



information  
and privacy  
commission  
new south wales

# Guideline 6: Agency Information Guides

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The object of the *Government Information (Public Access) Act 2009* (GIPA Act) is to open government information to the public to maintain and advance a system of responsible and representative democratic government.

The GIPA Act places various obligations on agencies within NSW in respect of their publication and release of the information that they create and hold. The GIPA Act also provides rights for persons to apply for access to government information.

These Guidelines are made to assist agencies in satisfying their obligations to create and update their agency information guides in accordance with Part 3 Division 2 of the GIPA Act.

They also provide assistance to agencies on how agency information guides can promote Open Government, Open Data and public participation and best practice for writing Agency Information Guides.

These Guidelines are an aide to the application of the provisions of the GIPA Act.

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# Summary of GIPA Act provisions dealing with Agency Information Guides

Three provisions of the *Government Information (Public Access) Act 2009* (GIPA Act) are of direct relevance to the consideration of Agency Information Guides: sections 20, 21 and 22. These provisions are attached at [Appendix 1](#).

## Introduction

These Guidelines are made to assist agencies in satisfying their obligations for Agency Information Guides (AIGs) under the GIPA Act and in particular, focus on sections 20, 21 and 22 of the GIPA Act.

They also provide assistance to agencies on how AIGs are able to promote [Open Government](#), [Open Data](#) and [public participation](#) and [best practice for writing AIGs](#).

## Guiding principles

AIGs are a significant portal to government information. They allow the public to identify and access government information held by an agency. They connect the public and agencies by providing clear and accessible information on accessing government information. AIGs promote the object of the GIPA Act by opening government information to the public at the lowest possible cost and encourage public participation in the agency's decision-making and functions.

## Legislative requirements

1. The object of the GIPA Act is to open government information to the public by the proactive public release of government information by agencies, giving members of the public an enforceable right to access government information and only restricting government information when there is an overriding public interest against disclosure.
2. Under Part 3 Division 2 of the GIPA Act, all agencies (other than a Minister) must have an agency information guide (AIG).
3. AIGs must be made available free of charge on the agency's website.
4. Agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months.
5. Agencies must notify the Information Commissioner before adopting or amending an AIG and, if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed AIG or amendment.
6. Agencies must make "open access information" publicly available as provided by its AIG.
7. Should the Director-General of the Department of Local Government, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the AIG of local authorities, the AIG of local authorities must include any such mandatory provision unless the Director-General otherwise approves in a particular case.

## What must AIGs include?

8. Section 20(1) of the GIPA Act lists the minimum elements of an AIG.

The following sections suggest the types of information that might be included for each element.

### 8.1 A description of the structure and functions of the agency, including:

- the agency's departments or divisions
- the agency's functions
- the relevant legislation that sets or affects the agency's operations
- a diagram of the agency structure
- leadership positions in the agency.

[Orange City Council's current AIG is an example of good practice on agency structure and functions.](#)

### 8.2 A description of the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, such as:

- how service functions affect the public
- how regulatory or enforcement functions affect the public
- how revenue functions affect the public
- how administrative functions affect the public
- how community planning and development functions affect areas such as cultural development, social planning and community profile.

### 8.3 Specify any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions. Agencies may consider describing:

- participation through [Have Your Say](#), expert panels, consultative committees, feedback channels, digital channels and calls for submissions
- channels of engagement with the public and stakeholders, especially innovative approaches such as mobile apps
- contact points for feedback and complaints about the agency.

[Transport for NSW's current AIG is an example of good practice on public participation and feedback channels.](#)

### 8.4 The various kinds of government information held by the agency, the kinds of government information it makes (or will make) publicly available, and specify the manner in which it makes (or will make) it publicly available.

Agencies may consider identifying and providing links to government information according to the four main ways an agency provides access to information under the GIPA Act, i.e. open access information, proactive release, informal release and formal access application. By way of example, AIGs may use the following headings to identify the various kinds of government information that they hold and the manner in which it is made available:

#### Open access information

Open access information under section 18 of the GIPA Act is required to be made publicly available, and therefore the AIG must include links or references to:

- information about the agency contained in any document tabled in Parliament by or on behalf of the agency
- policy documents
- Disclosure Log of Formal Access Applications
- Register of Government Contracts must be included
- record of the open access information (if any) that the agency does not make publicly available on the basis of an overriding public interest against disclosure
- other government information as may be prescribed by the regulations as open access information.

