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Media release

29 September 2021

NSW Information Commissioner releases guidance and resources to assist agencies with notices of advance deposit and processing charges

The Information and Privacy Commission (IPC) has completed a proactive audit into the notices of advance deposit and processing charges applied by agencies under the *Government Information (Public Access) Act 2009 (GIPA Act)* and has today published a compliance report on its website.

In response to the findings and recommendations of the audit, the IPC has released new guidance for agencies including updating its Notice of Decision Template Letter and developing a new Request for Advance Deposit Template Letter to promote transparency.

The objective of the audit was 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.

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.

From a discrete sample the Audit 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.

The report made two recommendations for agencies:

- that agencies develop a template for notices requiring an advanced deposit, and
- 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.

The Information Commissioner, Elizabeth Tydd said, "Applicants have both a right and an expectation of transparency and accountability by agencies imposing processing charges for GIPA applications. Accordingly, greater transparency regarding the cost drivers should be provided by agencies within notices requiring an advanced deposit.

While it is pleasing to see that 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, notices in the sectors examined lacked the detail 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."



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The compliance report, guidance and new and updated resources are available on the [IPC website](#).

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For further information, please contact:

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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.

The *Government Information (Information Commissioner) Act 2009* (GIIC Act) establishes the procedures for appointing the Information Commissioner and sets out the Commissioner's powers and functions. It outlines the method for people to complain about the conduct of agencies when undertaking their duties under the GIPA Act, and the way in which the Information Commissioner may deal with the complaint. The GIIC Act also enables the Information Commissioner to investigate and report on how agencies carry out their functions under the GIPA Act.

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

[Download the compliance report.](#)