



information
and privacy
commission
new south wales

Notices of advance deposit and processing charges applied by agencies under the GIPA Act

July 2021



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1. Purpose

The passage of the *Government Information (Public Access) Act 2009* (GIPA) confirmed a commitment to low-cost access to information with the Agreement in Principle speech specifying:

.... the new bill expressly prescribes the fees and charges in the legislation itself. This means that no future government can increase those fees and charges without the approval of Parliament.

The GIPA Act states that it is the intention of Parliament that the discretions conferred by the Act “be exercised, as far as possible, so as to facilitate and encourage, promptly and at the lowest reasonable cost, access to government information.”¹

The cost of an application and the hourly rate for processing charges is \$30.00. The GIPA Act establishes a regime to minimise the costs of access to information for the applicant through the inclusion of fee reduction and waiver options available to the applicant and the agency dealing with the application.²

The discretion to require the payment of an advanced deposit by an agency is tempered only by:

- The imposition of a capped monetary value of \$30.00 per hour³
- A reduction of the \$30.00 application fee from the total processing charge⁴
- The entitlement of the applicant to a discounted processing charge following proof of financial hardship⁵
- A reduction of charges associated with processing an application for the personal information of the applicant⁶

A processing charge may also be reduced by the agency if the agency is satisfied that the information is of special benefit to the public.⁷

Failure to pay an advanced deposit as provided in an agency’s notice may result in the agency’s refusal to deal further with the application together with the forfeiture of the application fee and advanced deposit already paid.⁸

The objective of this audit is to examine the factors that inform an agency’s calculation of charges as represented in a notice requiring an advanced deposit together with compliance by agencies with the legislative requirements of a notice requiring an advanced deposit.⁹

¹ GIPA Act section 3(2)(b)

² GIPA Act Part 4, Division 5

³ GIPA Act section 64(1)

⁴ GIPA Act section 64(3)

⁵ GIPA Act section 65

⁶ GIPA Act section 67

⁷ GIPA Act section 66

⁸ GIPA Act section 68(5)

⁹ GIPA Act section 68(3)

2. Overview

The way in which information is stored and retrieved has changed dramatically since the introduction of the GIPA Act in 2009. In a digital environment we expect ease of access to information and in that context, costs associated with storage retrieval and search to be reduced. Likewise, the maturation of systems and processes for dealing with applications over the last 10 years should, in general have resulted in less time being required to deal with applications.

However, the benefits of digitalisation are not enjoyed equally by agencies. Therefore, it is not feasible to establish a baseline of processing charges as a standard. However, agencies' compliance with the requirement to account for their charges together with the drivers of processing charges can be examined to answer the following questions:

1. Are notices requiring an advanced deposit compliant with the requirements of the GIPA Act?
2. Are notices requiring an advanced deposit sufficiently clear in stating the processing charges for work undertaken by the agency in dealing with the application?
3. Are notices requiring an advanced deposit sufficiently clear in stating the estimated processing charges for work expected to be required by the agency in dealing with the application?
4. What are the drivers of processing charges?

The GIPA Act requires transparency and accountability over the identification and calculation of processing charges when an advanced deposit is required by an agency.

This audit of a sample of external reviews made to the Information Commissioner concerning the imposition of processing charges found that the average cost (prior to any deduction being made) was:

- \$1,045.28 in the Government Department and University Sector, and
- \$550.00 in the Local Council Sector.

Applicants have a both a right and an expectation of transparency and accountability by agencies imposing these processing charges. Accordingly, greater transparency regarding the cost drivers should be provided by agencies within notices requiring an advanced deposit.

This audit also found that:

- compliance with the legislative requirements for a notice to require an advanced deposit varied
- in many cases prescribed tasks that attract a processing charge were classified collectively within the notice therefore diminishing transparency and accountability
- the processing charges and the estimates of processing charges lacked specificity in respect of the volume of information involved; the systems searched or required to be searched, the number of consultations required to be undertaken and the public interest factors against disclosure identified to inform the decision-making process
- overall notices requiring an advanced deposit lacked specificity in differentiating the tasks undertaken and expected to be undertaken and the resultant calculation of processing charges and

- most notices requiring an advance deposit deferred a decision in respect of any waiver or discount until the final decision in relation to access was made by the agency.