While not mandatory under the GIPA Act, it is good practice for the AIG to include links or references to:

- the Privacy Management Plan
- annual reports
- plans, such as strategic, corporate or operational plans
- service delivery standards, codes of conduct and complaints procedures
- disclosure documents, such as records of important meetings, decisions and approvals.

### **Proactive release**

Under section 7(3) of the GIPA Act, an agency is must review its proactive release program at intervals of not more than 12 months. It is good practice to include the last and next planned date for the review of their proactive release program. Agencies might also describe how the review occurred and any significant changes to information release made as a result of the review.

### **Informal release**

Describe the types of government information that the public may request informally, including the agency's preferred method of request, i.e. in person, by phone or online.

### **Formal access application**

When information is not available on the agency's website and is not otherwise routinely provided by the agency, the process for a member of the public to formally apply to the agency for the information under the GIPA Act should be described.

### **Additional considerations**

Agencies should consider:

- describing how the information is held, e.g. in physical files, a records management system or website
- specifying the manner in which they make government information publicly available such as:
  - website
  - mobile or tablet app
  - inspection at the agency's premises
  - other types of publication.

[The Audit Office of New South Wales' current AIG is an example of good practice on the identification of government information held by an agency.](#)

**8.5 The kinds of information that are (or will be) made publically available free of charge and those kinds for which a charge is (or will be) imposed must be identified. For example:**

- open access information is free of charge
- fees for other publications, photographs or historical records
- any fees associated with particular requests for data or statistical analysis.

## Promotion of Open Government, Open Data and public participation

9. AIGs provide a valuable mechanism to ensure that citizens have knowledge of and access to government information that is both current and significant in relation to the formulation of policy and service delivery by agencies, together with access to arrangements to participate in the formulation of policy and service delivery by agencies. Through AIGs, agencies are able to promote Open Government, Open Data and public participation.

### Open Government

10. Open Government is a tangible and consistent commitment by government to increase access to information, engage with citizens and be accountable. AIGs serve this commitment by providing a public resource that informs citizens about the information that the agency holds, the agency's engagement channels, and its decision-making processes.

### Open Data

11. By releasing Open Data, agencies can empower citizens and gain new insights that improve the way we live, work and solve problems together. AIGs play an important part in identifying the data held by agencies and detailing the way that agencies will make the data open to citizens.

- Agencies may wish to consider linking their AIGs to other Open Data initiatives, such as [www.data.nsw.gov.au](http://www.data.nsw.gov.au)
- NSW Government portal to government information and services – agencies may also link their AIGs to [www.nsw.gov.au](http://www.nsw.gov.au)

### Public participation

12. AIGs are able to provide a significant portal through which citizens can find out how to participate in the formulation of policy and service delivery by agencies.

13. AIGs provide a clear and consistent device through which citizens are able to identify information held by agencies with certainty and confidence. In coupling this legislative certainty with opportunities to participate in agency policy formulation and service delivery, the GIPA Act provides the mechanism to promote responsiveness by government.

14. In the absence of any other consolidated legislative mechanism to promote transparency, accountability and responsiveness by government, a failure to implement AIG legislative requirements limits the capacity of the public to gain access to a central repository of agency information and participate in the formulation of agency policy and the exercise of functions.

15. This guidance has been influenced by the commitment to Open Data, Open Government, the availability of new community engagement mechanisms and the changing technological environment. In response to these factors the Information and Privacy Commission recommends adoption of a consistent framework for AIGs that supports public participation through a consistent and reliable vehicle to access government held information.

## Best practice for writing AIGs

16. The structure of an AIG is not prescribed by the GIPA Act and will vary depending on the nature of the agency, its structure, the information that it holds, major stakeholder interests and focus and public participation arrangements. An AIG should adopt accessible language and be easy to locate on the agency website.

