

Appendices

Appendix 1

Financial Year 2015 – 2016

Total aggregation of all sectors

Clause 7(a): details of the review carried out by the agency under section 7(3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by agency	Information made publicly available by the agency
7(a)	155	114

Table A: number of applications by type of applicant and outcome

Type of applicant	Access granted in full	Access granted in part	Access refused in full	Information not held
Media	159	107	43	74
Members of Parliament	164	105	24	64
Private sector business	723	493	241	122
Not for profit organisations or community groups	94	96	54	70
Members of the public (legal representative)	1252	3153	790	897
Members of the public (other)	1697	1961	543	518
Grand total	4089	5915	1695	1745

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	14,761

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

	Total number of applications received
Partly	554
Wholly	275
Grand total	829

	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
	5	20	2	51	461
	16	25	0	16	414
	28	28	1	79	1715
	26	19	1	16	376
	172	55	14	191	6524
	102	84	16	240	5161
	349	231	34	593	14,651

Table B: number of applications by type of application and outcome

Type of application	Access granted in full	Access granted in part	Access refused in full	Information not held
Personal information applications	1597	3791	947	905
Access application (other than personal information applications)	2309	1437	662	652
Access applications that are partly personal information applications and partly other	201	700	73	177
Grand total	4,107	5,928	1,682	1,734

Table C: invalid applications

Reason for invalidity	Number of Applications
Application does not comply with formal requirements (section 41)	1,408
Application is for excluded information of the agency (section 43)	59
Application contravenes restraint order (section 110)	3
Total number of invalid applications received	1451
Invalid applications that subsequently become valid applications	629

Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
203	42	22	135	7,642
136	162	9	362	5,729
19	24	2	84	1,280
358	228	33	581	14,651

Table D: conclusive presumption of overriding public interest against disclosure – matters listed in Schedule 1 to Act

Schedule 1 reasons	Number of times consideration used
Overriding secrecy laws	21
Cabinet information	107
Executive council information	6
Contempt	20
Legal professional privilege	293
Excluded information	171
Documents affecting law enforcement and public safety	34
Transport safety	1
Adoption	2
Care and protection of children	164
Ministerial code of conduct	1
Aboriginal and environmental heritage	0
Grand total	820

Table E: other public interest considerations against disclosure – matters listed in table to section 14 of Act

Other public interest reasons	Number of occasions when application not successful
Responsible and effective government	1,503
Law enforcement and security	641
Individual rights, judicial processes and natural justice	6,318
Business interests of agencies and other persons	577
Environment, culture, economy and general matters	11
Secrecy provisions	25
Exempt documents under interstate Freedom of Information legislation	12
Grand total	9,087

Table F: timeliness

Timeliness	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	12,678
Decided after 35 days (by agreement with applicant)	535
Not decided within time (deemed refusal)	477
Grand total	13,690

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

Review type	Decision varied	Decision upheld	Grand total
Internal review	118	96	214
Review by Information Commissioner	88	131	219
Internal review following recommendation under section 93 of Act	25	41	66
Review by NCAT	30	40	70
Grand total	261	308	569

Table H: applications for review under Part 5 of the Act (by type of applicant)

Review requested by	Number of applications
Applications by access applicants	56
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	22
Grand total	78

Table I: applications transferred to other agencies under Division 2, Part 4 of the Act (by type of transfer)

Applications transferred	Number of applications
Agency initiated transfers	568
Applicant initiated transfers	33
Grand total	601

Appendix 2

Financial Year 2015 – 2016 Total aggregation of Government sector

Clause 7(a): details of the review carried out by the agency under section 7(3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by agency	Information made publicly available by the agency
7(a)	71	51

Table A: number of applications by type of applicant and outcome

Type of applicant	Access granted in full	Access granted in part	Access refused in full	Information not held
Media	140	84	37	62
Members of Parliament	157	90	24	56
Private sector business	581	431	230	100
Not for profit organisations or community groups	60	86	44	57
Members of the public (legal representative)	956	3,006	780	822
Members of the public (other)	1,229	1,674	452	453
Grand total	3,123	5,371	1,567	1,550

