### Template Access to Information Contract Clause (GIPA Act, s. 121)

Template clause for agencies to include in contracts with third parties regarding right of access to contractor records - GIPA Act s121.

1. The Contractor must, within 7 days of receiving a written request by the Agency, provide the Agency with immediate access to the following information contained in records held by the Contractor:
2. information that relates directly to the performance of the services provided to the Agency by the Contractor pursuant to the Contract;
3. information collected by the Contractor from members of the public to whom it provides, or offers to provide, the services pursuant to the Contract; and
4. information received by the Contractor from the Agency to enable it to provide the services pursuant to the Contract.
5. For the purposes of sub-clause (1), information does not include:
   1. information that discloses or would tend to disclose the Contractor’s financing arrangements, financial modelling, cost structure or profit margin;
   2. information that the Contractor is prohibited from disclosing to the Agency by provision made by or under any Act, whether of any State or Territory, or of the Commonwealth; or
   3. information that, if disclosed to the Agency, could reasonably be expected to place the Contractor at a substantial commercial disadvantage in relation to the Agency, whether at present or in the future.
6. The Contractor will provide copies of any of the information in sub-clause (1), as requested by the Agency, at the Contractor’s own expense.
7. Any failure by the Contractor to comply with any request pursuant to sub‑clause (1) or (3) will be considered a breach of an essential term and will allow the Agency to terminate the Contract by providing notice in writing of its intention to do so with the termination to take effect 7 days after receipt of the notice. Once the Contractor receives the notice, if it fails to remedy the breach within the 7 day period to the satisfaction of the Agency, then the termination will take effect 7 days after receipt of the notice.