



information
and privacy
commission
new south wales

Information Commissioner's Update

Presentation to the Practitioners' Network Forum

19 February 2020

McKell, Sydney

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NSW Open Data Advocate

Report on the Operation of the Government Information (Public Access) Act 2009: 2018 – 2019

- Tabling scheduled for mid-March 2020
- Content finalised, in editorial stages
- **New government**
 - Digital government, better services
 - Increasing partnerships
 - Novel models of government





IPC Strategic Plan 2020 – 2022

- Team-based plans
- Drawn from staff input

IPC Regulatory Plan 2020 – 2022

Regulatory Objectives:

- Guide safe and effective information sharing by agencies and build public awareness and understanding
- Protect information access and privacy rights of the citizens of NSW
- Report on and foster agency compliance with information access and privacy obligations



IPC Case Notes – O’Brien v Secretary, Department of Communities and Justice

Automated decision making and access to information held by private sector contractors

- Case concerns an application for information about the calculation of **private rental subsidies** by DCJ
- Applicant is seeking to understand **how her rental subsidy was calculated**
- A **private sector contractor**, Northgate Public Services (NPS), developed and operates the software that manages the subsidies
- Decision under review of 27 September 2019 states that the agency **does not hold**: the algorithm, software specification, or the source code; it is held by NPS and remains its intellectual property
- This matter is ongoing
- Operation of **section 121** of the GIPA Act

The Essential Questions

1. Who holds the information?
2. What form is it held in?
3. How is access provided?





Updated Guideline 3

What has changed?

- Updates ensure Guideline is consistent with 2018 legislative updates to GIPA Act and GIPA Regulation
- Reflects NCAT approach to decisions about open access information

Main revisions:

- Commentary on recent NCAT decisions which provide specific examples to councils
- Analysis of the public interest test in section 13 of the GIPA Act and its application to open access information in the form of DAs



Information Access – Case management

- **100% of reviews completed within the statutory timeframe**
- **Oct-Dec Quarter - 143 reviews & 39 complaints finalised**
- **Complaints - 45% completed within 90 days**



IPC Resources & Publications

New

- *IPC Regulatory Plan 2020 – 2022*
- *IPC Strategic Plan 2020 – 2022*
- *Fact Sheet – The GIPA Act and Copyright*

Updated

- *Guideline 3: For local government – personal information on development applications*
- *IPC Agency Information Guide*
- *Fact Sheet – Your review rights under the GIPA Act*
- *Fact Sheet – External review by the Information Commissioner*
- *Fact Sheet – Agency Information Guides and the public*



IPC Resources & Publications – updated cont.

- *Quick guide to my responsibilities under the GIPA Act*
- *Agency Information Guide self-assessment checklist for agencies*
- *Knowledge update – Calculation of time and the GIPA Act*
- *Templates:*
 - *Contract Clause – Access to information*
 - *Contract Clause – Consultation with third parties*
 - *Disclosure log example*
 - *Form – Internal review application*
 - *Form – GIPA access application*
 - *Form – GIPA access application running sheet*
 - *Letter – Informal release refusal decision*

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