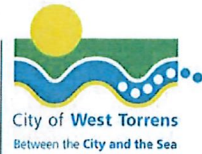


25 November 2024

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel: 08 8416 6333
Email: info@wtcc.sa.gov.au
SMS: 0429 205 943
Web: westtorrens.sa.gov.au



Ms Amy Patterson

By email: foi+request-12036-a536b527@righttoknow.org.au

Dear Ms Patterson,

Freedom of Information application - WT067/2024

I refer to your application made under the *Freedom of Information Act 1991* (FOI Act) that the City of West Torrens (this agency) commenced processing on 5 November 2024. Your application requested:

- *Surveillance Policy*
 - *A copy of the council's policy on surveillance, including but not limited to the use of CCTV, video monitoring, facial recognition, or other forms of surveillance technology.*
 - *Any guidelines or frameworks related to how decisions are made regarding the disclosure of surveillance information to the public, and the criteria or processes used to determine which areas or assets are selected for surveillance.*
- *Internet of Things (IoT) Policy (Including Surveillance)*
 - *A copy of the council's policy related to the use and management of Internet of Things (IoT) devices, including but not limited to smart streetlights, traffic sensors, environmental monitoring systems, or other connected devices used by the council, including surveillance-related devices such as cameras or sensors.*
 - *This includes but is not limited to how data is collected, stored, processed, secured, and accessed from such devices, as well as any relevant protocols for integrating surveillance through IoT technology into council operations.*
- *Cybersecurity Policy*
 - *A copy of the council's policy regarding cybersecurity practices to protect council data, networks, and digital assets, including but not limited to details on encryption, firewalls, incident response procedures, data retention policies, and measures taken to prevent cyber attacks and ensure data integrity and confidentiality.*
- *AI Data Use Policy*

- *A copy of the council's policy on the use of Artificial Intelligence (AI) systems that collect, process, or utilise data, including but not limited to the types of AI systems employed, the data these systems process (e.g., personal data, public records, operational data), decision-making processes involving AI, and measures for mitigating risks associated with bias, transparency, and accountability.*
- *This includes but is not limited to any policies regarding the sale or transfer of data processed by AI systems to third parties, whether for commercial purposes or otherwise.*
- *Notifiable Breach Policy (For Surveillance, IoT, Cybersecurity, and AI Data Use)*
 - *A copy of the council's policy for notifiable data breaches related to the areas above: surveillance, IoT, cybersecurity, and AI data use, including but not limited to the process by which the council identifies, assesses, and reports data breaches to relevant authorities or affected individuals, the timelines for notification, and any remedial actions taken post-breach.*
- *Dates of Policy Drafting and Revisions*
 - *For each of the above policies (surveillance, IoT, cybersecurity, AI data use, and notifiable breach policies), I request the date the policy was originally drafted and the date of the most recent revision or update.*

I have determined that seven (7) documents, which are listed in the below document schedule, fall within the scope of your application. On 25 November 2024, I make the following determination with respect to these documents.

Doc no.	Description	Issue Date	Last Review Date	Determination	Exemption Clause
WT67-1	Remote Access and Network Security Administration Policy	8 February 2005	14 February 2017	Full Access	
WT67-2	Information Management Administration Policy	11 June 2024	11 June 2024	Full Access	
WT67-3	Information Technology and Its Use Administration Policy	15 June 2004	19 February 2019	Full Access	
WT67-4	Mobile Closed Circuit Television Council Policy	March 2019	4 May 2021	Full Access	
WT67-5	Cyber Security Policy (Draft)	NA	NA	Refused Access	Clause 7(1) Clause 9(1) Clause 13
WT67-6	Cyber Security Framework (Draft)	NA	NA	Refused Access	Clause 7(1) Clause 9(1) Clause 13
WT67-7	Information Technology and Its Use Policy (Draft)	15 June 2004	NA	Refused Access	Clause 9(1)

					Clause 13
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Full Access:

I have determined to grant you full access to four (4) documents.

Documents to which access is refused:

I have determined to refuse you access to three (3) documents.

Section 20(1) of the FOI Act provides that access may be refused to a document if it is an exempt document. The documents I am refusing you access and the reasons for the refusal are summarised in the attached schedule and explained below in more detail.