This deferral of a decision to reduce processing charges has been confirmed by the New South Wales Civil and Administrative Tribunal (NCAT). However as noted in *Manning v Bathurst Regional Council* [2018] NSWCATAD 176 [53]:

The GIPA Act states that it is the intention of Parliament that the discretions conferred by the Act “be exercised, as far as possible, so as to facilitate and encourage, promptly and at the lowest reasonable cost, access to government information.” This supports a view that the decision-maker should take financial hardship into account when using its discretion to determine the advance deposit required.

Whilst it is recognised that a deferral of such a decision is open to the agency the exercise of discretion in favour of low-cost access to information is consistent with the object of the GIPA Act. A determination as to a waiver or discount of processing fees may also provide greater certainty to applicants and demonstrate a pro-disclosure culture by agencies.

Greater transparency in the exercise of discretion in respect of the assessment of discounting a processing charge will enable the GIPA Act to operate as intended by the legislators and consistent with its object.

The decision of the NCAT Appeal Panel in *Shoebridge v Office of Environment and Heritage* [2018] NSWCATAP 144 (*Shoebridge*) left open the question of the timing of when an agency can make a decision to waive a processing charge.¹⁰ The usual practice by agencies is to do so after the information sought has been reviewed and a decision made on the access application.

In totality this means that the applicant is required to pay an advanced deposit of a maximum of 50% of the processing charges determined by the agency as expended in dealing with the application to date and the agency’s estimate of future processing charges. This practice has a significant impact on access to information in circumstances where the processing charges are significant. From a limited sample size this audit identified that processing charges are significant. In those circumstances processing charges may act as a deterrent to an applicant. Accordingly, agencies are encouraged to consider determining any reduction in processing charges at the earliest possible opportunity.

3. Methodology

This audit was undertaken pursuant to section 17(g) of the GIPA Act. The audit examined a total of 31 notices requiring an advanced deposit (15 from the Government Department and University sectors and 16 from the Local Council Sector). The cases examined were those lodged with the Information and Privacy Commission (IPC) seeking independent review by the Information Commissioner. The cases were selected randomly, and the date range involved was 2017 to 2019.

A paper-based review was undertaken to ascertain:

- compliance with the legislative requirements for a notice requiring an advanced deposit – an objective assessment,

¹⁰ *Shoebridge* [31]

- total charges and items identified as attracting processing charges as specified under the GIPA Act to inform a subjective assessment, and
- identification of factors relied upon by agencies as attracting processing charges and the general quantum of the resultant charges to determine possible drivers of processing charges.

This methodology was adopted to recognise that the tasks identified under the GIPA Act are not exhaustive and to enable consideration of process improvement options that may be implemented by agencies to mitigate charges. In this respect the audit provides advice to assist agencies in connection with the exercise of their functions under the GIPA Act.¹¹ Similarly the methodology was designed to identify drivers of processing charges that might inform the provision of advice and assistance to members of the public.¹²

This audit is limited by:

- A small sample size (total of 31 cases)
- Paper based review
- Context in circumstances where a small number of the case files provided a notice of advanced deposit as a notice of final processing charges.

