



information  
and privacy  
commission  
new south wales

# Essential guidance toolkit on information access and privacy fundamentals

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## 1. Introduction

The Information and Privacy Commission NSW (IPC) is an independent statutory authority that administers legislation dealing with privacy and access to government held information in New South Wales. It promotes and protects privacy and information access rights in NSW and provides information, advice, assistance and training for agencies and individuals on privacy and access matters.

**The IPC administers the following legislation:**

- [Government Information \(Public Access\) Act 2009](#) (GIPA Act)
- [Government Information \(Information Commissioner\) Act 2009](#) (GIIC Act)
- [Privacy and Personal Information Protection Act 1998](#) (PPIP Act)
- [Health Records and Information Privacy Act 2002](#) (HRIP Act)

This compendium is designed to assist agencies in meeting their obligations under the legislation.

There are other specific resources available on our agency resources pages under Information Access and Privacy on the IPC website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au).

## 2. Key Information Access Resources for Public Sector Agencies

This compendium identifies the key guidance provided by the IPC to ensure that agencies are able to meet their fundamental requirements under the GIPA Act. The guidance has been arranged on a functional basis that reflects agency, senior executive and decision-maker responsibilities.

Our training and education are delivered via a variety of methods to assist you to perform your duties as a public sector agency officer under the legislation. The IPC online training is designed to be self-paced and available to you at your convenience. The [IPC e-Learning portal](#) contains a number of online training modules to provide training across government information access legislation. It is also free of charge. There are other electronic tools, Guidelines and Fact Sheets available.

**Resources and tools to ensure fundamentals are in place across the agency**

Information Governance Agency Self-assessment Tool, E-learning and Fact Sheets	
<a href="#">Information Access Agency Self-assessment Tools</a>	The Self-assessment Tools enable agencies to conduct an assessment of their systems and policies that ensure their compliance information access requirements. <a href="#">Read more here</a> . Download the <a href="#">Information Access Self-assessment Tool</a>
Agency level GIPA Dashboard displays agency performance in managing GIPA applications year on year	Data collection and availability - <a href="#">Agency level GIPA Dashboard</a> .

Information Governance Agency Self-assessment Tool, E-learning and Fact Sheets	
<a href="#">The Contract Register and Contract Disclosures</a>	This e-learning module has been designed to provide more specific, practical information and support for agencies in responding to the responsibilities in the GIPA Act concerning government contracts with the public sector and contract disclosure provisions.
Release of data	The <a href="#">Open Data</a> e-learning module is designed to help you and your agency unlock the value of Open Data, this course has been designed to provide you with an understanding of what Open Data is and to explain how your agency can support Open Data release in NSW.
<a href="#">Guideline 6: Agency Information Guides</a>	Summarises the legal obligation for agencies in preparing and updating an AIG, explains the opportunities provided by AIGs to promote Open Government, Open Data and public participation, and offers suggestions for structuring and writing an AIG.
<a href="#">Guideline 7: Open Data</a>	Informs agencies about Open Data and on opening government data in NSW.
<a href="#">Open access information for agencies</a>	This fact sheet aims to explain to agencies that they are required to make a range of open access information publicly available under the GIPA Act and the GIPA Regulation unless there is an overriding public interest against disclosure of the information (OPIAD).
<a href="#">Authorised proactive release of government information</a>	This fact sheet provides guidance and a self-assessment tool to NSW public sector agencies about how they can enhance their approach to authorised proactive release of government information under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act).
<a href="#">Towards Open Government Information in NSW</a>	This e-learning module will provide a framework to assist you in managing government information and understanding the importance of complying with legislation and policies in relation to information management and record keeping.
<a href="#">Quick Guide to my Responsibilities under the GIPA Act</a>	A quick guide for public sector employees on their responsibilities under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act).

Information Governance Agency Self-assessment Tool, E-learning and Fact Sheets	
<a href="#">Guide to section 121 of the GIPA Act for agencies</a>	This fact sheet aims to help agencies understand how section 121 and clause 12(1)(b) of Schedule 4 of the <i>Government Information (Public Access) Act 2009</i> (GIPA Act) operates and impacts upon their relationship with contractors who deliver services to members of the public on their behalf.
<a href="#">Digital records and the GIPA Act</a>	This fact sheet provides guidance about the definition of record, in particular digital records under the GIPA Act and what it means for agencies. It also outlines the importance of agencies maintaining good digital recordkeeping practices to ensure it is able to comply with its legislative obligations.
<a href="#">Automated decision-making, digital government and preserving information access rights</a>	This fact sheet provides guidance to agencies on the release of information in relation to the use of automated decision-making systems.
<a href="#">Managing access to audio visual information under the GIPA Act</a>	Agencies are creating and holding an increasing amount of audio visual (AV) material. It is important that agencies recognise that AV information is a form of government information and needs to be managed to facilitate release to the public consistent with obligations under the GIPA Act.