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	12,599

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

	Total number of applications received
Partly	448
Wholly	218
Grand total	666

	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
	4	18	1	47	393
	13	23	0	13	376
	20	18	0	40	1,420
	21	15	1	14	298
	166	38	13	110	5,891
	78	45	14	131	4,076
	302	157	29	355	12,454

Table B: number of applications by type of application and outcome

Type of application	Access granted in full	Access granted in part	Access refused in full	Information not held
Personal information applications	1,480	3,733	930	896
Access application (other than personal information applications)	1,548	1043	568	490
Access applications that are partly personal information applications and partly other	101	607	54	162
Grand total	3,129	5,383	1,552	1,548

Table C: invalid applications

Reason for invalidity	Number of Applications
Application does not comply with formal requirements (section 41)	1,305
Application is for excluded information of the agency (section 43)	58
Application contravenes restraint order (section 110)	3
Total number of invalid applications received	1,350
Invalid applications that subsequently become valid applications	565

Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
200	42	22	122	7,425
95	103	6	177	4,030
10	9	1	55	999
305	154	29	354	12,454

Table D: conclusive presumption of overriding public interest against disclosure – matters listed in Schedule 1 to Act

Schedule 1 reasons	Number of times consideration used
Overriding secrecy laws	20
Cabinet information	99
Executive council information	4
Contempt	18
Legal professional privilege	232
Excluded information	165
Documents affecting law enforcement and public safety	15
Transport safety	0
Adoption	2
Care and protection of children	164
Ministerial code of conduct	1
Aboriginal and environmental heritage	0
Grand total	720

Table E: other public interest considerations against disclosure – matters listed in table to section 14 of Act

Other public interest reasons	Number of occasions when application not successful
Responsible and effective government	1,362
Law enforcement and security	607
Individual rights, judicial processes and natural justice	5,921
Business interests of agencies and other persons	474
Environment, culture, economy and general matters	4
Secrecy provisions	20
Exempt documents under interstate Freedom of Information legislation	8
Grand total	8,396

Table F: timeliness

Timeliness	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	10,987
Decided after 35 days (by agreement with applicant)	418
Not decided within time (deemed refusal)	392
Grand total	11,797

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

Review type	Decision varied	Decision upheld	Grand total
Internal review	104	76	180
Review by Information Commissioner	44	94	138
Internal review following recommendation under section 93 of Act	14	18	32
Review by NCAT	23	30	53
Grand total	185	218	403

Table H: applications for review under Part 5 of the Act (by type of applicant)

Review requested by	Number of applications
Applications by access applicants	2,337
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	170
Grand total	2,507

Table I: applications transferred to other agencies under Division 2, Part 4 of the Act (by type of transfer)

Applications transferred	Number of applications
Agency initiated transfers	563
Applicant initiated transfers	33
Grand total	596

Appendix 3

Financial Year 2015 – 2016 Total aggregation of Council sector

Clause 7(a): details of the review carried out by the agency under section 7(3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by agency	Information made publicly available by the agency
7(a)	76	58

Table A: number of applications by type of applicant and outcome

Type of applicant	Access granted in full	Access granted in part	Access refused in full	Information not held
Media	9	13	2	5
Members of Parliament	2	4	0	0
Private sector business	140	62	11	21
Not for profit organisations or community groups	28	8	5	1
Members of the public (legal representative)	292	146	10	71
Members of the public (other)	446	266	81	55
Grand total	917	499	109	153

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	2,009

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

	Total number of applications received
Partly	92
Wholly	56
Grand total	148

	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
	1	2	1	3	36
	0	2	0	2	10
	8	10	1	39	292
	1	4	0	1	48
	5	16	1	81	622
	19	36	2	105	1,010
	34	70	5	231	2,018

