

# Information Commissioner's Update

**Presentation to the Practitioners' Network Forum**

17 November 2021

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Director, Legal Counsel and Regulatory Advice



information and  
privacy commission

new south wales

# Right to Know Week NSW 2021

## Events

**Open Government – Transparency and Accountability (27 Sept)** Opened by the Attorney General, and Minister for the Prevention of Domestic and Sexual Violence, the Hon. Mark Speakman SC MP

- Speakers:
  - Elizabeth Tydd, NSW Information Commissioner
  - Serena Lillywhite, CEO, Transparency International Australia
  - the Hon. Peter Hall QC, Chief Commissioner, ICAC
  - Tom Burton, AFR
- 511 practitioners and interested citizens registered
- Thank you for your support!



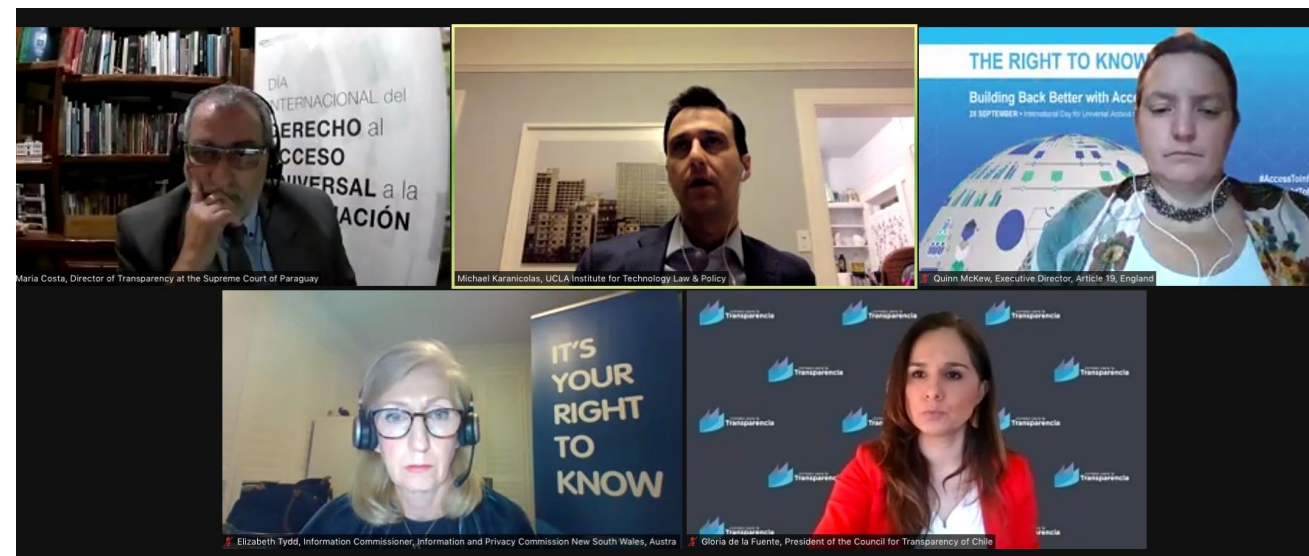
# 28 September

## Solomon Lecture Hosted by OIC Queensland

- Keynote speaker was Professor Beth Noveck, Director of New York based Governance Lab and MacArthur Research Network on Opening Governance.

## ICIC and UNESCO: The Importance of Independence and Efficiency of Oversight Bodies & Legal Frameworks

- It highlighted the importance of access to information laws and their implementation to build back strong institutions for public good and sustainable development.