## Resources and tools to assist senior managers and executive officers

Fact sheets and Guidelines	
<a href="#">The role of principal officers and senior executives in supporting the object of the GIPA Act</a>	This fact sheet is designed to assist principal officers and senior executives to promote awareness and foster an organisational culture that advances the object of the <i>Government Information (Public Access) Act 2009</i> (GIPA Act).
<a href="#">Delegation or Authorisation of GIPA Act Functions</a>	This fact sheet is designed to clarify for agencies what is required when the principal officer of the agency proposes to delegate or authorise their functions under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act).

Fact sheets and Guidelines	
<a href="#">Offences under the GIPA Act</a>	The purpose of this fact sheet is to raise awareness of <i>Government Information (Public Access) Act 2009</i> (GIPA Act) rights and responsibilities, highlight the offence provisions and the circumstances and evidence that may enliven consideration of these offence provisions, and inform members of the public and agencies of the IPC's role and procedures in dealing with allegations that offences under the GIPA Act have been committed.
<a href="#">The GIPA Act: Agency systems, policies and practices - guidance for principal officers</a>	This fact sheet provides assistance to principal officers in the performance of their responsibilities under the Government Information (Public Access) Act 2009 (GIPA Act). It provides suggested actions informed by a recent investigation, relevant to cluster arrangements, to improve agency systems, policies and practices that relate to functions of agencies under the GIPA Act.
<a href="#">Digital Projects</a>	This fact sheet provides guidance to agencies on the information access and privacy issues they should consider where designing and implementing a digital project.

## Resources and tools to assist decision makers

Software, E-learning, Fact sheets and Guidelines	
Managing GIPA applications and statutory timeframes	The <a href="#">IPC GIPA Tool</a> provides functionality for agencies to create and manage their GIPA applications and is provided by the IPC to support agencies to comply with the GIPA Act.
<a href="#">Calculation of time and the GIPA Act</a>	The GIPA Act specifies time periods for agencies to make decisions and for applicants to apply for internal or external reviews when notice is given to an access applicant.
<a href="#">How to make a GIPA decision</a>	The e-learning module <a href="#">Access Training for Decision Makers Under the GIPA Act</a> provides an understanding of the skills necessary to make sound decisions and meet legislative obligations.
<a href="#">What is the public interest test?</a>	Under the GIPA Act all government agencies must disclose or release information unless there is an overriding public interest against disclosure. When deciding whether to release information, staff must apply the public interest test.
<a href="#">Guideline 2: Discounting charges</a>	Explains how to discount processing charges for information that is of special benefit to the public generally.
<a href="#">Guideline 4: Personal information as a public interest consideration under the GIPA Act</a>	How to deal with requests for personal information under the GIPA Act and the personal information of third parties.

Software, E-learning, Fact sheets and Guidelines	
<a href="#">Guideline 9: Cabinet information</a>	Assists agencies to understand how the GIPA Act operates with respect to 'Cabinet information', including how to identify which information may be captured by clause 2 of Schedule 1.
<a href="#">Unreasonable and substantial diversion of agency resources</a>	This fact sheet clarifies what may be considered an unreasonable and substantial diversion of resources and what review rights apply if an agency decides to refuse to deal with an access application.
<a href="#">Managing formal GIPA applications</a>	A guide for agencies containing a flowchart that outlines how to work through an access application.
<a href="#">Searches for information</a>	Searching for information under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act) is a part of the process of managing a formal request to access government information.

For more information and resources on information access for public sector agencies, please visit the [IPC website](#).

### 3. Key Privacy Resources for Public Sector Agencies

#### Resources and tools to ensure fundamentals are in place across the agency

Privacy Agency Self-assessment Tool, E-learning and Fact Sheets	
<a href="#">Privacy Agency Self-assessment Tools</a>	The Self-assessment Tools enable agencies to conduct an assessment of their systems and policies that ensure their compliance with privacy requirements. <a href="#">Read more here</a> . Download the <a href="#">Privacy Self-assessment Tool</a> .
<a href="#">Privacy Governance Framework</a>	This is an online privacy tool for NSW public sector agencies. The Privacy Commissioner has launched the Privacy Governance Framework, a dynamic online privacy tool designed for "whole of organisation" engagement with the management of personal and health information. <a href="#">Access the framework here</a> .