Table B: number of applications by type of application and outcome

Type of application	Access granted in full	Access granted in part	Access refused in full	Information not held
Personal information applications	106	50	17	7
Access application (other than personal information applications)	722	367	79	127
Access applications that are partly personal information applications and partly other	98	82	15	13
Grand total	926	499	111	147

Table C: invalid applications

Reason for invalidity	Number of Applications
Application does not comply with formal requirements (section 41)	95
Application is for excluded information of the agency (section 43)	0
Application contravenes restraint order (section 110)	0
Total number of invalid applications received	93
Invalid applications that subsequently become valid applications	60

Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
2	0	0	12	194
30	58	3	180	1,566
9	12	1	28	258
41	70	4	220	2,018

Table D: conclusive presumption of overriding public interest against disclosure – matters listed in Schedule 1 to Act

Schedule 1 reasons	Number of times consideration used
Overriding secrecy laws	1
Cabinet information	0
Executive council information	0
Contempt	1
Legal professional privilege	53
Excluded information	5
Documents affecting law enforcement and public safety	19
Transport safety	1
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Grand total	80

Table E: other public interest considerations against disclosure – matters listed in table to section 14 of Act

Other public interest reasons	Number of occasions when application not successful
Responsible and effective government	106
Law enforcement and security	31
Individual rights, judicial processes and natural justice	364
Business interests of agencies and other persons	87
Environment, culture, economy and general matters	6
Secrecy provisions	5
Exempt documents under interstate Freedom of Information legislation	3
Grand total	602

Table F: timeliness

Timeliness	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	1,588
Decided after 35 days (by agreement with applicant)	89
Not decided within time (deemed refusal)	80
Grand total	1,757

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

Review type	Decision varied	Decision upheld	Grand total
Internal review	9	16	25
Review by Information Commissioner	31	28	59
Internal review following recommendation under section 93 of Act	8	13	21
Review by NCAT	5	5	10
Grand total	53	62	115

Table H: applications for review under Part 5 of the Act (by type of applicant)

Review requested by	Number of applications
Applications by access applicants	263
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	37
Grand total	300

Table I: applications transferred to other agencies under Division 2, Part 4 of the Act (by type of transfer)

Applications transferred	Number of applications
Agency initiated transfers	5
Applicant initiated transfers	0
Grand total	5

Appendix 4

Financial Year 2015 – 2016 Total aggregation of Ministerial sector

Clause 7(a): details of the review carried out by the agency under section 7(3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by agency	Information made publicly available by the agency
7(a)	N/A	N/A

Table A: number of applications by type of applicant and outcome

Type of applicant	Access granted in full	Access granted in part	Access refused in full	Information not held
Media	2	3	1	2
Members of Parliament	3	7	0	7
Private sector business	2	0	0	1
Not for profit organisations or community groups	1	1	0	0
Members of the public (legal representative)	3	0	0	4
Members of the public (other)	1	2	0	1
Grand total	12	13	1	15

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	42

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

	Total number of applications received
Partly	8
Wholly	1
Grand total	9

* Ministers only reported on the total number of wholly or partly refused applications received.

	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
	0	0	0	0	8
	3	0	0	1	21
	0	0	0	0	3
	0	0	0	0	2
	1	0	0	0	8
	0	0	0	0	4
	4	0	0	1	46

Table B: number of applications by type of application and outcome

Type of application	Access granted in full	Access granted in part	Access refused in full	Information not held
Personal information applications	0	1	0	1
Access application (other than personal information applications)	13	12	1	11
Access applications that are partly personal information applications and partly other	2	1	0	0
Grand total	15	14	1	12

Table C: invalid applications

Reason for invalidity	Number of Applications
Application does not comply with formal requirements (section 41)	2
Application is for excluded information of the agency (section 43)	0
Application contravenes restraint order (section 110)	0
Total number of invalid applications received	1
Invalid applications that subsequently become valid applications	0

Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
0	0	0	0	2
3	0	0	1	41
0	0	0	0	3
3	0	0	1	46

Table D: conclusive presumption of overriding public interest against disclosure – matters listed in Schedule 1 to Act

