Fact Sheet

July 2026

Informal release of information

Who is this information for?

For NSW public sector agency staff dealing with requests to access government information.

Why is this information important?

This Fact Sheet helps you to understand the benefits for agencies and members of the public of the informal release of information.

Relevant legislation

This Fact Sheet is based on the following legislative provisions:

Government Information (Public Access) Act 2009 (GIPA Act) pt 2

Government Information (Information Commissioner) Act 2009 (GIIC Act) pt 3

Overview

An agency is authorised to release government information to a person in response to an informal request, unless there is an 'overriding public interest against disclosure' of the information: s 8(1).

Facilitating access to information informally upholds the intention of Parliament to facilitate and encourage prompt access to government information at the lowest reasonable cost: s 3(2).

This Fact Sheet outlines how to navigate the various questions that concern informal release of government information.

What is 'informal release' of information?

'Informal release' occurs when you give out information in response to a request, without requiring a formal access application under pt 4: s 8(1).

Can I release information informally?

If you hold a delegation or authorisation to exercise GIPA Act functions, either generally or in the particular case, you may consider informal release of information.

What should I consider in releasing information informally?

First, you must provide advice and assistance to members of the public requesting or proposing to request information: s 16. That advice includes:

- whether the information sought is publicly available and how the information can be accessed
- the contact details for another agency that might have the information sought
- the contact details of the IPC and advice on the availability of and how to access information published by the IPC that might be relevant
- how to make an access application.

This assistance can include information about accessing information informally.

The benefits of agencies providing informal access include efficiencies in saving time and resources and flexibility by:

- releasing information subject to conditions
- providing information without the requirement to provide a formal written decision.

You may release any information informally, unless there is an overriding public interest that would prevent this: see IPC Fact Sheet – What is the public interest test?

The context for release of information on request will be different for each agency, and some relevant questions for you to ask include:

- is it in the public interest to release the information to the person or organisation requesting it
- if an individual requests the information, is it their personal information
- can any sensitive information, including information about someone else, be easily deleted, allowing the rest to be released
- will release of the information with conditions will facilitate access

- is the information sought of a kind where a detailed application of the public interest test would not be required
- could you prepare a summary easily and quickly, if it is not possible to release all the information
- is the information relatively simple to search for and obtain.

If the answer to any of these questions is 'yes', and there is no overriding public interest against disclosure, then you should consider releasing the information in the most appropriate format without requiring a formal access application.

When should a formal application be required?

You retain the discretion to require a formal access application to be lodged in appropriate circumstances. For example, where:

- searching for and retrieving the information would require a significant diversion of resources
- the material contains information about someone else that cannot be deleted easily or without rendering the information useless, and consultation with them would need to occur
- the material is sensitive in nature and requires careful balancing of public interests.

Can I suggest that a formal application be dealt with informally?

Yes. If you receive an access application, you may contact the applicant and suggest that you can deal with the request informally. You would need to explain that they would not have to pay an application fee, however it would also mean that, unlike a formal application:

- you do not have to deal with the application within a specific timeframe
- they would not receive a decision in writing
- they would *not* have any review rights.

You need to be clear with applicants, and document what information can be provided informally and what would require a formal application. If an applicant decides to utilise the informal release pathway, they can withdraw their formal access application.

If the formal application is not withdrawn, you must proceed to make a decision on it. If you don't, you will be deemed to have decided to refuse to deal with the application: s 63.

What conditions might be considered 'reasonable'?

You can decide how information is released in response to an informal request: s 8(2). You can release information in various ways: eg, by phone, email, letter, fax, or in person. Information can also be released in an audio-visual format, or by providing view-only access.

You can also delete any part of the information that would otherwise result in an overriding public interest consideration against disclosure: s 8(5).

You can also impose conditions on the informal release of information: s 8(2). This is a benefit of the informal release pathway that you don't have when releasing information under a formal access application: s 73.

The conditions that you may reasonably impose will depend greatly on the circumstances and context of each request.

Two frequently asked questions about 'reasonable conditions' are:

- would a reasonable condition include charging for photocopying or imposing other processing charges
- is it reasonable to place a time limit on meeting informal requests.

Can I charge for releasing the information?

No. While the GIPA Act sets out the circumstances in which fees and charges may be imposed, it does not include where information is released informally.

Where it is not feasible to release the information for free, eg, where the volume is too great, or the request is not specific enough, you could consider inviting the person making the request to view the documents through inspection, or public access digital facilities where the information is in a digital format. You may also provide access to photocopying facilities, if available at your agency, that the person may use at their own expense.

Another option would be to suggest lodging a formal access application. While this would require the applicant to pay an initial fee and may incur processing charges, the applicant would have the right to seek a review of decisions about access and charges: pt 5. The Information Commissioner can receive complaints about informal release under the GIIC Act: pt 3 div 2, but the right to a formal review does not exist in relation to informal release.

What is the timeframe for responding to a request?

Although the GIPA Act does not provide a timeframe for dealing with informal requests for information, you should endeavour to meet requests for information promptly: s 3(2)(b). You should also give some indication as to when you will decide the request for information.

If you decide that meeting an informal request for information would take an unreasonable amount of time, you should discuss with the person all other options. This may include the option of making a formal access application instead, noting that it may involve charges, require reasons and thorough consideration, and it attracts review rights to the decision.

The IPC has developed a template letter that you may use to communicate options for accessing information when advising applicants of a decision to refuse an informal release request: Template letter - Informal release decision template letters

Should I record the information release informally?

Agency staff are encouraged to keep their own records concerning the information they release informally, and any conditions attached to release.

You should keep in mind that any records generated regarding informal release will need to comply with the requirements of the *State Records Act 1998*: see www.records.nsw.gov.au.

Am I protected from liability

If you are authorised to make GIPA Act decisions, decide to release information informally and consider in good faith that the decision is permitted or required by the GIPA Act, you are not exposed to any personal liability, or to any action in defamation or breach of confidence, that may result from the disclosure: ss 113–115.

What if there are repeated requests for the same information?

If you receive repeated requests for the same type of information from different people, it is a good indication that this information is of general interest to the public.

You may wish to disclose it *proactively*, subject to any overriding public interest considerations: s 7. This would save time and agency resources dealing with the same types of requests and satisfy the public interest in favour of disclosure.

Agency Information Guides (AIGs) can be used to promote proactive and informal release of information. AIGs will often be the starting point for members of the public seeking information and present an important opportunity to highlight the availability of the informal pathway and encourage its use where appropriate.

Other useful resources

Other resources that may be useful on this topic include:

- IPC Fact Sheet – What is the public interest test?
- IPC Fact Sheet – Managing access to audio visual information under the GIPA Act
- IPC Fact Sheet – GIPA Act fees and charges
- IPC Fact Sheet – Your review rights under the GIPA Act
- IPC Fact Sheet – Delegation or Authorisation of GIPA Act Functions
- IPC Information Access Guideline 6 – Agency Information Guides

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.