Fact Sheet November 2026

Open access information under the GIPA Act – agency requirements

Who is this information for?

For NSW public sector agency staff

Why is this information important?

This Fact Sheet helps you to understand what 'open access' information is from your agency's perspective.

Relevant legislation

This Fact Sheet is based on the following legislative provisions:

Government Information (Public Access) Act 2009 (GIPA Act), pts 2, 3.

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

Government Sector Finance Regulation 2018 sch 2

Why 'open access' information?

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

In line with the object of the GIPA Act set out in s 3, the mandatory public release of government information promotes consistent and transparent information-sharing practices across NSW agencies, as well as providing people 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, and
- ensuring effective oversight of the expenditure of public funds.

What is open access information?

The GIPA Act s 18 defines open access information as:

- an agency information guide (AIG), describing your agency's structure, functions, how those functions affect the public, the type of information held and how it is made publicly available: s 20 – see Information Access Guideline 6 – Agency Information Guides
- documents tabled in parliament by or on behalf of your agency: s 18(b)
- your agency's policy documents that are related to its functions and are likely to affect members of the public – such as rules, guidelines, statements of how administered schemes will operate and procedures to investigate contraventions (but are not legislative instruments): s 23
- a disclosure log of information released under formal access applications that may be of general public interest: pt 3 div 4 – see IPC Fact Sheet – Good practice for disclosure logs
- a register of contracts your agency has with private sector entities for $150,000 (inclusive of GST) or more: s 27 – see the IPC e-learning module, The Contract Register and Contract Disclosures
- a record of the open access information that is *not* made public due to an 'overriding public interest against disclosure': s 18(f)
- an advertising compliance certificate issued by your head of agency under the *Government Advertising Act 2011*: GIPA Regulation cl 4(2).

Additional requirements for some agencies

The GIPA Regulation prescribes specific government information of certain agencies as 'open access'.

Ministers

- any media release the Minister issues: cl 6(1)(a)
- specified details concerning the Minister's overseas travel: cl 6(1)(b).

The information may be made available on the website of the department for which the Minister is responsible: cl 9.

Note that Ministers and their staff are not required to publish an AIG under the GIPA Act: s 20(1).

Departments

- a list of the department's major assets and acquisitions: cl 6(2)(a)
- the total number and total value of properties the department disposed of during the previous financial year" cl 6(2)(b)
- the department's guarantee of service (if any): cl 6 2(c)
- the department's code of conduct (if any): cl 6(2)(d)
- any standard, code or other publication applied, adopted or incorporated by reference in any Act or statutory rule the Department administers: cl 6(2)(e).

Relevant entities under clause 6(5)

- the total number and total value of properties the statutory body disposed of during the previous financial year: cl 6(4)(a)
- the statutory body's guarantee of service (if any): cl 6(4)(b).

Councils

- information about the local authority, such as annual reports (including for bodies exercising functions delegated by the local authority), Equal Employment Opportunity management plans and any codes referred to in the *Local Government Act 1993*: sch 1 cl 1
- information in returns of interests (pecuniary interests) or other returns filed by councillors or staff: sch 1 cl 1(2)
- agendas and papers of council meetings: sch 1 cl 1(2)
- land registers, registers of delegations and current declarations of disclosures of political donations: sch 1 cl 1(3)
- plans and policies such as for approvals, management of community land and environmental planning instruments: sch 1 cl 2
- information about development applications made on or after 1 July 2010, including associated documents and records of decisions: sch 1 cl 3.

How must your agency make open access information available?

All open access information must be available on your agency's website or in a way that your agency considers appropriate.

At least one of the ways to make open access information available must be free of charge, unless it imposes unreasonable additional costs.

Agencies may charge for open access information only if it is available for free in at least one other format: IPC Fact Sheet – GIPA Act Fees and Charges.

In addition to information provided on a website, councils must also make open access information available by:

- making the information available for inspection free of charge by any person at the office of the Council during ordinary office hours: cl 5(1)(a)
- providing a copy of a record containing the information, or the facilities to make a copy of the record, to any person either free of charge or for a charge not exceeding the reasonable cost of photocopying: cl 5(1)(b).

A council may archive records that contain open access information in accordance with their record management practices and procedures but must retrieve archived records and make the information available as soon as reasonably practicable after a request for access is made: cl 5.

In relation to development applications, see also Information Access Guideline 1 – For local councils on the disclosure of information, Information Access Guideline 3 – Personal information contained in development applications and IPC Fact Sheet – The GIPA Act and copyright.

Can an agency deny access to 'open access' information on public interest grounds?

Yes. While there is a presumption in favour of making government information public, information may be excluded, in some circumstances, from being 'open access' because there is an 'overriding public interest against disclosure' (OPIAD).

In this case, a record of the open access information you do not make publicly available must be published on your agency's website: s 18(f).

You must also facilitate public access to open access information by deleting information from a copy of a record if inclusion of the matter would otherwise result in there being an OPIAD and it is practicable to delete the matter: s 6(4).

For how agencies weigh up public interest considerations, see IPC Fact Sheet –What is the public interest test?

The GIPA Act does not require or permit you to make open access information available in any way that would constitute an infringement of copyright: s 6(6). See IPC Fact Sheet – GIPA Act and Copyright.

Records of open access information that is not publicly available

Your agency must keep a record of any 'open access information' that is not made publicly available based on an OPIAD: s 6(5). This record should be linked on your agency's access to information page on its webpage.

What should be included?

Your agency should include the following information on your record of open access information that is not made publicly available:

- type of document
- name of document
- general description of the document
- reason for non-disclosure
- area responsible for the document
- contact Information of the right to information officer.

Should the record be reviewed and updated?

Yes. While the GIPA Act does not include any requirements relating to when the record under s 6(5) should be reviewed and updated, agencies should have a process in place which results in the record being updated at regular intervals or each time a decision is made not to make open access information publicly available due to an OPIAD.

This process should form part of your agency's broader policies and procedures relating to compliance with the open access information requirements of the GIPA Act.

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.

Other useful resources

Other resources that may be useful on this topic include:

- IPC Fact Sheet – Open Access Information for members of the public
- Information Access Guideline 6 – Agency Information Guides
- IPC Fact Sheet – Good practice for disclosure logs
- e-learning module – The Contract Register and Contract Disclosures
- IPC Fact Sheet – GIPA Act Fees and Charges
- IPC Fact Sheet –What is the public interest test?
- Information Access Guideline 1: For local councils on the disclosure of information
- Information Access Guideline 3: For local councils – personal information contained in development applications
- IPC Fact Sheet – The GIPA Act and Copyright
- IPC Fact Sheet - Open access obligations on parent agencies under the GIPA Act