Schedule 1 reasons	Number of times consideration used
Overriding secrecy laws	0
Cabinet information	7
Executive council information	2
Contempt	1
Legal professional privilege	1
Excluded information	1
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Grand total	12

Table E: other public interest considerations against disclosure – matters listed in table to section 14 of Act

Other public interest reasons	Number of occasions when application not successful
Responsible and effective government	8
Law enforcement and security	0
Individual rights, judicial processes and natural justice	4
Business interests of agencies and other persons	3
Environment, culture, economy and general matters	1
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0
Grand total	16

Table F: timeliness

Timeliness	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	30
Decided after 35 days (by agreement with applicant)	8
Not decided within time (deemed refusal)	0
Grand total	38

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

Review type	Decision varied	Decision upheld	Grand total
Internal review	0	0	0
Review by Information Commissioner	9	1	10
Internal review following recommendation under section 93 of Act	0	9	9
Review by NCAT	0	1	1
Grand total	9	11	20

Table H: applications for review under Part 5 of the Act (by type of applicant)

Review requested by	Number of applications
Applications by access applicants	12
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	9
Grand total	21

Table I: applications transferred to other agencies under Division 2, Part 4 of the Act (by type of transfer)

Applications transferred	Number of applications
Agency initiated transfers	0
Applicant initiated transfers	0
Grand total	0

Appendix 5

Financial Year 2015 – 2016 Total aggregation of University sector

Clause 7(a): details of the review carried out by the agency under section 7(3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by agency	Information made publicly available by the agency
7(a)	8	5

Table A: number of applications by type of applicant and outcome

Type of applicant	Access granted in full	Access granted in part	Access refused in full	Information not held
Media	8	7	3	5
Members of Parliament	2	4	0	1
Private sector business	0	0	0	0
Not for profit organisations or community groups	5	1	5	12
Members of the public (legal representative)	1	1	0	0
Members of the public (other)	21	19	10	9
Grand total	37	32	18	27

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	111

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

	Total number of applications received
Partly	6
Wholly	0
Grand total	6

	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
	0	0	0	1	24
	0	0	0	0	7
	0	0	0	0	0
	4	0	0	1	28
	0	1	0	0	3
	5	3	0	4	71
	9	4	0	6	133

Table B: number of applications by type of application and outcome

Type of application	Access granted in full	Access granted in part	Access refused in full	Information not held
Personal information applications	11	7	0	1
Access application (other than personal information applications)	26	15	14	24
Access applications that are partly personal information applications and partly other	0	10	4	2
Grand total	37	32	18	27

Table C: invalid applications

Reason for invalidity	Number of Applications
Application does not comply with formal requirements (section 41)	6
Application is for excluded information of the agency (section 43)	1
Application contravenes restraint order (section 110)	0
Total number of invalid applications received	7
Invalid applications that subsequently become valid applications	4

Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Grand total
1	0	0	1	21
8	1	0	4	92
0	3	0	1	20
9	4	0	6	133

Table D: conclusive presumption of overriding public interest against disclosure – matters listed in Schedule 1 to Act

Schedule 1 reasons	Number of times consideration used
Overriding secrecy laws	0
Cabinet information	1
Executive council information	0
Contempt	0
Legal professional privilege	7
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
Grand total	8

Table E: other public interest considerations against disclosure – matters listed in table to section 14 of Act

Other public interest reasons	Number of occasions when application not successful
Responsible and effective government	27
Law enforcement and security	3
Individual rights, judicial processes and natural justice	29
Business interests of agencies and other persons	13
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	1
Grand total	73

Table F: timeliness

Timeliness	Number of applications
Decided within the statutory time frame (20 days plus any extensions)	73
Decided after 35 days (by agreement with applicant)	20
Not decided within time (deemed refusal)	5
Grand total	98

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

Review type	Decision varied	Decision upheld	Grand total
Internal review	5	4	9
Review by Information Commissioner	4	8	12
Internal review following recommendation under section 93 of Act	3	1	4
Review by NCAT	2	4	6
Grand total	14	17	31

