimise the information that needs to be considered in confidence	Low
Apply clear and specific triggers for releasing items from confidence	Moderate
Undertake regular training with report authors to build consistent expectations and practice	Moderate
Use two reports – one for the public elements of a decision and another for only the confidential elements	Improvement Opportunity
Careful consideration of how reports and attachments are presented – redact, separate or de-identify	Improvement Opportunity
Provide clear and specific reasons for applying confidentiality	Improvement Opportunity
Provide clear and specific triggers for releasing information from in confidence	Improvement Opportunity
Use technology to support the period review of Confidentiality Orders	Improvement Opportunity
Continuous Improvement and Training	Improvement Opportunity

5. Management have considered the findings and provided actions and time frames to address these findings.

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# ATTACHMENTS

## Attachment A – Review of Confidentiality Orders

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