

Pathway 3: Informal release of information

The informal release of information provides benefits for agencies and citizens and helps to increase access to information. The effectiveness of this pathway can be enhanced through sound agency practices and by linking the pathway to broader agency access mechanisms such as AIGs.

Agency practices

Agencies can release government information informally unless there is an overriding public interest against disclosure of the information.

Informal release under the GIPA Act is a quicker and cheaper access option for both the applicant and the agency. Agencies have flexibility in deciding the means by which information is to be informally released. Conditions can also be imposed on the use of the information released. Additionally, the GIPA Act provides protections for agencies using this pathway.

By highlighting the role of the informal release pathway, agencies can create opportunities to streamline the handling of common requests for information and ensure that citizens are able to avoid the cost, time and effort required to prepare and lodge a formal access application. Agencies should also use these insights to proactively release information and ensure a more effective application of their resources.

The IPC recommends that agencies exercise their discretion to deal with requests informally, wherever possible, to facilitate and encourage timely access to government information at the lowest reasonable cost. Review rights should also be considered by agencies in discussions with applicants regarding the option to deal with a request for information informally.

There is currently limited data available to the IPC to draw reliable conclusions on the frequency and volume of access requests made via the informal access pathway or the outcomes for applicants. Good administrative practices should support the use of this pathway.

In 2021/22, the IPC engaged with the University of New South Wales to partner in research on the use of the informal access pathway in conjunction with a review of selected agencies practices. This research will enable the IPC to better understand agency use of the informal access pathway and, where appropriate, promote its use. The research is currently underway and is expected to be released in 2023.

Issue Highlight: Realising the benefits of informal release ...but how does it work?

In the 2020/21 Report on the Operation of the GIPA Act, the Information Commissioner highlighted an unprecedented 30% increase in applications to access government information, representing the largest increase in over a decade of reporting.

In the face of such an increase the Information Commissioner recognised the impact on agency resources. Commissioning research to investigate the other request-based pathway to access information helps to understand how this pathway can be maximised to deliver the benefits of information release to both agencies and citizens.

Informal release describes the process by which government agencies are authorised to provide information in response to a request for information without requiring a 'formal access application' to be made under the GIPA Act.

Releasing information informally has several benefits:

- Citizens can make a request over the telephone or via email or other informal manner.
- An informal request for information is free of any cost to citizens.
- Agencies can release information informally without a formal decision and timeframes.
- Agencies can impose conditions on how information is released, for example it might be in an excel spreadsheet and still retain the protections against criminal or civil action under the GIPA Act.
- It is less resource intensive for agencies because there are no formal requirements e.g. no requirement to determine validity and issue a notice of validity.

There are other longer-term benefits to be realised that ensure that information is increasingly released. In practice the informal release pathway should:

- enable agencies to identify the information that is commonly informally requested and released
- assist agencies to inform and better meet their proactive release of information obligations and update their Agency Information Guide to enable citizens to acquire the information via a 'self-service' approach
- result in fewer resources being applied by both agencies and citizens.

The Research, to be released in 2023, will provide an overview of current practices adopted by agencies in operating the informal release pathway and provide guidance to maximise the benefits of this pathway.