Table H: applications for review under Part 5 of the Act (by type of applicant)

Review requested by	Number of applications
Applications by access applicants	56
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	22
Grand total	78

Table I: applications transferred to other agencies under Division 2, Part 4 of the Act (by type of transfer)

Applications transferred	Number of applications
Agency initiated transfers	0
Applicant initiated transfers	0
Grand total	0

Appendix 6

Note on data sources and previous reports

The IPC's annual report on the Operation of the Government Information (Public Access) Act 2009 is based on information submitted by NSW public sector agencies and analysed within the IPC. Data has now been collected for six years, beginning in 2010/11.

For the first four years data was submitted by agencies in a variety of formats and then manually entered into a database within the IPC.

In mid-2015, the IPC introduced a new online GIPA Tool as a way for agencies to manage their applications, provide their annual reports to the IPC and directly upload data.

The data analysed for this report should be considered a snapshot of agencies' compliance as at 25 November 2016 (this is the date when agencies' reported data was downloaded by the IPC from the GIPA Tool). It should be noted that not all agencies had submitted their annual reports to the IPC by this time.

The table on page 101 records any significant changes to previous years' data. A significant change is where the data as at 25 November 2016 varies by more than 5% from previously reported data.

Data updates by agencies may affect historical data and future reports. For example, a number of transferred applications were not reported as applications received when agencies' reported data was downloaded on 25 November 2016. This is being rectified and updated numbers will be reflected in future reports. The IPC will continue to work with agencies to improve data quality.

The annual reporting period for universities is a calendar year. For this report, universities' data is included in the relevant financial year to assist with cross-sector comparability. For example, GIPA data from universities' 2015 annual reporting has been treated as for the 2015/16 financial year.

In this report, data that has been reported aligned with the following sectors:

- government, including state-owned corporations
- councils
- universities
- ministers.

A set of appendices containing all revised data for previous years is available on the IPC's [website](#).

Table: Effect of changes made to previous years' data

Report section	Changes made to previous years' data
Mandatory proactive release of information	No significant changes.
Authorised proactive release of information	No significant changes.
Informal release of information	No significant changes.
How many applications were lodged?	No significant changes.
Invalid applications	No significant changes.
Who applied?	No significant changes.
What information was asked for?	No significant changes.
Did applicants get what they asked for?	No significant changes.
How quickly were decisions made?	No significant changes.
How was the public interest test applied?	No significant changes.
How were decisions reviewed?	Additional data supplied by agencies after the submission date for last year's report resulted in a slight increase in the number of reviews reported in 2014/15.
Were applications transferred between agencies?	<p>There was an increase in the number of applications reported by agencies as transferred from 75 to 93.</p> <p>This is the result of a reported increase of:</p> <ul style="list-style-type: none"> • agency-initiated transfers from 67 to 76 • applicant-initiated transfers from 8 to 17.

Appendix 7

The Legislative Framework

Government Information (Public Access) Act 2009 (GIPA Act)