Assessment criteria
1. Notice of decision to require an advanced deposit
2. Calculation of processing charges for work undertaken
3. Estimate of processing charges of work expected to be required
4. Range of processing charges and cost drivers

3.1 Notice of decision to require an advanced deposit

The GIPA Act prescribes specific information that must be contained in a notice to impose a processing charge and require an advanced deposit (section 68(3)). Additionally other requirements can only be evidenced in reviewing a notice requiring an advanced deposit if they are contained within that notice. In summary the requirements are:

- Information to confirm that the prescribed fee of \$30.00 per hour for processing charges has been applied (section 64(1))
- A statement that the application fee was deducted from the processing charges (section 64(3))
- In relation to a request for personal information evidence that the first twenty (20) hours of processing charges has been deducted (section 67)

¹¹ GIPA Act section 17(c)

¹² GIPA Act section 17(b)

- d. In dealing with an application involving a request to reduce the processing charge on the basis of financial hardship information to demonstrate that the request has been considered and dealt with as required (section 65(1))
- e. In dealing with an application involving a request to reduce the processing charge on the basis that the information applied for is of special benefit to the public information to demonstrate that the request has been considered and dealt with as required (section 66)
- f. In dealing with an application that involves both a request for a reduction in processing charges on the basis of financial hardship and special benefit to the public information to demonstrate that a maximum 50% discount has been applied (section 69)
- g. A statement of the processing charges for work already undertaken by the agency in dealing with the application (section 68(3)(a)) **and**
- h. A statement of the processing charges for work expected to be required to be undertaken by the agency in dealing with the application (section 68(3)(b))
- i. Notice of the date upon which the advanced deposit must be paid (section 68(3)(c))
- j. A statement that if the advanced deposit is not paid by the due date that the agency may refuse to deal further with the application and that this will result in any application fee and advanced deposit already paid being forfeited (section 68(3)(d))
- k. Notice of the *decision period* (sections 57(1)(2)(5)). Accordingly, information that the timeframe in which the application will be decided stops running from when the decision to require an advanced deposit is made until payment of the advanced deposit is received by the agency (section 68(2)).

NCAT has confirmed that the notice of advanced deposit must include “a statement of the estimated processing charges for work expected to be required to be undertaken”.¹³

3.2 Calculation of processing charges for work undertaken

Processing charges for dealing with an access application are permitted under the GIPA Act with an hourly rate of \$30.00 prescribed.¹⁴ The processing charge in hours (or increments thereof) is the total amount of time that is necessary to be spent by any officer of the agency undertaking specified tasks. The GIPA Act refers both generally and specifically to identified tasks.

Dealing efficiently with the application is described as being associated with the tasks of:

- Considering the application (this can also be referred to as an assessment of the scope of the application)
- Searching for records
- Consultation
- Decision making
- Any other function exercised in connection with the application.¹⁵

¹³ Manning v Bathurst Regional Council [2018] NSWCATAD 176

¹⁴ GIPA Act section 64

¹⁵ GIPA Act section 64(2)(a)

The GIPA Act specifies in general terms that as an alternative to the tasks prescribed above processing charges may be imposed by an agency for providing access in response to the application (based upon the lowest reasonable estimate of the time that will need to be spent in providing that access).¹⁶

This general statement is in contrast with the requirements for a notice of processing charge which requires an agency to indicate how those charges have been calculated.¹⁷ The provision has also been considered by the NCAT in a number of decisions. Significantly section 105 of the GIPA Act operates to require the agency to discharge its onus of proof to justify its decision.¹⁸

In these circumstances the better course of action is for agencies to clearly and individually identify the:

- tasks that attracts a charge,
- amount of time required, and
- resultant processing charge with clarity.

Accordingly, agencies should specify the factors that inform the allocation of time for example the:

- number of consultations,
- volume of information,
- date range,
- systems searched, and
- number and type of public interest considerations against disclosure.

3.3 Estimate of processing charges of work expected to be required

In order to comply with the legislation and discharge its onus of proof a notice requiring an advanced deposit must also set out charges for work expected to be undertaken together with the calculation method.

More specific requirements arise when an agency decides to impose a processing charge and require an advanced deposit payment towards the processing charge. In these circumstances the agency's notice requiring that advanced deposit must set out with clarity the processing charges for work already undertaken by the agency in dealing with the application **and** must include:

1. a statement of the estimated processing charge for work expected to be required to be undertaken by the agency in dealing with the application,¹⁹
2. date by which the advanced deposit must be paid, and
3. a statement that if the advanced deposit is not paid by the due date the agency may refuse to deal with the application further.