17. A guiding focus is to consider whether legislative requirements have been satisfied and how the AIG will promote Open Data, Open Government and public participation.

18. The IPC recommends that agencies consider adopting a core set of AIG headings to promote consistency across the government sectors and make it easier for members of the public to find the information that they seek. Agencies may consider adopting the following core headings:

- About [the agency]
- How to access [the agency's] information
- How [the agency] engages with the public
- Feedback and questions
- The public's rights, agency responsibilities, and the role of the Information Commissioner under the GIPA Act.

19. Identifying who is responsible (and the person's contact details) for the management of the AIG, and the process for review and update, provides accountability and ensures the relevance of the AIG for members of the public.

20. Agencies may consider offering an alert service to notify members of the public when there is an amendment to an AIG.

21. An AIG may be viewed as an authoritative source for identifying the government information held by an agency. In this regard, an agency may consider applying and regularly updating electronic links in the AIG to the key and/or significant pieces of information described in the AIG.

22. When applying electronic links in AIGs, agencies should ensure that links are active, guide the reader to the appropriate areas of the agency's website, and are relevant to the subject matter being discussed.

23. When describing the various types of information held by the agency, an AIG should describe any other legislation that the agency is required to comply with when dealing with the information. For example:

- If the agency deals with personal information it is required to comply with the *Privacy and Personal Information Protection Act 1988*.
- If the agency deals with health information it is required to comply with the *Health Records and Information Privacy Act 2002*.

## Agency structures

24. An agency may operate in a cluster or regional arrangement and may therefore have an ‘umbrella’ AIG. Where an agency has multiple divisions it may be appropriate for the AIG to provide an explanation of its structure, and:
- the common arrangements across the multiple divisions
  - divide the AIG according to those aspects that are unique to its individual divisions/groups
25. An agency website should also have clear information about each division of the agency, including the work undertaken by each division. This will assist the public in determining where to direct their request for information and allow agency’s to deal efficiently with information access requests.

## Self-assessment Checklist

26. The IPC has developed a practical tool for agencies to assess the content of its AIG once it has already been prepared. The Information Commissioner also uses this checklist as an aid to assess the quality of AIGs received.
27. The AIG Self-assessment Checklist for agencies is available on the [IPC website](#).

## Role of the Information Commissioner

28. Agencies must notify the Information Commissioner before adopting or amending an AIG, and if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed AIG or amendment.
29. Anyone can complain to the Information Commissioner about the conduct (including action or inaction) of an agency in the exercise of functions under an Information Act, including conduct that is alleged by the person to constitute a contravention of an Information Act.

A complaint may be made in one of the following ways:

- post: GPO Box 7011, Sydney NSW 2001
- fax: +61 2 8114 3756
- email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)
- in person: Level 17, 201 Elizabeth Street Sydney NSW 2000.

The Information Commissioner may decide to investigate, not to continue to investigate, or not investigate a complaint

More information regarding complaints about an agency’s conduct is available on the [IPC website](#).

## Appendix 1

### Government Information (Public Access) Act 2009

#### 20 Agencies must have agency information guide

- (1) An agency (other than a Minister) must have a guide (its **agency information guide**) that:
  - (a) describes the structure and functions of the agency, and
  - (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
  - (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
  - (d) identifies the various kinds of government information held by the agency, and
  - (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
  - (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
  - (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.
- (2) An agency must make government information publicly available as provided by its agency information guide.
- (3) The Director-General of the Department of Local Government may, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the agency information guide of local authorities. The agency information guide of a local authority must include any such mandatory provision unless the Director-General otherwise approves in a particular case.

#### 21 Adoption and review of agency information guide

An agency must adopt its first agency information guide within six months after the commencement of this section and must review its agency information guide and adopt a new agency information guide at intervals of not more than 12 months. An agency may update and amend its agency information guide at any time.

#### 22 Role of Information Commissioner

- (1) An agency must notify the Information Commissioner before adopting or amending an agency information guide and must, if requested to do so by the Information Commissioner, consult with the Information Commissioner on the proposed agency information guide or amendment.
- (2) The Information Commissioner can issue guidelines and model agency information guides for the assistance of agencies in connection with agency information guides.

## Document information

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