<a href="#">Agency privacy management plans</a>	A Privacy Management Plan is a strategic planning document in which each public sector agency describes the measures it proposes to take to ensure that it complies with the <i>Privacy and Personal Information Protection Act 1998</i> (PPIP Act) and the <i>Health Records and Information Privacy Act 2002</i> (HRIP Act). <a href="#">Click here for more information</a> .
<a href="#">The PPIP Act: Agency delegations, systems and practices</a>	This fact sheet assists principal officers in the performance of their responsibilities under the PPIP Act. It provides suggested actions to improve agency systems, policies and practices that relate to the handling and management of the disclosure of personal information under the PPIP Act.

## Resources and tools to assist senior managers and executive officers

Fact sheets and Guidelines	
<a href="#">Information Protection Principles (IPPs) for agencies</a>	The 12 Information Protection Principles (IPPs) are your key to the <i>Privacy and Personal Information Protection Act 1998</i> (PPIP Act).
<a href="#">Seeking a Public Interest Direction under NSW privacy laws</a>	This document provides a guide for seeking a Public Interest Direction (PID).
<a href="#">Data Breach Guidance for NSW Agencies</a>	To provide guidance to NSW public sector agencies on Data Breaches ( <a href="#">see new Data Breach Notifications website resources</a> ).
<a href="#">A Guide to Making Privacy Management Plans</a>	Contains details on the requirements of a plan and helpful questions that public sector agencies can consider when writing one.
<a href="#">The Privacy Commissioner's Oversight role in internal reviews of privacy complaints</a>	In this guidance document, the Privacy Commissioner's oversight role in internal reviews of privacy complaints is outlined.
<a href="#">Digital Projects</a>	This fact sheet provides guidance to agencies on the information access and privacy issues they should consider where designing and implementing a digital project.

## Resources and tools to assist decision makers

Software, E-learning, Fact sheets and Guidelines	
<a href="#">Understanding your privacy obligations – for public sector staff</a>	Under New South Wales privacy laws, public sector agencies and staff in New South Wales are responsible for protecting the privacy of personal information they collect.



Software, E-learning, Fact sheets and Guidelines	
<a href="#">Consent and Bundled Consent</a>	This fact sheet has been designed to provide guidance to NSW public sector agencies and Health Care Providers in understanding the issue of consent in relation to Privacy laws in NSW.
<a href="#">Privacy by design</a>	Privacy by design ensures that good privacy practices are built into your organisation's decision-making, as well as the design and structure of your information systems, business processes, products and services.
<a href="#">The Role of the Privacy Commissioner: Consulting the IPC on Initiatives and Projects</a>	This fact sheet sets out the best practice approach to incorporating privacy and information governance into the design of an initiative or project.
<a href="#">Guide to Privacy Impact Assessments</a>	This guidance document outlines the benefits of undertaking a Privacy Impact Assessment (PIA) and the basic steps of conducting a PIA.
Identification and management of privacy complaints	The e-learning module <a href="#">Privacy Complaints Handling Under the PPIP Act</a> can assist with the identification and management of privacy complaints and support agency compliance with the PPIP Act.
<a href="#">De-identification of personal information</a>	This fact sheet discusses the importance of de-identification and offers practical tips to agencies when de-identifying information.
<a href="#">Reasonable ascertainable identity</a>	This fact sheet offers interpretation and guidance on the meaning of 'reasonably ascertainable identity' as well as practical tips to help users determine if an individual's identity can be 'reasonably ascertained'.

### Resources and tools relating to health information to ensure fundamentals are in place across the agency

Statutory guidelines	
<a href="#">Use or disclosure of health information for the management of health services</a>	This publication outlines the requirements for the use and disclosure of health information for the management of health services.
<a href="#">Use or disclosure of health information for training purposes</a>	This publication outlines the requirements for the use and disclosure of health information for training.
<a href="#">Use or disclosure of health information for research purposes</a>	This publication outlines the requirements for the use and disclosure of health information for research and statistics.
<a href="#">Use or disclosure of information from a third party</a>	This publication outlines the notification requirements when collecting health information about an individual from someone else.

**Resources and tools relating to health information to assist senior managers and executive officers**

Fact sheets and Checklists	
<a href="#">Health Privacy Principles for agencies</a>	The 15 Health Privacy Principles (HPPs) are your key to the <i>Health Records and Information Privacy Act 2002</i> (HRIP Act).
<a href="#">Checklist for public sector staff: responding to a request to access health information</a>	Under Schedule 1 Health Privacy Principle 7 of the HRIP Act, individuals have a right to access health information about themselves from public sector agencies who hold health information. The checklist provides guidance on how to deal with a request for access under the HRIP Act.

For more information and resources on privacy for public sector agencies, please visit the [IPC website](#).