# Other events

## UTS Senior Managers' Forum (29 Sept)

- Obligations under GIPA legislation for UTS senior managers



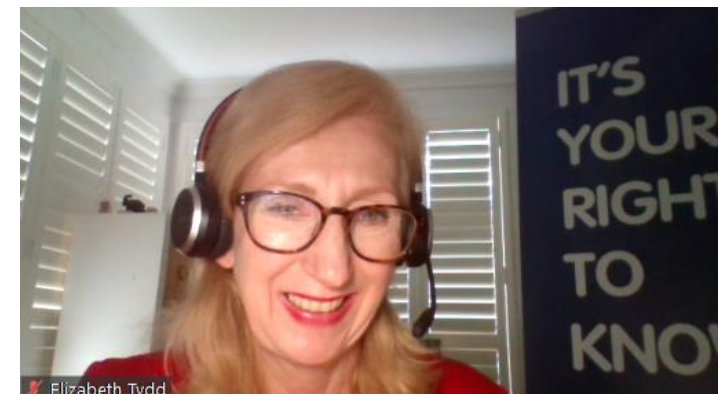
## State Archives and Records Authority and Sydney Living Museums (29 Sept)

- Interview Q&As with the Commissioner



## InfoGovANZ event: Opening Government – Contemporary Opportunities and Challenges (30 Sept)

- Elizabeth Tydd, NSW Information Commissioner
- Sven Bluemmel, Victorian Information Commissioner



# Open by Design Statement of Principles

Australian Information Access Commissioners and Ombudsmen published a joint statement for RTK and International Access to Information Day to promote the proactive release of information.

Information Commissioners and Ombudsmen recommend ways that public sector agencies can:

- embed a proactive disclosure culture in all public sector agencies and public institutions
- implement a best practice Open by Design approach to proactive disclosure
- engage with the Australian community in relation to the information that is of most value and interest to them
- adopt a customer service approach to the proactive disclosure of information.

The Principles are published on the IPC website.



# Agency resources



## New agency resources published during RTK:

- Information Commissioner overview 10 years of GIPA Act data
- Guideline 10 – Obligations of Ministers and Ministerial Officers under the GIPA Act
- Fact Sheet – Public officials and personal information under the GIPA Act
- Checklist – Open access information under the GIPA Act and GIPA Regulation – agency requirements
- Processing Charges GIPA Compliance Report, Updated Notice of Decision Template and New Request for Advance Deposit Template

# Citizen resources



## New citizen resources published during RTK:

- Fact Sheet – Accessing a deceased person’s information under the GIPA Act
- Joint AIAC animation for International Access to Information Day
- IPC animation – Ways to access government held information in NSW
- Information access case studies

# Animations



## Joint AIAC explainer

<https://www.ipc.nsw.gov.au/resources/animation-accessing-government-information-australia>

## GIPA pathways (IPC)

<https://www.ipc.nsw.gov.au/resources/animation-ways-access-government-information-nsw>



# RTK Champion Program

There were 49 Champion agencies who supported the campaign and promoted the RTK 2021 message. Some of the Champions below:



# Promotion by Champions

CONNECTING WITH COUNCIL  
**Access to information**

What is Access to Information? Processing Changes and Fees

City of Parramatta Council holds a variety of information that is made available to the community under the [Government Information \(Public Access\) Act 2009 \(GIPA Act\)](#).  
The GIPA Act allows the community to have right of access to information held by Council.  
Further information is available in [Council's Information Guide](#).

See Council's information guide

Right to Know Week NSW 2021  
27 September - 3 October 2021

Right to Know Week aims to encourage both public sector agencies and public citizens to improve applied knowledge of the Government Information (Public Access) Act 2009 (GIPA Act), and to raise awareness of a person's right to access government held information in NSW.

NSW Ambulance

Right to Know Week NSW 2021

Transport for NSW Open Data @DataTTNSW

Transport for NSW is a proud Champion of Right to Know Week, as providing access to information that informs our communities about our service delivery and decision-making is vital. Read more on the @IPCNSW website: [ipc.nsw.gov.au/RTK2021](http://ipc.nsw.gov.au/RTK2021) #OpenData #RTKNSW2021 #RTK2021

RIGHT TO KNOW WEEK 2021 - 27 SEPTEMBER TO 3 OCTOBER 2021

INTERESTING

20 September 2021

Right to Know Week aims to encourage both public sector agencies and public citizens to improve applied knowledge of the Government Information (Public Access) Act 2009 (GIPA Act), and to raise awareness of a person's right to access government held information in NSW.

