

How many applications were lodged?

The total number of valid applications received increased by 6%, following the significant increase in the previous reporting period

At the time of reporting, agencies advised that they received 23,789 valid applications during 2021/22. This compares with 22,349 valid applications in the previous financial year and represents a total increase of 1,440 (6%) in valid applications received. This suggests that the number of applications has stabilised somewhat following the significant increase reported in 2020/21, while continuing to grow at a more consistent rate with previous years prior to 2020/21. The trend in applications is shown in Figure 5.

The number of applications received by agencies can be affected by certain factors, such as the type of information sought, the extent to which agencies proactively make information available and the use of the informal access pathway.

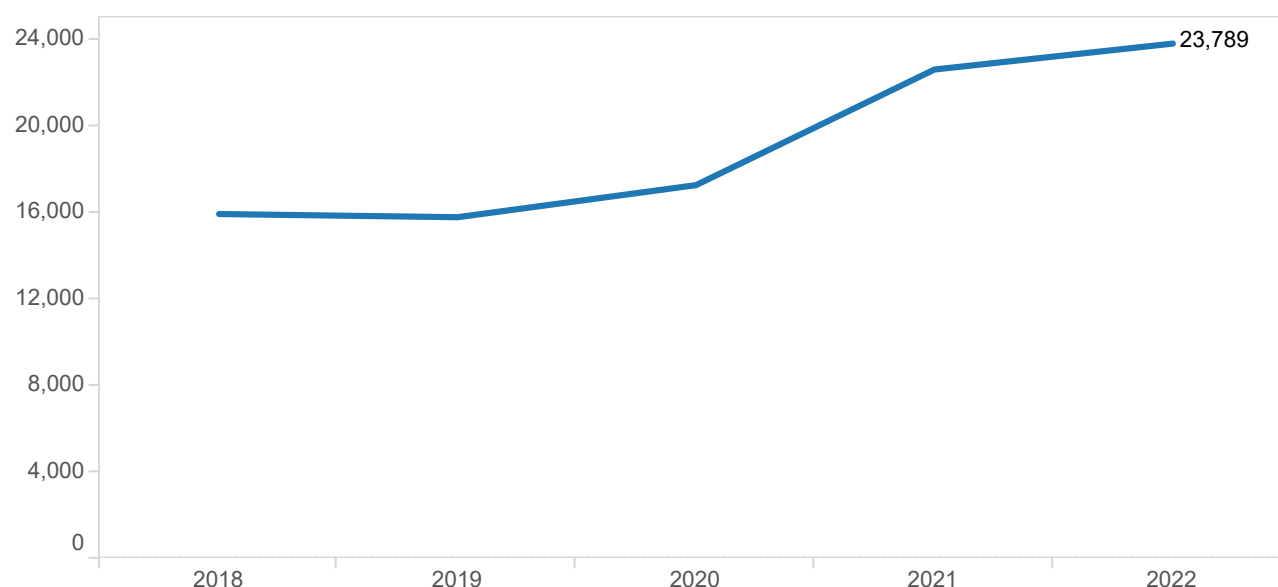
Most applications were made to the Government sector²⁵

Consistent with previous years, the Government sector continued to account for the great majority (19,219 or 81%) of valid applications (Figure 7). While the overall proportion of valid applications received by the Government sector remained stable, there was a moderate increase (8%) in the number of applications received, rising from 17,870 in 2020/21 to 19,250 in 2021/22.

In 2021/22, the NSW Police Force received 37% (8,862) of all valid applications, consistent with 36% in 2020/21 (Figure 6). While the NSW Police Force continued to receive the largest proportion of valid applications across all sectors, this proportion has declined steadily over time from 42% of valid applications in 2014/15 to 37% in 2021/22.