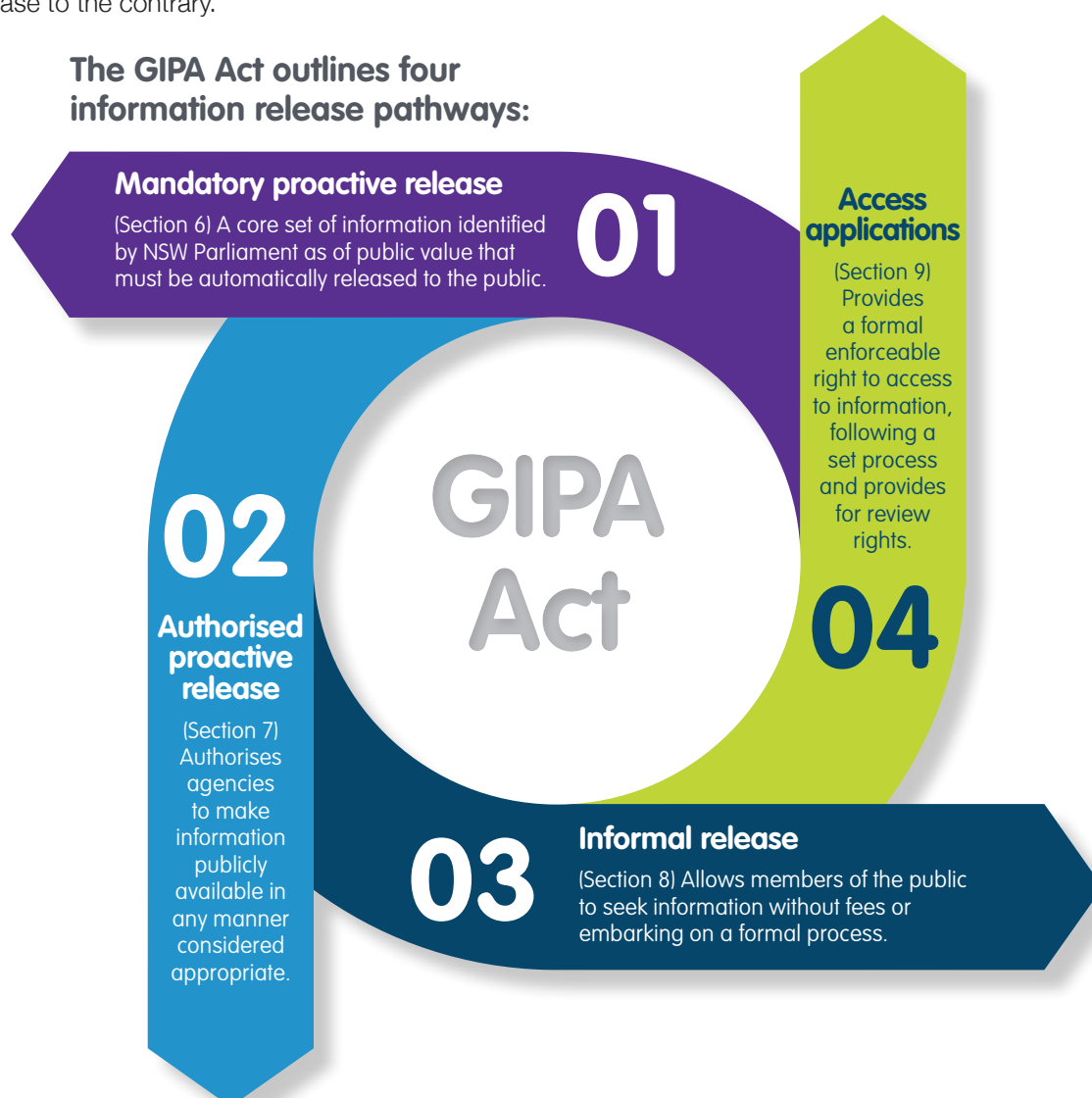
The object of the GIPA Act is to maintain and advance a system of responsible and representative government that is open, accountable, fair and effective by:

- authorising and encouraging the proactive public release of government information by agencies
- giving members of the public an enforceable right to access government information
- ensuring that access to government information is restricted only when there is an overriding public interest against disclosure.

The GIPA Act applies to government departments and agencies, state-owned corporations, local councils, ministers and their staff, and universities.

The guiding principle of the GIPA Act is to make information more accessible to the public and the GIPA Act embodies the general presumption that the disclosure of information is in the public interest unless there is a strong case to the contrary.

The GIPA Act outlines four information release pathways:



1. Mandatory proactive release

The mandatory proactive release of information is one of the GIPA Act's four pathways for information release and access. Through this pathway, the GIPA Act requires NSW public sector agencies to release a prescribed set of information to the public, known as open access information. This information must be made publicly available online and free of charge. Open access information of minister may be made available on the website of the relevant department.

