

What information was asked for?

There has been a 141% increase in outcomes for applications that sought partly personal information and partly other information over the three years since 2018/19; all other outcomes increased

As Figure 16 shows, in 2020/21:

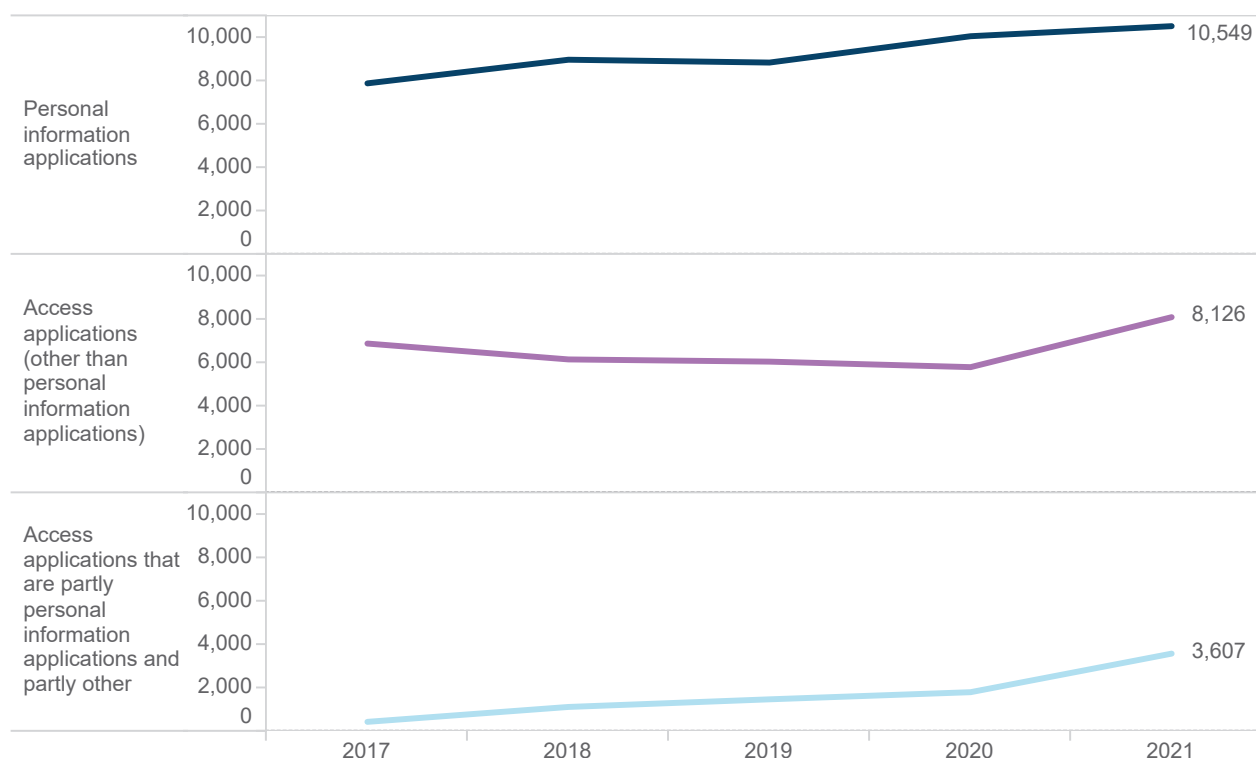
- outcomes that were partly personal information and partly other information increased significantly by 97% (from 1,828 outcomes in 2019/20 to 3,607 in 2020/21). This continues the trend observed in previous years, resulting in a 141% increase between 2018/19 and 2020/21

- ‘other than personal information’ outcomes increased significantly by 40% (5,812 in 2019/20, compared with 8,126 outcomes in 2020/21)
- personal information application outcomes increased by 5% (10,085 in 2019/20, compared with 10,549 outcomes in 2020/21).

The type of information sought varied across sectors

The percentage of outcomes changed from previous years, with a moderate decrease for outcomes relating to personal information and a moderate increase for applications for both types of information.

