



## Monitoring compliance with the GIPA Act

## Fact sheet

June 2014

Under section 17 of the GIPA Act, the Information Commissioner is to “monitor, audit and report on the exercise by agencies of their functions under and compliance with” the Act.

### The IPC's approach

In order to promote access to government information, the IPC has developed a compliance program with three levels.

#### Level 1 - self-assessment

Agencies can measure their compliance with the GIPA Act against the compliance checklist available on the IPC's website.

To support this self-assessment process, the IPC offers a program of agency consultations where, at the invitation of the agency, IPC staff will work collaboratively to help the agency address areas for improvement as identified during its assessment of its systems, policies and practices designed to comply with the GIPA Act.

#### Level 2 - compliance review

A compliance review may be triggered by a complaint or a series of complaints about an agency, or may be initiated by the IPC as part of its annual audit program.

Compliance reviews adhere to the principles of procedural fairness.

Any reports arising from a compliance review will be made available to the agency, the Minister responsible and, in some circumstances, to the Department of Premier and Cabinet.

If appropriate, a report may also be made available to a complainant whose complaint led to the review.

The Information Commissioner may request that the agency reported on notify the IPC of action taken or proposed as a result of the review.

#### Level 3 - formal investigation

This will involve the exercise of the Information Commissioner's formal powers, as set out in Division 4 of the *Government Information (Information Commissioner) Act 2009*.

A formal investigation may be initiated in response to a complaint or a series of complaints, whether from the public, from a public interest disclosure, from another accountability agency, or as otherwise determined by the Commissioner. The Commissioner may decide to make public a report of a formal investigation. If so, the report will be made to the presiding Officer of each House of Parliament and to the Minister responsible for the agency the subject of the report.

### Reporting on compliance monitoring

Results of compliance reviews and formal investigations may be reported on by letter to the head of the agency audited; in the IPC's annual report; or, if the Commissioner considers it appropriate, in a special report to Parliament.

### 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)