¹⁶ GIPA Act section 64(2)(b)

¹⁷ GIPA Act section 62

¹⁸ GIPA Act section 105; Manning v Bathurst Regional Council [2018] NSWCATAD 176

¹⁹ GIPA Act section 68(3)(a) and (b)

4. Findings and Observations

Given that the notice requirements for an advanced deposit specify identification of the work undertaken together with work expected to be undertaken these criteria have been categorised in a single assessment table to avoid duplication.

Results in respect of the Council Sector and the Government Department and University Sectors are differentiated in the tables below.

4.1 Local Council Sector

In summary, the Council sector was assessed as achieving:

- 100% compliance (16/16) notices provided information to confirm that the prescribed fee of \$30.00 per hour for processing charges had been applied
- 100% compliance (16/16) notices included a statement that the application fee was deducted from the processing charges
- 25% (4/16) of the notices failed to distinguish between work undertaken and work estimated to be required
- 12.5% (2/16) of notices did not include charges for work undertaken
- 44% (7/16) of notices did not provide an estimated of charges for expected work
- 31% (5/16) of notices failed to include a statement that if the advanced deposit is not paid by the due date the agency may refuse to deal further with the application and that this will result in any application fee and advanced deposit already paid being forfeited
- 56% (9/16) of notices failed to include information that the timeframe in which the application will be decided stops running from when the decision to require an advanced deposit is made until payment of the advanced deposit is received by the agency
- 31% (5/16) of notices failed to include in the notice the date upon which the advanced deposit must be paid
- 16% (1/16) of notices charged \$210.00 (less the \$30.00 application fee) as a total fee for searches, internal consultation and deciding that information was not held
- 56% (9/16) of notices included decision making either by way of reference to the public interest considerations or as a charge for work undertaken. Whilst 4 of the notices did not distinguish between the work undertaken and the estimate this remains a relatively high percentage of councils that charged for a decision which arguably may have not yet been fully estimated
- 31% (5/16) notices appeared to recognise within the scope of the application that a waiver may be applicable but failed to provide advice or a decision regarding fee waivers or reductions.

Criterion		Result
1.	Notice of decision to require an advanced deposit	Partial compliance
a	Information to confirm that the prescribed fee of \$30.00 per hour for processing charges has been applied (section 64(1)).	100% compliant (16/16)
b	A statement that the application fee was deducted from the processing charges (section 64(3)).	100% compliance (16/16)
c	In relation to a request for personal information evidence that the first twenty (20) hours of processing charges has been deducted (section 67).	6% (1/16) non-compliance where demonstrably relevant
d	In dealing with an application involving a request to reduce the processing charge on the basis of financial hardship information to demonstrate that the request has been considered and dealt with as required (section s65(1))	No evidence of non-compliance where demonstrably relevant
e	In dealing with an application involving a request to reduce the processing charge on the basis that the information applied for is of special benefit to the public information to demonstrate that the request has been considered and dealt with as required (section 66)	25% (4/16) demonstrably relevant but non-compliant
f	In dealing with an application that involves both a request for a reduction in processing charges on the basis of financial hardship and special benefit to the public information to demonstrate that a maximum 50% discount has been applied (section 69)	6% (1/16) non-compliant where demonstrably relevant
g	A statement of the processing charges for work already undertaken by the agency in dealing with the application (section 68(3)(a)) and	12.5% (2/16) no charges for work undertaken
h	A statement of the processing charges for work expected to be required to be undertaken by the agency in dealing with the application (section 68(3)(b))	44% (7/16) no estimated of charges for expected work
i	A statement that if the advanced deposit is not paid by the due date that the agency may refuse to deal further with the application and that this will result in any application fee and advanced deposit already paid being forfeited (section 68(3)(d))	31% (5/16) non-compliant