Figure 16: Number of outcomes by type of information applied for, 2016/17 to 2020/21



‘What information was asked for?’ is reported and measured by the requirement for agencies to report on the number of outcomes for applications made for personal information, other than personal information, or a combination of both types of information from Table B, Schedule 2 to the GIPA Regulation.

In 2020/21:

- 47% of outcomes related to applications for personal information, compared with 57% in 2019/20
- 37% of outcomes related to applications for 'other than personal information', compared with 33% in 2019/20
- 16% of outcomes related to applications for both types of information, compared with 10% in 2019/20 (Figure 17).

All sectors experienced different patterns of outcomes by type of information applied for in 2020/21, however these patterns remained consistent with those reported in 2019/20, except the Minister and State-Owned Corporations sectors which experienced significant changes in the outcomes by type of information applied for. Both of these sectors receive relatively small numbers of applications and are subject to more variability than other sectors (Figure 18).

In 2020/21:

- In the Minister sector, 83% of outcomes related to applications for 'other than personal information', a moderate decline from both 2019/20 and 2018/19 (94% and 100% respectively) and a significant increase for outcomes related to applications for 'partly personal information and partly other information' from 1% in 2019/20 to 17% in 2020/21
- In the State-Owned Corporations sector, 83% of outcomes for 'other than personal information' compared with 94% in 2019/20 and outcomes related to applications for 'partly personal information and partly other information' moderately increased from 2% in 2019/20 to 12% in 2020/21

- In the University sector, 32% of outcomes related to applications for personal information, compared with 22% in 2019/20. A corresponding decline was reported in outcomes related to applications for 'other than personal information', from 57% in 2019/20 to 51% in 2020/21, and for outcomes related to applications that are 'partly personal information and partly other information' from 21% in 2019/20 to 17% in 2020/21
- In the Government sector, 58% of outcomes related to applications for personal information, a moderate decline from 2019/20 and 2018/19 (69% and 65% respectively) and outcomes related to applications for 'partly personal information and partly other information' increasing from 10% in 2019/20 to 18% in 2020/21
- In the Council sector, 86% of outcomes related to applications for 'other than personal information', an increase from the prior two years 2019/20 and 2018/19 (81% respectively).

