

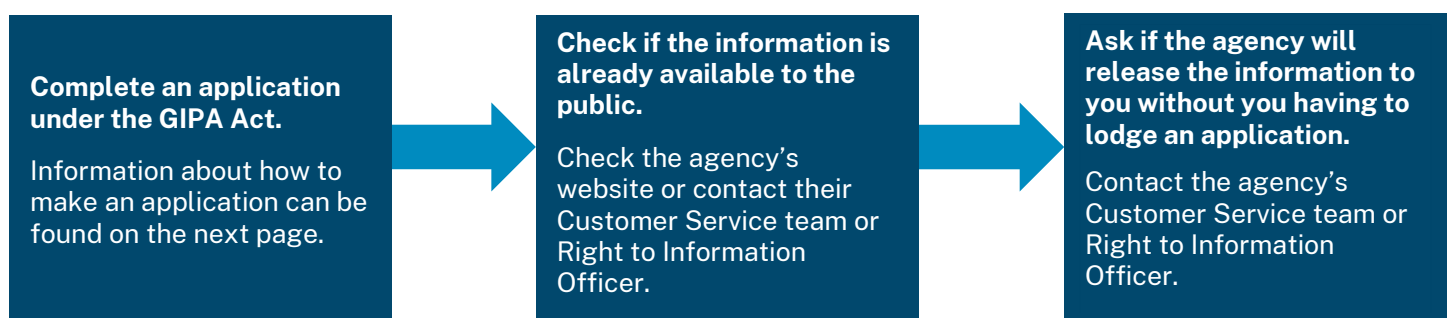
Simplified guide for information access

This fact sheet can assist you to make an application for information under the *Government Information (Public Access) Act 2009 (NSW)*.

What is the GIPA Act and what is government information?

- The *Government Information (Public Access) Act 2009 (GIPA Act)* allows people to access government information.
- **Government information** means any information contained in a record held by a NSW government agency. A **record** means any document or other source of information and includes written and electronic information.
- Government information can include records and data about how a government agency works.
- Government information can also include your personal information that is held by a government agency. **Personal information** is information that can identify you, such as your name, address and contact details.

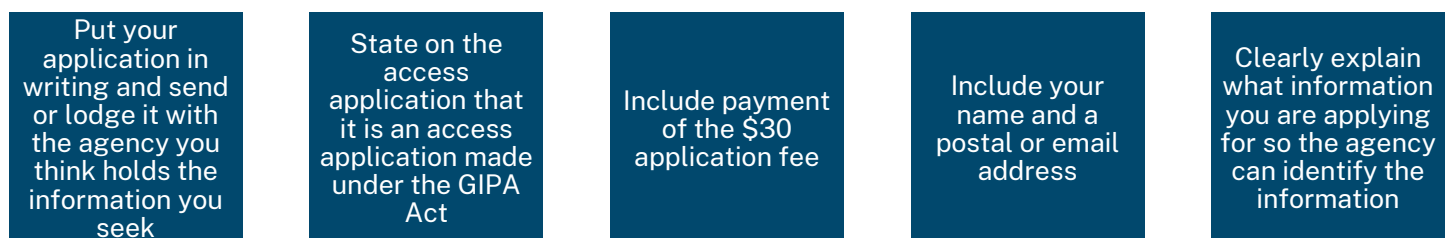
How can I access government information?



How do I make a formal application?

Access application forms can often be found on the agency's website.

An application will only be valid if it meets the five requirements below.



How much will it cost?

- The standard cost for a formal application is \$30.
- The application will not be valid until the fee is paid.
- There may be processing charges which are charged at a rate of \$30 per hour.
- The agency should waive the processing charges for the first twenty hours of processing time if the information is your personal information.

- Information about processing charges is usually available on the agency's website, or you can speak to the agency's Right to Information Officer for assistance.

What if I can't pay the fees?

Talk to the agency before you lodge your application and ask if they can help you. Agencies can waive, reduce or refund any fee or charge that may be imposed under the GIPA Act.

How long will my application take?

- Your application will usually be processed within twenty working days after it is received by the agency.
- You and the agency may agree to an extension of time beyond twenty working days.
- The agency may take an extra ten working days to process your application if it needs to consult a third-party to find out whether they object to the information being provided to you. The agency may also take an extra ten days to process your application if the information is stored in archives.
- The agency may take an extra fifteen days to process your application if it needs to both consult a third-party and the information is stored in archives.
- The agency is deemed to have refused your application and must refund your application fee if it takes longer than this to process your application and you have not agreed to an extension of time.

What if I don't get the information I wanted?

If you are unhappy with the agency's decision, you have the following three options:

OPTION 1:

Request an internal review by the agency within twenty working days after the notice of the decision has been given to you.

OPTION 2A:

Request an external review by the Information Commissioner within forty working days after the notice of the decision has been given to you.

OPTION 2B:

Request an external review by the NSW Civil and Administrative Tribunal (NCAT) within forty working days after the notice of the decision has been given to you.

Below is more information about each of the options.

