

# Frequently asked questions for citizens: Informal release of information

## Who is this information for?

NSW citizens who are seeking more information about the informal release of information.

## Why is this information important?

This fact sheet is designed to address issues or questions you may have when considering asking for information from an agency informally or when an agency offers to release information informally.

The *Government Information (Public Access) Act 2009* (GIPA Act) allows agencies to release information to you in response to an informal request.

This fact sheet is designed to address issues or questions you may have when considering asking for information from an agency informally or when an agency offers to release information informally.

An advantage for citizens is that an informal request for information can facilitate access to government information promptly and at the lowest reasonable cost.

## 1. What does releasing information informally mean?

Releasing information informally means that an agency can give you information in response to your request, without requiring you to make a formal access application under Part 4 of the GIPA Act.

This means that:

- you may receive the information more quickly
- the agency can impose conditions on the release of information to you including how you can access the information
- you do not need to pay an application fee, or other costs such as processing charges
- there is no timeframe imposed on the agency to make a decision

- you do not have the right to have the agency's decision reviewed.

## 2. How do I request information informally?

You may wish to check with the agency to clarify whether the information you are seeking is already available or request the information you are seeking.

In making a request for information you should be as clear as possible, so the agency understands what information you are seeking from them.

You don't need to use a particular form to request information informally.

However, some agencies have developed request forms for informal requests. This assists the agency in understanding what government information you are seeking, and your reasons for asking for that information.

It also helps the agency to understand the types of information that people are interested in, allowing the agency to consider releasing more of that information proactively.

## 3. Do agencies have to provide all of the information requested?

If an agency decides to release information informally, it must first assess whether there is an overriding public interest consideration against disclosure<sup>1</sup>. This means that some information you asked for may not be given to you because, for example, it contains another person's personal information, or a third party's business information.

Information involving other people may mean part of the information is redacted or withheld by the agency. This allows the agency to release the remainder of the information to you, rather than refusing to provide any of the information you have requested.

<sup>1</sup> Sections 8(1) and 14 GIPA Act

#### 4. Can the agency charge me for information released informally?

The GIPA Act does not provide for agencies to charge for information released informally.

However an agency may advise you that the information you are seeking is extensive, and may invite you to view the information, or allow you to copy the information at your own expense where copying facilities are available. Alternatively the agency may suggest that you lodge a formal access application which would require you to pay a fee of \$30.

[Further information about the formal access application pathway is available on the IPC's website.](#)

#### 5. How soon will I get my information?

The GIPA Act does not provide any statutory timeframes for dealing with, or deciding informal requests for information.

Agencies must deal with informal requests for information in such a way that facilitates and encourages prompt access to government information requests at the lowest reasonable cost.<sup>2</sup>

Agencies should give some indication as to when a request for information may be dealt with.

If an agency decides that your request for information would take an unreasonable amount of time, the agency should discuss all other options with you including making a formal access application.

#### 6. Can the agency impose conditions on the release of information?

An agency may release information to you subject to any reasonable conditions the agency thinks it should impose.<sup>3</sup>

An example of a condition on release of information could be that an agency releases CCTV footage to media organisations subject to those media organisations pixelating all images of individuals who may be identified in the footage. Another example is that an agency may release information on a confidential basis.

It is for the agency to decide what conditions it may wish to impose in releasing the information to you. If you do not accept the conditions, they do not have to release the information.

#### 7. Can the agency decide how information is released to me informally?

Yes.<sup>4</sup> For example, although you asked for copies of information, the agency may decide that you may inspect the information, but not take copies.

#### 8. Can the agency be required to consider my request for information?

No, there is no requirement under the GIPA Act for an agency to consider an informal request for information<sup>5</sup>.

#### 9. Can the agency ask me to make a formal application for information?

An agency may suggest that you make a formal access application for the information you are interested in. A formal access application requires the agency to consider your request in depth, assist you with the application<sup>6</sup>; provide written reasons for the decision, make the decision within strict timeframes and provides you with review rights if you are dissatisfied with the decision.

#### 10. Do I have a right to seek a review of the agency's decision not to give me information?

No. The GIPA Act does not provide a right of review of a decision by an agency regarding an informal request.

#### 11. What can I do if I am unhappy about the way an agency has handled or responded to my informal request for information?

If you are dissatisfied about the response you have received from an agency following an informal request for information, you may wish to make a formal access application or make a complaint to the agency or the Information Commissioner.

[Further information about the formal access application pathway is available on the IPC's website.](#)

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<sup>2</sup> Report on the operation of the GIPA Act 2009 2015-2016 page 26

<sup>3</sup> Section 8(2) GIPA Act

<sup>4</sup> Section 8(4) GIPA Act

<sup>5</sup> Section 8(3) GIPA Act

<sup>6</sup> Section 16 and 52 GIPA Act

## For more information

Contact the Information and Privacy Commission NSW (IPC):

**Freecall:** 1800 472 679

**Email:** [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

**Website:** [www.ipc.nsw.gov.au](http://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.*