Criterion		Result
j	Notice of the decision period (sections 57(1)(2)(5)). Information that the timeframe in which the application will be decided stops running from when the decision to require an advanced deposit is made until payment of the advanced deposit is received by the agency (section 68(2))	56% (9/16) non-compliant
k	Notice of the date upon which the advanced deposit must be paid (section 68(3)(c))	31% (5/16) non-compliant

Criterion		Result
2.	Calculation of processing charges for work undertaken	
a	Consideration of the application (scope)	69% (11/16) did not consider
b	Searching for records It would be expected that searches would reference work undertaken in relation to scope, systems and volumes	87% (14/16) did consider
c	Consultation	50% (8/16) did undertake consultation but of these 12.5% (2/16) charged for internal consultation
d	Decision making It would be expected that decision making would be an estimate. However, some agencies reference the public interest factors against disclosure as a driver for particular aspects such as personal information that may require both consultation and redaction.	56% (9/16) included decision making either by way of reference to the public interest considerations or as a charge for work undertaken
e	Other functions Within the Council Sector reviewing and redacting was also a relatively common charge Photocopying and collating was also a relatively common charge	

Range of charges for processing and factors relied upon Council Sector

Processing charges are driven by the \$30.00 per hour fee and this audit identified that within the 16 sampled cases the range of charges was:

- 0 -133 hours with the average of 18.7 hours
- \$0.00 - \$3990.00 with an average total cost of approx \$550.00.

Cost drivers appear to be largely referable to searches and the volume of information estimated to be required.

The second most significant cost driver was drafting the decision 56% (9/16). Charges ranged from 45 minutes to 21 hours. However it is notable that in 44% (7/16) no charge was applied for drafting the decision.

In some cases there was scant explanation for charges other than searches as demonstrated by the 87% (14/16) of cases in which searches were identified in the notice requiring an advanced deposit.

Other notices contained a further explanation for the calculation of charges.

A further 56% (9/16) referred to and identified the record keeping systems searched and distinguished between electronic records including emails and hard copy records. Additionally notices referred to volume for example:

- one notice estimated 133 hrs in searching with reference to a 'large' volume of information
- another quantified 6187 documents and identified that 114 hours would be required to be spent processing the application
- another case estimated that the volume of 1000 pages would require 21 hours of processing time.

These decisions did provide some cogency in the notice to require an advanced deposit because volume or the number of systems searched or required to be searched became a driver for the task of searching and by inference review of the information returned. In this respect these notices provided some level of transparency and accountability over how charges were calculated.

Additionally 50% (8/16) identified the requirement to undertake consultation. Of these 3 cases specified the number of consultations to be undertaken. However of these 12.5% (2/16) charged for internal consultation. It is reasonable to expect that cases involving consultation with multiple parties would give rise to additional process time and therefore charges. However consultation requirements under the GIPA Act relate to consultation with third parties. It does not appear consistent with the object of the GIPA Act to charge for internal consultation of the existing guidance available to agencies from the IPC.²⁰

4.2 Government Departments and University Sectors

In summary, the Government Department and University sectors were assessed as achieving:

- 100% compliance (15/15) of notices provided information to confirm that the prescribed fee of \$30.00 per hour for processing charges had been applied

²⁰ Clause 3.9 _ Information Access Guideline 2 – Discounting Charges – December 2018

- 100% compliance (15/15) of notices included a statement that the application fee was deducted from the processing charges
- 100% (15/15) of notices specified work undertaken
- 93% (14/15) of notices included work estimated to be required
- 100% (15/15) of notices were compliant with the requirement to include a statement that if the advanced deposit is not paid by the due date the agency may refuse to deal further with the application and that this will result in any application fee and advanced deposit already paid being forfeited
- 73% (11/15) of notices were compliant with the requirement to include information that the timeframe in which the application will be decided stops running from when the decision to require an advanced deposit is made until payment of the advanced deposit is received by the agency
- 93% (14/15) of notices included in the notice of advanced deposit the date upon which the advanced deposit must be paid
- 40% (6/15) notices advised applicants that their application for waiver or fee reduction would be made at the time of the final decision.

