

Frequently asked questions for citizens: What the IPC can and cannot do

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers legislation dealing with privacy and access to government held information in NSW. As part of its regulatory work, the IPC undertakes reviews and complaints in relation to information access and privacy. For further information about the IPC, the role that it plays and what it can do, please visit the IPC website's [About Us section](#).

To assist the public with understanding the scope of the IPC's role, this fact sheet has been designed to address some of the common issues and requests made to the IPC.

This is not an exhaustive list. Should you have any questions about an issue or request not covered in the list below, please do not hesitate to contact the IPC by email ipcinfo@ipc.nsw.gov.au or phone on 1800 472 679.

1. Can the IPC compel agencies and private sector organisations to release the information I am requesting access to?

The IPC cannot compel or order NSW public sector agencies or private sector organisations to release information in any circumstance to an individual applicant.

The IPC can review decisions of public sector agencies under the *Government Information (Public Access) Act 2009* (NSW) (GIPA Act) about the release of information and has 40 working days to do so. The 40 working days commences from when the Information Commissioner is satisfied that they have all the information needed to conduct the external review and not when you first make your request to the IPC for external review.

2. Does the IPC hold information on behalf of other NSW public sector agencies?

The IPC does not hold information on behalf of other NSW public sector agencies.

If you are seeking access to information held by an agency, you should contact that agency directly.

If you wish to lodge a request for information, you must lodge the request directly with the agency that holds the information.

For further information about how to seek access to information held by NSW public sector agencies, please refer to the [IPC website](#).

3. Can I make a complaint about the handling of my personal information by private sector persons and organisations?

No. The IPC does not handle complaints about individuals acting in their own private capacity e.g. your neighbour.

The Office of the Australian Information Commission (OAIC) is the regulator which looks after complaints regarding the handling of personal information by private sector persons and organisations such as sole traders, corporations, partnerships, trusts, and non-for-profit organisations, i.e. real estate agents or social media companies. This includes complaints about data breaches. For further information on how to make a complaint in this regard, please read the dedicated [resource of the OAIC](#).

Note: The IPC in its administration of the *Health Records Information Privacy Act 2002* (NSW) (HRIP Act) and the OAIC in its administration of the *Privacy Act 1988* (Cth) (Privacy Act) both have jurisdiction for the handling of health information held by health service providers and other private sector persons or organisations. For further information, please see the IPC's [webpage on the HRIP Act](#).

4. Can the IPC assist me to access my health records if my doctor has retired, or a practice has closed down?

Under NSW health privacy legislation, access to health records must be made in writing and given to the health service provider. If you have not been able to make the request in writing to your health service provider because the medical professional is retired or has closed its practices, the IPC is unable to assist you with accessing your health records.

For further information, please refer to the IPC's [fact sheet on access to health information for health care consumers](#).

If you would like to find out if your doctor has ceased practicing, you can undertake a search on the [Australian Health Practitioner Regulation Agency \(AHPRA\) Registry of Practitioners](#).

For enquiries regarding retired medical professionals or closed practices in other states, you can contact the relevant state or territory health complaints organisation as provided on [AHPRA's website](#).

5. Can the IPC assist me if I have concerns about CCTV cameras, workplace surveillance and audio/visual recordings on private properties?

No. If your enquiry relates to a concern about CCTV cameras, workplace surveillance, or audio/visual recordings on a private property, these concerns do not come under the IPC's jurisdiction. Please consider the IPC's [resource on CCTV on private property](#).

The NSW Privacy Commissioner oversees NSW privacy laws that cover NSW public sector agencies (including NSW Government agencies, local councils, and universities), public and private health service providers in NSW, and certain organisations that collect health information.

These privacy laws govern how personal and health information is collected, stored, used, and disclosed. This includes collection, storage, use and disclosure of personal and health information using a surveillance device. Local councils, however, are exempt from the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act) in relation to the use of CCTV cameras in public places, as outlined in the IPC [fact sheet - Local councils' use of Closed Circuit TV \(CCTV\)](#).

