Fact Sheet November 2026

Open access information for the public

Who is this information for?

If you are a member of the public and want to learn about the information that government agencies must make public in NSW – called 'open access' information.

Why is this information important?

This Fact Sheet helps you to understand what 'open access' information is.

Relevant legislation

This Fact Sheet provides a simple summary of the following legislative provisions:

Government Information (Public Access) Act 2009 (GIPA Act) s 6, pt 3

Government Information (Public Access) Regulation 2018 (GIPA Regulation)

Why 'open access' information?

All NSW agencies must release a range of information as 'open access' information.

The mandatory public release of government information promotes consistent and transparent information-sharing practices across NSW agencies, as well as providing you an immediate right of access to important government information.

It helps to foster responsible and representative government that is open, accountable, fair and effective, by:

- promoting open discussion of public affairs, enhancing government accountability and contributing to the positive and informed debate on issues of public importance
- informing the public about the operations of agencies and policies and practices for dealing with members of the public
- ensuring effective oversight of the expenditure of public funds.

What is 'open access' information?

All NSW agencies must publish the following information online as 'open access' information:

- their agency information guide describing an agency's structure and functions and how those functions affect the public, as well as the type of information held by the agency and how that information is made publicly available: see IPC Fact Sheet – Agency Information Guides and the Public
- documents tabled in Parliament by, or on behalf of, an agency
- their policy documents
- their disclosure log of information released under formal access applications that may be of public interest
- their register of contracts with private sector entities for a value of $150,000 (inclusive of GST) or more.

There are extra obligations to publish for particular agencies which are set out in the GIPA Regulation:

Ministers must disclose any media release they issue, and details of overseas travel. They don't have to publish and agency information guide.

Government departments must publish a list of their major assets, the total number and value of properties disposed of in the previous financial year, their guarantee of service and code of conduct, and any standard, code or other publication in any Act or statutory rule administered by the Department (if any).

Local councils must make publicly available:

- annual, financial, and auditors' reports, management plans and various codes
- returns of the interests of councillors, designated persons and delegates
- agendas, business papers and minutes of meetings
- information contained in certain registers
- plans and policies
- development applications and associated documents (for applications and decisions made on or after 1 July 2010)
- information concerning approvals, orders and other documents.

Is anything excluded from being 'open access'?

While there is a presumption in favour of making government information public, in some circumstances information may be excluded from 'open access' because there is an 'overriding public interest against disclosure'. For how agencies weigh up public interest considerations, see IPC Fact Sheet – What is the public interest test?

If an agency decides that there is an overriding public interest against disclosure of information, and refuses to release it, they must publish a record of these decisions, indicating the general nature of the information concerned.

The NSW Civil and Administrative Tribunal (NCAT) has repeatedly found that, in disputes where the information in issue is in fact open access information, this is an 'important factor in favour of disclosure' when it comes to determining whether the balance lies between a public interest consideration against disclosure and the public interest in favour of disclosure.

Finally, there is nothing in the GIPA Act or the GIPA Regulation requiring or permitting an agency to make open access information available in any way that would constitute an infringement of copyright.

Do I have to pay for access?

The basic rule is 'no' – you do not have to pay for open access information. All open access information must be available free of charge on an agency's website or some other way that is free for you. You will only be asked to pay for a particular format if it is available for free in at least one other way.

Local councils must make open access information available for inspection and copying at council offices – on top of their online publishing obligations. If you want to copy such documents, the council may charge you a reasonable cost for photocopying.

How do I find 'open access' information?

The general rule is that open access information must be made available on an agency's website, so start by looking there. To help you find what you are looking for, the IPC encourages agencies to display its open access information prominently online, making it easy to access: see IPC Fact Sheet – Open Access Information for Agencies.

In some circumstances it may not be feasible for an agency to post open access information on a website (for example, data storage limitations or server capacity issues). However, the agency must still make the open access information available to you without cost.

The GIPA Regulation imposes additional obligations on 'local authorities' (local councils and county councils) to make their open access information available for inspection free of charge at their office, or by providing a copy of a record containing the information (or providing the facilities for making a copy of a record containing the information) free of charge or for a charge not exceeding the reasonable cost of photocopying.

What about agencies that are linked to other agencies?

Some government agencies are part of others – as 'subsidiary' agencies. This is set out in a schedule to the GIPA Regulation. To comply with their open access obligations, 'parent' agencies need to ensure that the open access information of their subsidiary agencies is published. A parent agency is not required to publish separate open access information for each subsidiary agency that they are responsible for (although in some instances they may choose to). Instead, they can include a subsidiary agency's information within the parent agency's open access information.

A parent agency must comply with obligations under the GIPA Act on behalf of its subsidiary agencies:

- If an access application is made to a parent agency for government information held by the subsidiary agency, the application can be dealt with by the parent agency.
- Parent agencies must publish open access information as though the subsidiary agency is a part of the parent agency.

See IPC Fact Sheet – Open access obligations on parent agencies under the GIPA Act.

What if I can't find it online?

Just because open access information may not be visible on an agency's website does not necessarily mean it is not publicly available. In some situations, agencies may not be able to publish open access information electronically due to a lack of resources or technological capacity.

If you cannot find the information you are looking for after searching an agency's website, or do not have access to the internet, contact the agency's Right to Information Officer for help. Alternative methods of access may include providing paper or electronic copies of information or viewing the information at the agency's office.

As a matter of good practice, when information is not published online, agencies should note clearly on their websites the alternative ways that information can be accessed, because they must provide you with advice and assistance: see IPC Fact Sheet – Open Access Information for Agencies.

What if I've spoken to the agency and still can't get access?

If you are having difficulty obtaining open access information from an agency, you may contact the IPC for further information and assistance.

We can help clarify whether your concerns relate to open access information and consider if you have been refused access to open access information on the basis of an 'overriding public interest against disclosure'.

Our possible response may involve:

- talking informally with an agency to address an isolated incident or problem; and/or
- a more formal complaint investigation considering wider systemic operational issues.

Other useful resources

Other resources that may be useful on this topic include:

- IPC Fact Sheet – Open access obligations on parent agencies under the GIPA Act
- IPC Fact Sheet – Agency Information Guides and the Public
- IPC Fact Sheet – What is the public interest test?
- IPC Fact Sheet – Open Access Information for Agencies

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.