The benefit of mandatory proactive release is that the pathway ensures that a minimum, consistent set of information is freely available to the public, which is regularly reviewed and updated to maintain relevance and currency. Mandatory proactive release is an important vehicle to achieve better service delivery through information access, transparency and increased citizen input to government policy and service delivery.

2. Authorised proactive release

The GIPA Act authorises and encourages agencies to make information available unless there is an overriding public interest against disclosure.

Agencies (except ministers) are required under the GIPA Act to, at least annually, review their program for the proactive release of information and identify additional kinds of information that should be made publicly available. These agency reviews are not merely a reporting obligation. They provide the tool to drive the continuous release of information under this pathway. This information can be made publicly available in any manner that the agency considers appropriate either free or at the lowest reasonable cost.

Through this pathway, agencies have a responsibility to promote policies and practices that ensure as much information as possible is made publicly available.

The aim of proactive release is to maximise the amount of information that is released by agencies. This requires creating a culture where information release is a matter of course. The proactive release of information has many benefits, including a more informed community that is better able to engage and influence the development and delivery of services, agency operations and broader policy and community debates.

3. Informal release

The GIPA Act enables agencies to release government information in response to an informal request for information, unless there is an overriding public interest against disclosure.

This pathway promotes the transition to a system which will result in the general release of government information.

4. Formal access applications

The GIPA Act provides citizens with a right to apply for and access most government information, unless there is an overriding public interest against disclosure (section 9). The GIPA Act outlines a formal process that must be followed by applicants and agencies. The steps for applicants include:

- putting an application in writing
- stating that the application is seeking information under the GIPA Act
- including a postal address in Australia
- explaining clearly the information that is being requested
- paying an application fee of \$30.

Agencies must assess each application that is received. For valid access applications, agencies must apply the public interest balancing test and consider the factors for and against the disclosure of the information that is being requested.

The main benefits of the formal access pathway are that:

- the right to seek access is legally enforceable
- agencies are not subject to the direction or control of any minister in the exercise of the agency's functions when dealing with an access application
- agencies must apply the public interest balancing test and consult with third parties to whom the information relates
- applicants have a right to seek review of an agency's decision about the application through an internal review by the agency, an external review by the Information Commissioner or an external review by NCAT.

Section 125 of the Act requires agencies to report to Parliament annually on their obligations under the GIPA Act, including reporting on GIPA data. This mandated information is set out in clause 7 (a), (b), (c) and (d) of the *Government Information (Public Access) Regulation 2009* (the Regulation). Schedule 2 of the Regulation sets out the prescribed form for Clause 7(d) reporting through Tables A – I.

Government Information (Public Access) Regulation 2009

The GIPA Regulation:

- prescribes additional open access information that local authorities, Ministers, departments and statutory bodies must make publicly available
- sets out the statistical information regarding formal applications that agencies must include in their annual reports
- in the case of an access application relating to a school, extends the period in which the application must be decided if the usual 20-day period for deciding the application occurs during the school holidays
- specifies the corresponding access to information laws of other Australian jurisdictions under which information may be exempt (this is a relevant public interest consideration against disclosure under section 14)
- declares certain bodies to be public authorities for the purpose of the GIPA Act
- declares certain entities to be sub-agencies and parent agencies for the purpose of access applications
- provides that records held by the Audit Office or the Ombudsman's Office that were originally created or received by another agency are taken to be held by the original agency.

Government Information (Information Commissioner) Act 2009

The system of public access to information is overseen by the Information Commissioner, established under the *Government Information (Information Commissioner) Act 2009*.

Under the GIIC Act the Information Commissioner's role includes:

- promoting public awareness and understanding of the Act
- providing information, advice, assistance and training to agencies and the public
- dealing with complaints about agencies
- investigating agencies' systems, policies and practices
- reporting on compliance with the Act.

Under section 37 of the GIIC Act, the Information Commissioner is required to provide an annual report to Parliament on "the operation of the *Government Information (Public Access) Act 2009*, generally, across all agencies".

This report fulfils the Information Commissioner's obligation in this regard.



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