If you are concerned about your safety or about footage being used for indecent purposes, you can report it to the [NSW Police](#). The [OAIC's website](#) also provides information about the use of security cameras.

6. Can the IPC force agencies to make decisions as part of conducting an external review under the Information Commissioner's review function?

The Information Commissioner can review a decision by agencies under the GIPA Act. In the course of an external review of an agency's decision, connected to an access application, the Information Commissioner is able to make recommendations in respect of that agency's decision. The Information Commissioner cannot order an agency to release information or refund payment of processing charges.

The Information Commissioner's external review of an agency's decision made under the GIPA Act can only be with respect to a reviewable decision/s set out at [section 80 of the GIPA Act](#). For more information about review rights under the GIPA Act, including what a reviewable decision is, please read the IPC's [fact sheet on your review rights under the GIPA Act](#).

7. Does the IPC investigate concerns about corruption, government services, local councils, and medical malpractice?

Broadly, the NSW Independent Commission Against Corruption (ICAC) handles allegations of corrupt conduct by NSW public sector officials or NSW public sector agencies. You can report corruption to the NSW ICAC by following the prompts on [their website](#).

The NSW Ombudsman's Office is an independent and impartial integrity agency that handles complaints about the services delivered by most NSW government agencies, local councils, and community service providers. Please visit the [NSW Ombudsman's website](#) for further information about how to make a complaint and what complaint types are handled.

The Office of Local Government (OLG) also investigates complaints that concern local government councils where issues are not resolved with councils in the first instance. For further information, please visit the [OLG's website](#).

AHPRA handles complaints concerning the professional conduct of health practitioners. Should you wish to raise a concern about a medical professional's professional conduct, please refer to [AHPRA's website](#), which also sets out concerns that may be more appropriately directed at the Health Care Complaints Commission (HCCC). The HCCC is an independent body set up under the [Health Care Complaints Act 1993 \(NSW\)](#) and acts to protect public health and safety by resolving, investigating and prosecuting complaints about health care.

The Information Commissioner and the Privacy Commissioner in their administration of the GIPA Act and PPIP Act, respectively, may investigate complaints that NSW public sector agencies have engaged in conduct amounting to an offence under these acts.

Further information about the requirements and the threshold for the offence provisions under the GIPA Act, is available in the IPC's [fact sheet on offences under the GIPA Act](#).

Offences under the PPIP Act are found in [Part 8 of the PPIP Act](#).

8. Does the IPC provide citizens and agencies with legal advice or legal services?

The IPC can and does provide general advice about NSW privacy and information access legislation. The IPC does not provide legal advice in any circumstances and acts impartially within its complaint and review handling functions. Please read the [privacy](#) and [information access](#) resources for citizens and agencies on the IPC website for further regulatory guidance and information.

For further information about where you can seek legal advice, please visit the [IPC website](#).

9. Can the IPC investigate concerns about Commonwealth government agencies and organisations outside NSW?

The activities of Commonwealth government agencies, as well as organisations outside of NSW, are not covered by the IPC's jurisdiction.

Privacy and information access concerns involving Commonwealth government agencies such as Centrelink and the MyHealth Portal can be raised with the OAIC. Privacy and information access concerns about government and non-government organisations operating in other states can be raised with the relevant privacy and information commissions in those states. For the relevant privacy authority of your state, please refer to the [OAIC's dedicated web resource](#).

Note: For further information, please see the IPC's [fact sheet about the IPC's functions](#).

10. Can I make complaints about an agency's record keeping obligations under the State Records Act 1988 (NSW)?

The IPC does not administer the *State Records Act 1998 Act* (NSW) (SR Act) and therefore does not regulate agencies with regard to their record keeping obligations under the SR Act.

Should you have any enquiries or concerns with regard to an agency's record keeping requirements, please contact the [State Archives and Records Authority NSW \(SARA\)](#).

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.