Criterion		Result
1.	Notice of decision to require an advanced deposit	Partial compliance
a	Information to confirm that the prescribed fee of \$30.00 per hour for processing charges has been applied (section 64(1)).	100% (15/15) compliant
b	A statement that the application fee was deducted from the processing charges (section 64(3)).	100% (15/15) compliant
c	In relation to a request for personal information evidence that the first twenty (20) hours of processing charges has been deducted (section 67).	Non- compliance (3/15 where relevant)
d	In dealing with an application involving a request to reduce the processing charge on the basis of financial hardship information to demonstrate that the request has been considered and dealt with as required (section s65(1))	Non- compliance (1/15 where relevant)
e	In dealing with an application involving a request to reduce the processing charge on the basis that the information applied for is of special benefit to the public information to demonstrate that the request has been considered and dealt with as required (section 66)	100% compliant 30% decision on reduction when access decided

Criterion		Result
f	In dealing with an application that involves both a request for a reduction in processing charges on the basis of financial hardship and special benefit to the public information to demonstrate that a maximum 50% discount has been applied (section 69)	73% (11/15) included 27% (4/15) did not include
g	A statement of the processing charges for work already undertaken by the agency in dealing with the application (section 68(3)(a))	100% (15/15) compliant
h	A statement of the processing charges for work expected to be required to be undertaken by the agency in dealing with the application (section 68(3)(b))	93% (14/15) compliant 7% (1/15) non-compliant all charges described as actuals
i	A statement that if the advanced deposit is not paid by the due date that the agency may refuse to deal further with the application and that this will result in any application fee and advanced deposit already paid being forfeited (section 68(3)(d))	100% (15/15) compliant
j	Notice of the decision period (sections 57(1)(2)(5)). Accordingly, information that the timeframe in which the application will be decided stops running from when the decision to require an advanced deposit is made until payment of the advanced deposit is received by the agency (section 68(2))	73% (11/15) compliant
k	Notice of the date upon which the advanced deposit must be paid (section 68(3)(c))	93% (14/15) compliant 7% (1/15) non-compliant

	Criterion	Result
2.	Calculation of processing charges for work undertaken	Partial compliance
a	Consideration of the application	80% (12/15) included

	Criterion	Result
b	Searching for records It would be expected that searches would reference work undertaken in relation to scope, systems and volumes	73% (11/15) included
c	Consultation	40% (6/15) consulted of these (2/15) charged for internal consultation
d	Decision making It would be expected that decision making would be an estimate. However, some agencies reference the public interest factors against disclosure as a driver for particular aspects such as personal information that may require both consultation and redaction.	30% (5/15) included decision making either by way of reference to the public interest factors or as a charge for work undertaken
e	Other functions Within the Government Department and University sectors assessment of validity, reviewing, reading and assisting the applicant, assigning to an officer and internal consultation all appeared as processing charges.	In circumstances where there is an obligation to assist an applicant charging for that function is not within the intent of the GIPA Act.

Range of charges for processing and factors relied upon in the Departmental and University sectors

Processing charges are driven by the \$30.00 per hour fee and this audit identified that within the 15 sampled cases the range was:

- 4 -123.5 hours with an average of 34.7 hours
- \$120.00 - \$3,684.00 with an average total cost of \$1,045.28.

From a customer perspective any charge of this magnitude should be associated with a clear and transparent calculation of costs.

Significantly, it was difficult to identify cost drivers because of a practice of ‘bundling’ functions together for example in the Government Department and University sector:

- Assessment of scope and searches were frequently grouped together
- Consultation and decision making were also grouped together.

Charges appear to be driven by searches, consultation and drafting the decision including consideration of the public interest considerations enlivened by the information sought.