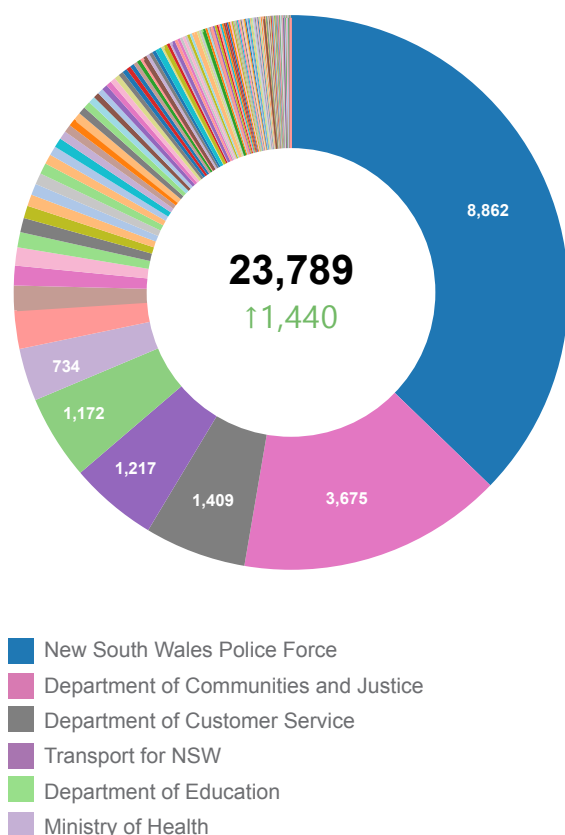
The top six government agencies by number of applications received is similar to last year (Figure 6).

Figure 5: Total number of valid applications received, 2017/18 to 2021/22



²⁵ Since 2016/17 data is reported across five sectors, including state-owned corporations. This will affect comparisons with the published reports in previous years.

Figure 6: Distribution of valid applications received, by agency, 2021/22



Notable changes in valid applications received across these agencies were:

- 253% increase in applications received by the Department of Customer Service (from 399 in 2020/21 to 1,409 in 2021/22). This increase is likely a result of changes in reporting arrangements with Safework NSW reporting via the Department of Customer Service commencing from the 2021/22 reporting period
- 54% increase in applications received by the Department of Education (from 759 in 2020/21 to 1,172 in 2021/22)
- 25% decline in applications received by Transport for NSW (from 1,634 in 2020/21 to 1,217 in 2021/22)
- 10% increase in applications received by the NSW Police Force (from 8,047 in 2020/21 to 8,862 in 2021/22)
- 8% increase in applications to the Department of Communities and Justice (from 3,405 in 2020/21 to 3,675 in 2021/22).

Applications in the Government sector rose moderately, with declines recorded in the Minister, University and State-Owned Corporations sectors

The number of applications received by the Council sector remained consistent with results reported in 2020/21 (Figure 7).

The number of applications received by the Government sector increased moderately by 8% compared with the 2020/21 results.