OPTION 1: Request an internal review by the agency

- You can request an internal review by the agency if you are unhappy with the agency's decision.
- You have twenty working days from the time the agency's decision is given to you to ask the agency for an internal review of the decision.
- The internal review will be carried out by the agency where you made your access application.
- The internal review must be carried out by an officer more senior than the person who made the original decision.
- You cannot ask for an internal review if a Minister or their personal staff, or the principal officer of an agency made the decision. However, you can ask for an external review by the Information Commissioner or the NSW Civil and Administrative Tribunal (**NCAT**) (see Option 2A and 2B).
- You cannot ask the agency for an internal review of a decision that was itself an internal review decision.
- There is a \$40 application fee. However, no fee applies for an internal review if the decision is a deemed refusal as a result of the agency not processing your application in time. No fee also applies for an internal review if the review of the decision is conducted by the government agency because the Information Commissioner recommended that the agency reconsider its decision.
- The agency must acknowledge your application for an internal review within five working days of receiving it.

- The agency must decide the internal review within fifteen working days. This can be extended by ten working days if the agency has to consult a third-party to find out whether they object to the information being released.

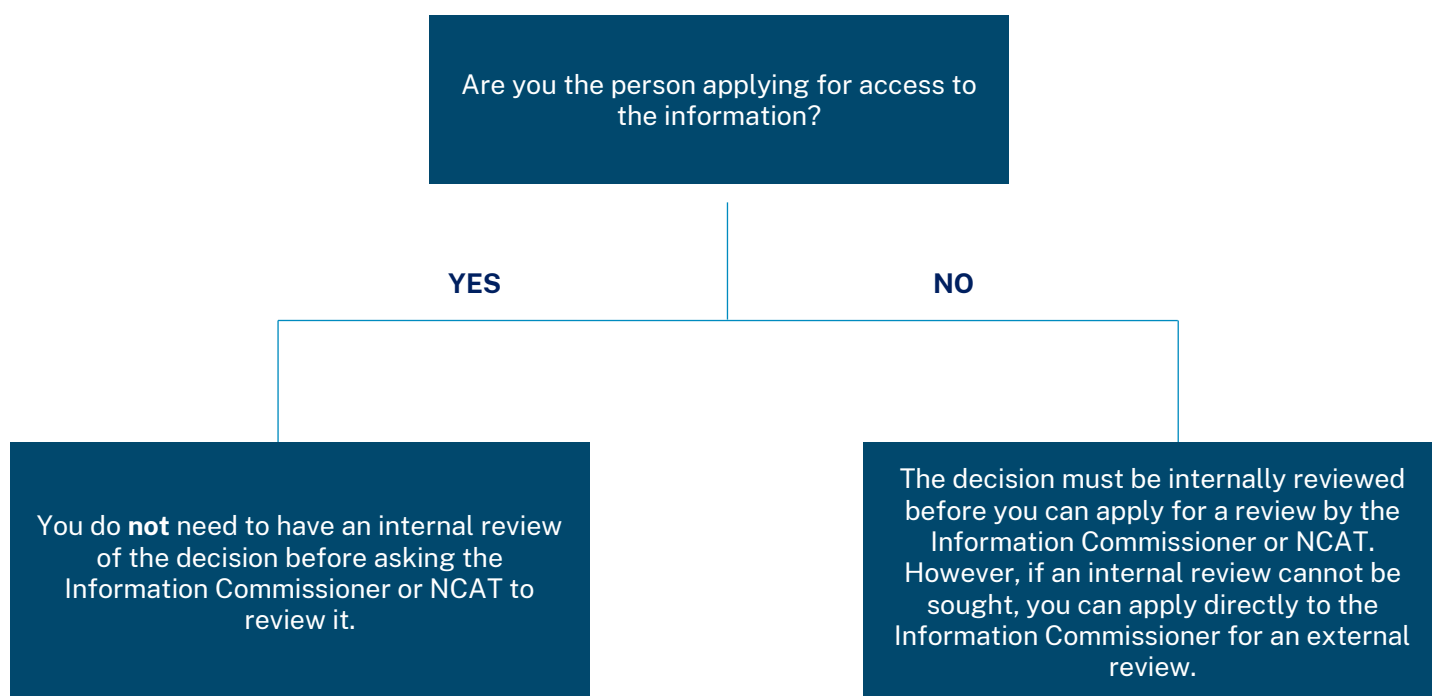
OPTION 2A: Request an external review by the Information Commissioner

- You can ask for a review by the Information Commissioner if you are unhappy with the agency's decision.
- You have forty working days from the time the decision is given to you to ask for a review by the Information Commissioner.
- The Information Commissioner can make recommendations about the decision to the agency after reviewing the decision. The Information Commissioner cannot review a decision that is being, or has been reviewed by NCAT.

OPTION 2B: Request an external review by the NSW Civil and Administrative Tribunal

- You can ask for a review by NCAT if you are unhappy with the agency's decision.
- You have forty working days from the time the decision is given to you, to apply to NCAT for a review. However, if you have applied for a review by the Information Commissioner, you have twenty working days from the time you are notified of the completion of the Information Commissioner's review, to apply to NCAT.

NOTE for OPTION 2A and 2B:



Other useful resources

Go to our website for more guidance on information access and tips, including:

- [Animation – Ways to access government information in NSW](#)
- [Fact Sheet – Your right to access government information in NSW](#)
- [Fact Sheet – How to access your personal information from government agencies](#)
- [Fact Sheet – Frequently asked question in relation to the informal release of information](#)
- [Fact Sheet – GIPA Act fees and charges](#)
- [Fact Sheet – Timeframes and extensions for deciding access applications under the GIPA Act](#)

- [Fact Sheet – Your review rights under the GIPA Act](#)
- [Fact Sheet – Open access information for citizens](#)
- [Fact Sheet – Third party consultation](#)

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

NOTE: The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.