

CONFIDENTIAL

Confidential - Rescission Motion - Disclosure Incident

Report Reference: GC200526M02

Moved Councillor – Matthew Shilling, Seconded Councillor – Jason Veliskou

1. That pursuant to Section 90(2) and (3)(h) and (g) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Iliia Houridis, Sorana Dinmore, Akos Szonyi, Kate McKenzie, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the Confidential - Rescission Motion - Disclosure Incident, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to legal advice and a matter currently under a confidential order.

Carried

9.29pm the meeting went into confidence

The Mayor requested it be noted in the minutes:

- Where the resolution is referring to 'all residents' the following Section of the *Local Government Act 1999* (section 73(2)) applies:
A member of a council will not be taken to have a material conflict of interest in a matter to be discussed at a meeting of the council—
(a) if the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the ratepayers, electors or residents of the council area;
- As Council Members are already aware of the matter there is no benefit or detriment for the Council Member from the notification.

The Mayor declared a perceived conflict of interest in the item as he is a suppressed elector on the voter's role. He advised as he does not see any benefit or detriment to be gained from the motion that he would remain in the Chamber.

Councillor - Luke Hutchinson declared a perceived conflict of interest in the item. He advised that when the matter was first discussed at Council it was more about contacting the 600 or so individuals. As this item is about writing to all ratepayers he believes the substantial class exemption applies. He advised that he would remain in the Chamber.

Councillor – Jason Veliskou declared a perceived conflict of interest in the item in that he is a suppressed person on the role. As this item deals with writing to all ratepayers he believes the substantial class applies. He advised that he would remain in the Chamber.

Moved Councillor - Raelene Telfer, Seconded Councillor – Jason Veliskou

That the following resolution passed at the 12 May 2020 General Council meeting in relation to the 'Confidential - Rescission Motion - Disclosure Incident' report (Report Reference: GC200512M01):

1. Council notify all affected individuals, including both those on the suppressed register and those who are not.
2. The notification include advice that, unless the affected individual has ordered name suppression, the security breach does not involve information that is not already public domain, either internally or externally to the City of Marion.
3. That affected parties be advised that comprehensive advice has been received by highly qualified professional investigative parties that deem the residual risk of damage to affected persons to be small enough as to obviate the need for notification of affected parties and that no there is 'no evidence of misuse (of data)'.
4. That the Local Government Minister be consulted concerning the position in which Council has been placed and the corresponding advice it received.

be rescinded.

Carried

Councillor Hutchinson voted for the motion
Councillor Veliskou voted for the motion

Councillor Hull call a division

The Mayor declared the vote set aside

Those for: Councillors Shilling, Hutchinson, Prior, Duncan, Telfer, Veliskou, Masika and Mason

Those Against: Councillors Hull, Clancy, Crossland and Gard

Carried

Moved Councillor - Jason Veliskou, Seconded Councillor - Raelene Telfer

That Council:

1. Notes the extensive, independent, expert investigative reports into an incident of inadvertent exposure of ratepayer data by Council Administration; and
2. Notes that reputational damage to Council is a factor to be given little or no weight in a case such as this where the welfare of residents is the prime concern; and
3. Determines that no ratepayers should be notified due to the low probability of any harm occurring as a result of the data exposure (based on the expert reports) and the certain impact of distress among vulnerable individuals which would be caused by notification.

Carried

(Councillor – Luke Hutchinson voted in favour)
(Councillor - Jason Veliskou voted in favour)

Councillor Hull call a division

The Mayor declared the vote set aside

Those for: Councillors Shilling, Hutchinson, Prior, Duncan, Telfer, Veliskou, Masika and Mason

Those Against: Councillors Hull, Clancy, Crossland and Gard

Carried

10.30pm Councillor Masika left the meeting

Moved Councillor - Jason Veliskou, Seconded Councillor - Raelene Telfer

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* (the Act), Council orders that this report, the attachments to this report and the minutes, having been considered in confidence under Section 90 (2) and (3)(g) and (h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2020.

Carried

(Councillor – Luke Hutchinson voted in favour)

(Councillor - Jason Veliskou voted in favour)

10.30pm the meeting came out of confidence