Woollahra Municipal Council

Right to Know Week NSW 2021  
27 Sep - 3 Oct 2021

Open by Design: integrity through greater transparency and accountability in government

Request a service  
Check clean-up dates  
Get a parking permit  
View DA notifications  
Hire a hall or venue

Make a payment  
Submit a DA  
View agendas and minutes  
Work at Council  
Get business support & grant info

OUR ONLINE SERVICES... More online services

NSW State Archives @nswarchives · Sep 27

It's Right to Know Week NSW 2021. This year's theme is Open by Design #RTKNSW2021 @IPCNSW [bit.ly/3x6zpVr](http://bit.ly/3x6zpVr)

Did you know that we provide records management advice, standards, policies and tools to assist NSW public sector bodies to improve official recordkeeping?

StrathfieldMC @StrathfieldMC · Sep 27

It's Right to Know Week NSW 2021! We all have a right to access government held information. Learn more about NSW information access legislation. #righttoinformation #GIPA [bit.ly/3zCQPua](http://bit.ly/3zCQPua)

Eurobodalla 2021

YOUR 'RIGHT TO KNOW' MEANS AN END TO COUNCIL SECRECY

by David Grace | Sep 27, 2021 | Governance, media | 0 comments

Port Stephens Council @PSCouncil · Sep 28

You have the right to access government held information — you have the right to know.

Learn more about Right to Know Week NSW 2021 and download the information access resources at [ipc.nsw.gov.au/RTK2021](http://ipc.nsw.gov.au/RTK2021)

Federation Council  
27 September at 09:03 · 🌐

Federation Council is proud to support Right to Know Week (RTKW) NSW 2021 as an official RTKW Champion!

Right to Know Week NSW takes place from 27 September - 3 October this year, and aims to raise awareness of each individual's right of access to government information and promote open, transparent government.

Find out more: <https://bit.ly/2W570HZ>... See more

Right to Know Week NSW 2021

Open by Design  
integrity through greater transparency and accountability in government

27 Sep - 3 Oct 2021 [www.ipc.nsw.gov.au/RTK2021](http://www.ipc.nsw.gov.au/RTK2021)

1 Like 1 share

Like Comment Share

Cumberland City Council @CumberlandSyd · Sep 27

We are a proud to Champion Right to Know Week NSW 2021. Learn more about right to access government held information here: [bit.ly/3x6zpVr](http://bit.ly/3x6zpVr)

Right to Know Week NSW 2021

Open by Design  
integrity through greater transparency and accountability in government

27 Sep - 3 Oct 2021 [www.ipc.nsw.gov.au/RTK2021](http://www.ipc.nsw.gov.au/RTK2021)

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Home / News / Articles  
Right to Know Week NSW 2021

Right to Know Week aims to encourage both public sector agencies and citizens to improve applied knowledge of the Government Information (Public Access) Act 2009 (GIPA Act), and to raise awareness of a person's right to access government held information in NSW.

Cessnock City Council @CessnockCouncil · Sep 27

It's @IPCNSW Right to Know Week! As a public sector agency it's our duty to preserve your right to access information. This year's theme, Open by Design, is all about government decision-making being transparent. Find out more on our website: [cessnock.nsw.gov.au/right-to-know](http://cessnock.nsw.gov.au/right-to-know) #RTKNSW2021

Camden Council  
27 September at 10:00 · 🌐

Right to Know Week aims to encourage both public sector agencies and public citizens to improve applied knowledge of the Government Information (Public Access) Act 2009 (GIPA Act), and to raise awareness of a person's right to access government held information in NSW. You can find out more about it here: <http://www.camden.nsw.gov.au/.../gipa.../right-to-know-week>

Right to Know Week NSW 2021

Open by Design  
integrity through greater transparency and accountability in government

27 Sep - 3 Oct 2021 [www.ipc.nsw.gov.au/RTK2021](http://www.ipc.nsw.gov.au/RTK2021)

2 Like 1 share

Like Comment Share



# Corruption threat greater with more secretive governments as Australia slips down Corruption Perception Index world rankings

Alison Sandy, 7News FOI Editor

Published: 10/10/2021 Updated: Monday, 11 October 2021 8:02 AM AEST

Lack of transparency and accountability in Freedom of Information access will leave secretive governments more prone to corruption, experts warn.