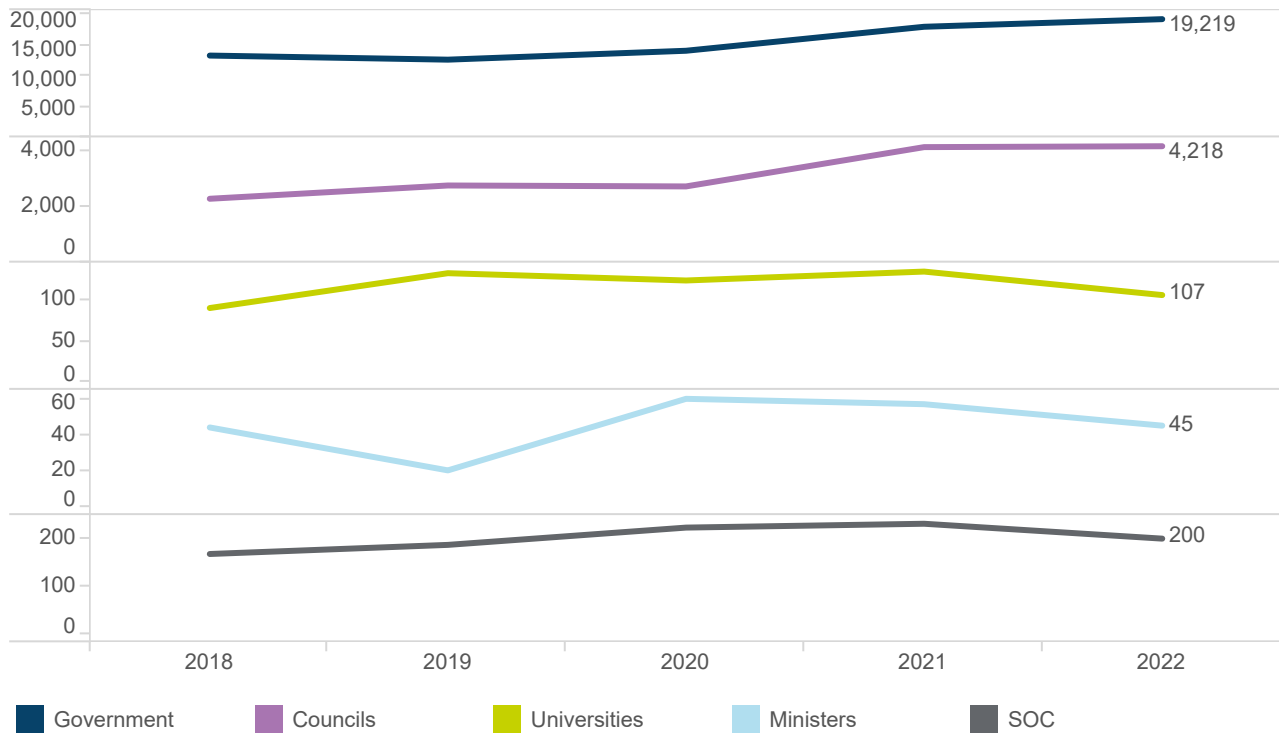
Applications received in the University sector declined significantly by 21% in 2021/22.

The State-Owned Corporations sector declined moderately by 13% compared to the previous year.

Applications received by the Minister sector declined significantly by 21% in 2021/22.

Each of the sectors that reported a decline receive relatively few applications and their year-on-year results are therefore more variable.

Figure 7: Number of applications received, by sector, 2017/18 to 2021/22



'How many applications were lodged?' is reported and measured by the requirement for agencies to report on the total number of formal applications received during the year and that were assessed as valid in clause 8(b) of the GIPA Regulation.

Issue Highlight: Managing requests for information – What are an agency's obligations?

When a citizen requests information they can make their request under the two *reactive* pathways under the GIPA Act:

1. Informal release, or
2. Formal release.

Agencies have an obligation to assist citizens to make or who propose to make an application for information. The legislation makes clear the specific advice and assistance the agency should provide to the citizen who requests access to government information:

- (a) advice as to whether or not the information is publicly available from the agency and (if it is) how the information can be accessed,
- (b) advice on how to make an access application for the information if the information is not publicly available from the agency but appears likely to be held by the agency,
- (c) if the information appears unlikely to be held by the agency but appears likely to relate to the functions of some other agency, the contact details of the other agency,
- (d) the contact details of the Information Commissioner and advice on the availability of and how to access any information published by the Information Commissioner that it appears may be relevant to the person's request.²⁶

These requirements ensure that the right to access information is preserved and unencumbered. That duty to preserve and promote information access in a timely and effective manner is confirmed and fortified throughout the GIPA Act. For example, while an agency may request an applicant use an application form to structure their access request, the GIPA Act does not require or compel an applicant to use a specific form. The absence of a prescribed form means that agencies can act flexibly when receiving access requests. If an agency requires:

- a form to be completed for the access application, or
- the applicant to talk through their access request via telephone or other communication before allowing them to lodge an application,

then that action would be inconsistent with the operation of the GIPA Act and may have the effect of creating a barrier to access.

Agencies must act in accordance with the GIPA Act in both its strict requirements to provide certain types of advice and assistance and in the spirit of the GIPA Act.

The right to information is a fundamental human right and it cannot be curtailed by actions which may be viewed as barriers to that fundamental human right.

²⁶ GIPA Act section 16(2)(a) – (d)