

Disclosure Incident

Originating Officer	Manager Customer Experience - Karen Cocks
Corporate Manager	N/A
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC200526F01

Confidential



Confidential Motion

That pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Ilia 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 item - *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.

REPORT OBJECTIVE

To provide Elected Members with details of the plan to notify residents of the potential data disclosure and the management of media interest.

EXECUTIVE SUMMARY

Council has chosen to notify residents about the potential data disclosure (GC200512M01). Administration has prepared a communication approach in conjunction with Clyde and Co to manage the sequence of information in the appropriate manner.

Careful consideration has been given to the development of materials (letters, scripts, talking points etc) along with media statements. This includes the potential response rate from the community, and how to best manage any increase in phone calls.

The expense of the notification activities is covered by insurance, we have included the costs for the awareness of Council.

RECOMMENDATION

That Council:

1. Endorses the notification plan and the authorisation of any expenditure associated with the plan.



2. **Notwithstanding the confidential orders pertaining to reports considered by Council on the Disclosure Incident at the Special General Council Meeting of 27 April 2020 and General Council Meeting 12 May 2020 (report references - SGC200427F07 and GC200512M01), the Council authorises the Mayor and/or CEO to provide information to the public and/or make statements in the public realm (including media and social media) in reliance upon the content of the confidential documentation where they consider it necessary to enact the decision of Council from the 12th May 2020, General Council Meeting to notify all affected persons.**

3. **In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report and the minutes having been considered in confidence under Section 90 (2) and (3)(h) of the Act, except when required to effect or comply with Council's resolutions(s) regarding this matter be kept confidential and not available for public inspection, until two weeks after Council has taken all reasonable steps to notify the relevant parties. This confidential order will be reviewed at the General Council Meeting in December 2020.**

DISCUSSION

Council has chosen to notify residents about the potential data disclosure (GC200428F07). Administration has prepared a communication approach in conjunction with Clyde and Co, the insurer appointed law firm. The Director of State Records was complimentary of this approach as Local Government notifications are voluntary.

The following communications materials / approach have been developed to manage the notification:

Community:

- A generic letter addressed 'To the Resident' to all residents
- Information to be placed on our website
- Scripts for the contact centre to assist with enquiries
- Talking points for Elected Members and front line staff to respond to community inquiries
- Establishment of a dedicated e-mail address

Advice from Clyde & Co suggests that circumstances such as this can create telephone calls or e-mails between 1 per cent and 5 per cent of all letters sent. In anticipation of increased call volume relating to the notification, Clyde and Co is engaging IDCare on our behalf to manage any increase in calls. This expense is covered by the insurer and will only be used if we do receive an influx of enquiries into the contact centre.

Media

A proactive, 'tell all' media approach will be used with the aim of limiting the reputational damage to Council by reducing the story to as few news cycles as possible.

A media release will be provided to News Corp (The Advertiser, AdelaideNow) along with a detailed briefing for the reporter, outlining the facts and how Council has responded. This will include the proactive nature that Council is taking to notify residents even though it isn't a mandatory requirement. It will emphasise the positive work that Council is undertaking with the development of a privacy policy and steps taken to avoid a repeat of the incident. Once published, Council will then adopt a 'meet the market' strategy and respond to inquiries from other news outlets if and when they arise.

By disclosing as much as possible, as early as possible, it demonstrates that Council is being open and transparent and reduces the risk of new facts emerging that keep the story going.

It is recommended that the CEO be the spokesperson for all media.

Timings and costs

Three options have been explored to communicate with residents:

Option 1 – standard mass letterbox delivery

Distribution – 9 and 10 June

Price - \$8900 (including printing and distribution) *Covered by Insurer*

Advantage – affordable, quick.

Disadvantage – included as part of catalogue deliveries and may be missed by householders.

Option 2 – boutique distribution company

Distribution – over seven days from 9 June.

Price - \$17,900 (including printing and distribution) *Covered by Insurer*

Advantage – just our letter, no catalogues, increased chance of being receiving it

Disadvantage – the length of time to distribute will mean not everybody hears at the same time

Option 3 – Australia Post

Distribution – 9 June

Price - \$15,900 (including printing and distribution) *Covered by Insurer*

Advantage – speed of delivery, everyone gets letter at the same time

Disadvantage – not confident on timings given impact of COVID-19 and long weekend

Note – Clyde and Co is also exploring a service they usually use to deliver the letters. At the time of producing the report the timings and costs were not available. This information will be provided to the meeting.

The timing of any media announcement will depend on the delivery option that is chosen.

This report includes an additional resolution to ensure that previous reports (including the Clyde and Co Report), remain in confidence however the appropriate authority is provided to publicly release the information.

Note: It is noted that a rescission motion is also presented in this agenda (GC200526M02). If this rescission motion is successful, Council should consider the following resolutions:

That Council:

- 1. Note this report**
- 2. Will not publicly notify affected parties (see Council resolution GC200526M02)**
- 3. In accordance with Section 91(7) and (9) of the *Local Government Act 1999*, orders that this report and the minutes having been considered in confidence under Section 90 (2) and (3)(h) of the Act, except when required to effect or comply with Council's resolutions(s) regarding this matter be kept confidential and not available for public inspection. This confidential order will be reviewed at the General Council Meeting in December 2020.**