As part of **Right to Know Week** this month, Australia's Information Access Commissioners and Ombudsmen united to lobby state and federal governments on how to best address threats to security and democracy by being more open and transparent.

Concerns were raised a "secrecy reflex" was also undermining public confidence in government.

At the Right to Know launch, Transparency International Australia CEO Sarina Lillywhite announced a reduction in Australia's rank in the Corruption Perception Index world rankings.

# Media coverage



The Beagle an hour ago

## Got a question you want answered by Council? This is Right to Know Week.

The Mayor has told us that "The Community knows what the community knows".

The General Manager tells us that the Council's Audit and Risk Committee are not provided all of the essential financial and risk detail of projects because of "Commercial in Confidence".

In fact the General Manager of Eurobodalla is often referred to as "Confidential Catherine" for her propensity to withhold information by declaring it is "Commercial in Confidence".

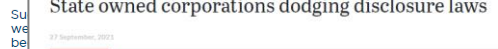
### GOVERNMENT NEWS

News, views and analysis of government in Australia

Julie Skatsoom

## State owned corporations dodging disclosure laws

27 September 2021



### Latest comments

**Allison on: NSW to introduce covid check-in card**  
You can scan it using the Business's web form but need a device with a...

**Elke Freitag on: Council to produce tiles from dumped mattresses**  
Wonderful news where can I buy those tiles?

**Bastien Wallace on: Vaccine passports will need 'guard rails and red lines'**  
All of these measures depend on assumptions of health, ability, internet access and privilege. They...

## Right to know week NSW2021

Public request shaunwince 1 day ago



Right to know the week mark International Day for Access to Information, Was celebrated internationally on September 28th.

## Farmer uses GIPA application to change decision by Bega Shire Council



The importance of the public's right to government information was highlighted when a farmer, armed with information obtained through a GIPA application, was able to effect positive change for the Bega community.

supplies. Critically, the bridges were integral to protecting the properties from bushfire and had been used to contain a 2016 fire at Yankees Gap, helping to bring it under control and reduce the threat to other properties in the area.

The landowner filed an application under the Government Information (Public Access) Act 2009 (GIPA) about the Council's decision to refuse to fund the bridges. The Council informed the landowner that it meant to discuss the matter with the Council's planning and engineering staff. The Council's decision was overturned by the Information Commissioner.

## Study supports access to PS information

5 October, 2021

A research study into the rights of the public to access Government information has provided a broad insight into citizens' views as well as the experiences they encounter when seeking the information.



Released by four state Information Commissioners and the Commonwealth Ombudsman, the second cross jurisdictional study on citizens' awareness of their rights has been released as the *Information Access Study 2021*.

Leading the Information Commissioners from Victoria, Queensland and Western Australia as well as the Commonwealth Ombudsman, NSW Information and Privacy Commission, Elizabeth Tydd said the research provided a broad insight into citizens' views and experiences of the right to access information.

"The importance of the right to access information is consistently recognised by respondents in each jurisdiction," Ms Tydd said.

"The majority of respondents in each jurisdiction were aware that they had the right to access Information from Government Departments/Agencies," she said.

### FINANCIAL REVIEW

Friday October 1, 2021

## Inside Government

### Five things that caught my attention this week

#### 5. Right to know

This week is Right to Know week in NSW, part of a campaign that marks International Day for Access to Information, celebrated internationally on September 28.

I compere a seminar with NSW Information Commissioner Elizabeth Tydd, ICAC chief commissioner Peter Hill and the Australian CEO of Transparency International Serena Lillywhite.