Figure 17: Outcomes by type of information applied for, 2020/21

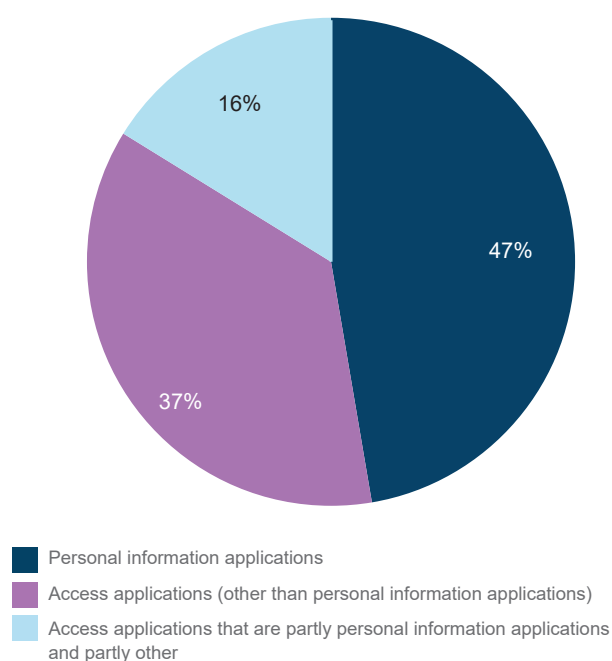
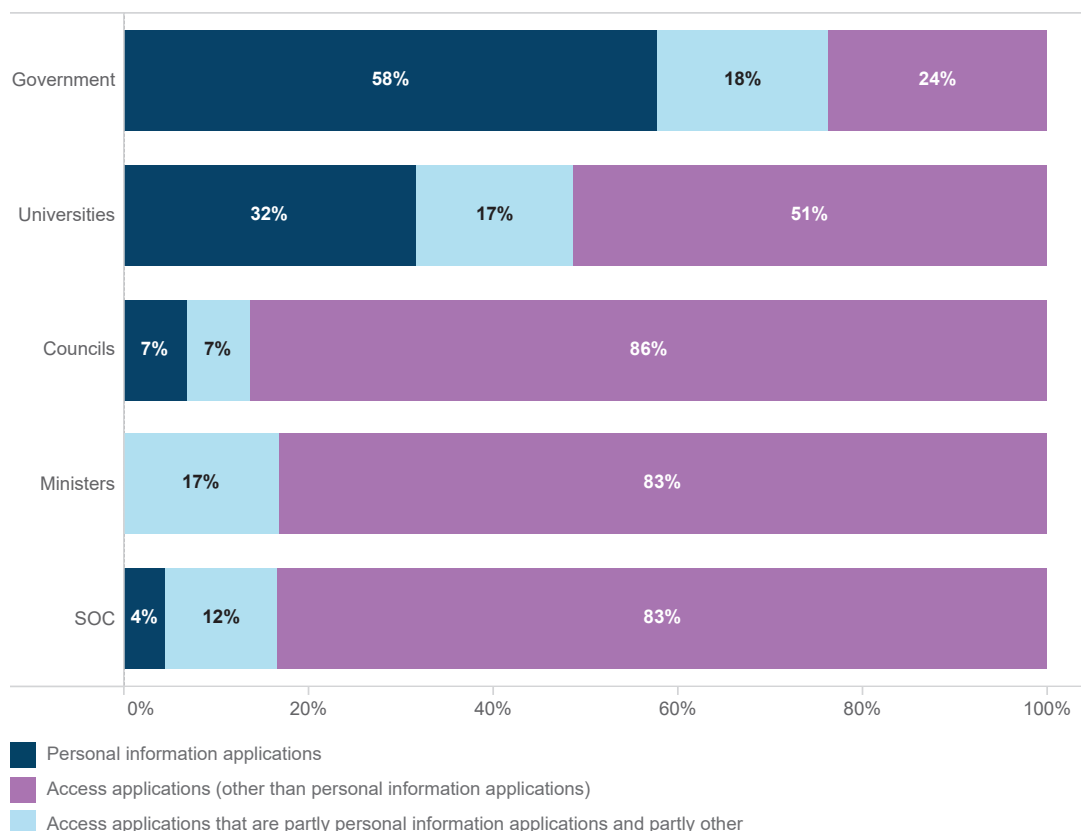


Figure 18: Percentage of all outcomes, by type of information applied for, 2020/21



Case Study: *Redfern Legal Centre v Commissioner of Police* [2021] NSWCATAD 288

This case involved an application for information about strip searches conducted by the NSW Police Force (NSWPF) in the 2018/19 and 2019/20 financial years.

In 2019, the University of New South Wales (UNSW) made an access application for information similar, but not identical to, the information sought by the access application. The NSWPF responded to that application by running a bespoke Structured Query Language (SQL) program over data held by the NSWPF.

The Respondent decided that information in these proceedings was not held under section 58(1)(b) on the basis that it would be required to create a new record under section 75 to bring the information into existence. The Respondent provided evidence that, in order to respond to the access application, it would need to write a new code in SQL. It was not possible to simply run the SQL program created in 2019 for the UNSW Application to obtain the information.

The Tribunal constructed “government information” narrowly and held that government information is limited to information which exists at the time of the access application. The Tribunal therefore found that, at the time of the access application, the NSWPF did not hold a record which contained the information sought by the access application, although it was possible to bring such a record into existence by the creation and application of a bespoke computer program (an SQL code). Accordingly, the Tribunal held that the information was not “government information”.

Government information is now largely held in digital form. Additionally, agencies are utilising new technologies and digital platforms to carry out their business, exercise decision-making functions and/or in providing services to the public. Most of the information held by government is held in digital form and therefore requires some ‘treatment’ to bring it into a readable or accessible form. Consequently, access to government information stored in electronic form often requires a level of manipulation to produce usable information.

The Information Commissioner encourages agencies to consider whether they can provide information responsive to access applications by utilising section 75 of the GIPA Act to create a new record to bring digital information into existence.

See [IPC Case Notes](#) for more information about this case.