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Media release

28 September 2020

NSW Information Commissioner releases guidance on automated decision-making, digital government and preserving information access rights to ensure the 'Right to Know' is future proof

Today, the NSW Information Commissioner released two new fact sheets dealing with Automated decision-making, digital government and preserving information access rights as part of Right to Know Week 2020.

The International Day for Universal Access to Information as recognised by the United Nations, also known as International Access to Information Day in Australia, is celebrated on 28 September 2020. In NSW, the Information and Privacy Commission (IPC) celebrates this over a week called Right to Know which focuses on citizens' rights to access government-held information and agencies' responsibilities under the GIPA Act.

The right to access government information is encapsulated within Article 19 of the United Nations' Declaration of Human Rights.

During Right to Know Week NSW the IPC engages with public sector agencies and citizens to raise awareness of a person's right to government held information and encourage citizens to take an active interest in their right to access information.

NSW Information Commissioner, Elizabeth Tydd said, "The 2020 theme is Right to Know: Future-proofing information access rights. Increasingly government information is held in digital form, likewise decision-making and services are increasingly automated. The community has a right to access NSW government information in all forms and the increasing digitisation of government has implications for how governments can improve outcomes for citizens seeking access to this information".

The guidance for public sector agencies: ***Automated decision-making, digital government and preserving information access rights*** was released to ensure the Right to Know is future proof and guidance for public sector agencies.

"I have also developed and released a fact Sheet for citizens dealing with ***Automated decision-making, digital government and preserving information access rights*** to ensure that citizens are aware of, and can more effectively access information held in digital form."

During Right to Know Week, the NSW Information Commissioner is also taking part in the following webinar events:

- 'Open by Design', hosted by the Open Government Partnership, on Monday 28 September, which is a discourse between Australian Information Commissioners and Ombudsman and citizens about open government
- 'AI Transparency in Digital Government', hosted by InfoGovANZ, on Tuesday, 29 September

NSW Information Commissioner, Elizabeth Tydd said, "Citizens' right to access information must be safeguarded as governments increase their use of technology and



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outsourcing arrangements to provide services and make decisions. Citizens must be able to obtain information about government services in whatever form they are provided.”

“It is essential that citizens, like governments receive the benefits of new technologies and service arrangements and that their right to know is preserved under these new conditions.

In asserting their right to access information citizens should ask three key questions:

- How is this information held by government?
- In what form is it held for example in an algorithm or data set?
- How can I access that information?”

“Agencies have a duty to provide advice and assistance and they also have a duty to disclose the types of information they hold this includes data sets, digital imaging such as CCTV and the algorithms used in providing services and making decisions about services and benefits to citizens”, she said.

More information and resources on information access and privacy rights in NSW are available at the Information and Privacy Commission NSW [website](#).

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For further information, please contact:

IPC media team on 0435 961 691 or email ccadigital@ipc.nsw.gov.au

About the Information and Privacy Commission:

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers New South Wales’ legislation dealing with privacy and access to government information. The IPC supports the Information Commissioner and the Privacy Commissioner in fulfilling their legislative responsibilities and functions and to ensure individuals and agencies can access consistent information, guidance and coordinated training about information access and privacy matters.

About the NSW Information Commissioner

The NSW Information Commissioner’s statutory role includes promoting public awareness and understanding of the *Government Information (Public Access) Act 2009* (GIPA Act); providing information, advice, assistance and training to agencies and the public; dealing with complaints about agencies; investigating agencies’ systems, policies and practices; and reporting on compliance with the GIPA Act.

For further information about the IPC visit our website at www.ipc.nsw.gov.au