## Freedom of Information in Australia

Australia is a democracy where the public can ostensibly access a wide range of information from government departments, agencies and public institutions. But as Alison Sandy, FOI editor at 7News writes in this opinion column, the process of obtaining information can be fraught in practice.

Walkley Foundation Oct 11 - 6 min read

In 2016, I applied to all universities across Australia for documents under Freedom of Information laws relating to sexual assault on campus. The purpose was not only to find out how prevalent it was, but to examine whether universities provided enough support for victims, and where they could, ensure proper sanctions were applied to the perpetrators.

# IPC Annual Report 2020/21

Tabled in NSW Parliament on 26 October 2021

## Highlights:

- an increase of 10% in applications for information access and privacy reviews and complaints
- finalisation of 850 reviews and complaints, an increase of 4.4% on the 2019/20 reporting period
- providing 569 information access and privacy advices to support compliance by agencies, a decrease of 1.0% on the 2019/20 reporting period
- in 2021, the IPC celebrates its 10 year anniversary since commencing operations on 1 January 2011 and 10 years of reporting on the operation of the GIPA Act

# Highlights cont.

- providing 121 advices in the first year of operation to projects seeking funding under the Digital Restart Fund
- Commissioners provided submissions to 15 reviews and inquiries conducted by government including 6 joint submissions
- dealing with 3407 enquiries from the public, representing a 22.5% increase on the 2782 dealt with in 2019/20
- 485,989 page views and a 6.1% increase in unique visitors to [ipc.nsw.gov.au](http://ipc.nsw.gov.au)
- improving awareness of privacy and information access rights with the release of 36 new information access, privacy and corporate publications and reviewing 64 existing publications.

# IPC Proactive Audit Program and Significant Regulatory Matters

## Completed regulatory action

- Phase 2 – Police Audit

## Current major regulatory action

- Ongoing monitoring of local council responses to the audit recommendations.

## Digital Restart Fund (DRF)

- The IPC has provided advice on more than 160 business cases seeking funding from the Digital Restart Fund.



# Preview information access animation

## Open access requirements of Local Government

You can download the animation from the IPC website and can send on in response to enquires to assist in explaining the processes.

<https://www.ipc.nsw.gov.au/information-access/agencies/resources>

# Information Commissioner submissions

## Joint submission to the Department of Communities and Justice Multicultural Action Plan 2022-25

- The development of a new Multicultural Plan presents an opportunity to consider ways in which to improve and promote access to government information for diverse communities across NSW.
- In a recent national survey of community attitudes to information access, 56% of respondents who exercised their right to access government information were from a CALD background.
- The Information Commissioner encourages DCJ to explore opportunities to proactively release information commonly sought by members of the public, as well as information that may be of particular interest or value to CALD communities.

# IPC case notes

The following information access case notes have been published on the IPC website:

- *Tallawoladah Pty Ltd v Department of Planning, Industry and Environment* [2021] NSWCATAD 248
- *Christopher v Independent Commission Against Corruption* [2021] NSWCATAD 256
- *Wojciechowska v Commissioner of Police* [2020] NSWCATAD 173

# Speaking Engagements

## **The Information Commissioner presented at the following engagements:**

- Government Solicitors' Conference – 7 September
- Executive Leadership Essentials – 15 September
- IDUAI UNESCO-ICIC panel – 28 September
- SARA & SLM for Right to Know Week – 29 September
- UTS Senior Managers' Forum – 29 September
- RTK InfoGovANZ Event – 30 September
- Gradient Institute - Tech for Social Good - Speaker Panel and Networking Night – 20 October
- Executive Leadership Essentials – 3 November

# Information Access Resources

**The following information access resources have been published:**

## **NEW**

- NSW Police Force – Follow Up GIPA Compliance Report Phase 2

## **UPDATED**

- Form for citizens – GIPA Access Application Form for information from another agency
- Fact Sheet – Reasonable searches under the GIPA Act

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