- Searching ranged from 2 hours to 61 hours. However 6 of the decisions that relied upon the search task as a processing charge did not reference the systems searched
- 8 decisions did not refer to the volume of information required to be reviewed
- Drafting a decision ranged from 2 hours to 13 hours
- Consultation ranged from 0.5 hours to 20.5 hours.

In a digital age with better document managements systems in place in most government agencies a lower cost would be expected in relation to searches. In the absence of information to demonstrate how these charges have been calculated it is difficult to be satisfied that the agency would have discharged its onus of proof.

Consultations that were relied upon as a driver for processing charges in the Government Department and University sectors did not specify the number of consultations undertaken with external parties. In two decisions consultations with internal business units was identified.

Concerningly, a significant number of the notices issued by agencies either:

- failed to contemplate waiver or fee reduction in circumstances where consideration appeared relevant on the face of the application, or
- the decision regarding an application for fee waiver or reduction was deferred.

Whilst it is recognised that a deferral of such a decision is open to the agency the exercise of discretion in favour of low cost access to information is consistent with the object of the GIPA Act. A determination as to a waiver or discount of processing fees may also provide greater certainty to applicants and demonstrate a pro-disclosure culture by agencies.

In some Departments that operate a centralised GIPA unit it is expected that internal consultation may be required in respect of any public interest factors identified by the business unit. However the consultation regime established under the GIPA Act contemplates consultation with external parties. In this statutory context, processing charges in respect of external consultations are contemplated. However charges for internal consultations do not appear to fall within the legislative regime.²¹

Within the Government Department and University sectors assessment of validity, reviewing, reading and assisting the applicant, assigning to an officer and internal consultation all appeared as processing charges. In circumstances where there is an obligation to assist an applicant charging for that function is not consistent with the object of the GIPA Act.

5. Conclusion

In all sectors there was a reasonably high level of compliance with two of the mandatory requirements for a notice requiring the payment of an advanced deposit. Overall compliance with the notice requirements were higher in the Government and University sectors than in the Council Sector.

²¹ See section 3.9 Information Access Guideline 2 – Discounting Charges -December 2018

Generally, the quantum of processing charges was significant. However, notices in the sectors examined lacked the specificity required to demonstrate how the charges were calculated. In this regard the audit has demonstrated that the notices requiring an advanced deposit are not sufficiently clear.

This is particularly concerning in circumstances where the average processing charges in the sectors examined were high. Further it is arguable whether the agencies would have adequately discharged their onus to justify their decisions.

In the context of what should be mature systems and processes for exercising functions under the GIPA Act together with the benefits of technology, a degree of sophistication is expected in exercising those functions including decision making functions.

Searching for information, consultation and decision making appear to be the strongest drivers of processing charges.

Within a mature operating system using digital search capacity there is an expectation that any future review might reflect a reduction in processing charges associated with these functions and that there would be a reduction in agencies' reliance upon internal consultation.

Agencies are encouraged to examine their application of processing charges and apply the recommendations contained in this report to enhance transparency and accountability in their decision making as it relates to the application of processing charges.

IPC Regulatory Guidance

The IPC will update its template notice of decision to address the below recommendations. Accordingly, agencies using the standard template can be guided to customise their notices requiring an advanced deposit informed by the recommendations contained in this report.

6. Recommendations

1. That agencies develop a template for notices requiring an advanced deposit that:
 - a. distinguishes between processing charges for work already undertaken by the agency in processing the application and an estimate work expected to be undertaken
 - b. identifies actual and/or estimates of the volume of information to be reviewed
 - c. identifies the systems searched and/or to be searched
 - d. identifies the number of external consultations undertaken and/or estimated to be undertaken in processing the application
 - e. distinguishes between the decision making functions and consultation.
2. That agencies consider exercising their discretion where possible to determine applications for waiver or reduction in fees at the time of issuing a notice of advance deposit to provide certainty to applicants and provide low-cost access to information.