Documents to which access has been refused, are exempt pursuant to clauses 7(1), 9(1) and/or 13 as detailed in the Document Schedule and as per the explanations below.

The documents marked 'Clause 7(1)' on the Document Schedule above contain exempt information pursuant to clause 7(1) of the FOI Act.

Clause 7(1) provides:

7 - Documents affecting business affairs

(1) A document is an exempt document—

- (a) if it contains matter the disclosure of which would disclose trade secrets of any agency or any other person; or
- (b) if it contains matter—
 - (i) consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and
 - (ii) the disclosure of which—
 - (A) could reasonably be expected to destroy or diminish the commercial value of the information; and
 - (B) would, on balance, be contrary to the public interest; or
- (c) if it contains matter—
 - (i) consisting of information (other than trade secrets or information referred to in paragraph (b) concerning the business, professional, commercial or financial affairs of any agency or any other person; and
 - (ii) the disclosure of which—

- (A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and
- (B) would, on balance, be contrary to the public interest.

These documents contain exempt information pursuant to Clause 7(1) of the FOI Act. The documents include information which has a commercial value to an organisation and would adversely affect the business affairs of the City of West Torrens. This information, if disclosed, could reasonably be expected to diminish the commercial value of the information as well as prejudice the future supply of information and is not in the public interest to release, given it is not relevant to the community at large. In particular, the documents contain information which relates to the cyber security operations of the organisation and disclosure is not in the public interest.

The documents marked 'Clause 9(1)' on the Document Schedule above contain exempt information pursuant to clause 9(1) of the FOI Act

Clause 9(1) provides:

9 - Internal working documents

(1) A document is an exempt document if it contains matter—

(a) that relates to—

(i) any opinion, advice or recommendation that has been obtained, prepared or recorded; or

(ii) any consultation or deliberation that has taken place,

in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and

(b) the disclosure of which would, on balance, be contrary to the public interest.

These documents contain exempt information pursuant to Clause 9(1) of the FOI Act. The documents include draft recommendations and opinions. Further, the documents are not in the public interest as they are not of general community concern and to disclose this information would adversely affect the efficient and effective conduct of government functions. Further, the documents are not yet approved or in place.

The documents marked 'Clause 13' on the Document Schedule above contain exempt information pursuant to clause 13 of the FOI Act.

13 - Documents containing confidential material

Clause 13 provides:

(1) A document is an exempt document—

(a) if it contains matter the disclosure of which would found an action for breach of confidence; or

- (b) if it contains matter obtained in confidence the disclosure of which—
- (i) might reasonably be expected to prejudice the future supply of such information to the Government or to an agency; and
 - (ii) would, on balance, be contrary to the public interest.

These documents contain information which has been deemed confidential or is related to designated confidential matters. Cyber security is of key concern to the organisation and the disclosure of this confidential information may prejudice the future supply of confidential information. Further, this information, if disclosed, could amount to a breach of confidence as it is reasonably expected that information related to cyber security is to be kept confidential.

Fees and charges:


The fees or charges incurred for processing this application are \$79.50. The time taken to process this application was 109 minutes. Within the Acknowledgement email sent to you on 28 October 2024 you were supplied a copy of the FOI Fees and Charges, which outlines the costs associated with processing FOI applications. Pursuant with Schedule 1 - Fees, a cost of \$15.90 is charged for every 15 minutes of processing time. Payment of invoice 519834 is required before the documents can be released.

Your review rights:

If you are unhappy with this Determination you are entitled exercise your rights of review. As this determination is made by the principal officer of this agency, you may apply for an external review with the Ombudsman SA. Their contact number is 08 87322 7020. Alternatively, you can apply for a review with the South Australian Civil and Administrative Tribunal (SACAT). If you wish to seek a review, you must do so within 30 calendar days of receiving this determination.

The documents to which I am granting you full access will be made available to you electronically via the Objective Connect file-sharing application, once the invoice has been paid. You will receive an email containing a link to Objective Connect and you will need to create an account so that you can log in and download the documents. Please be aware that this link will expire in 28 days.

Kind regards,



Angelo Catinari
Chief Executive Officer
City of West Torrens