

Media Statement

12 March 2020

Statement by the NSW Information Commissioner, Ms Elizabeth Tydd, on contract register requirements and the GIPA Act by NSW Information Commissioner

The *Government Information (Public Access) Act 2009 (GIPA Act)* requires that contract information is made publicly available by government agencies through a publicly available contract register. Mandating public reporting of contracts serves a pro-integrity purpose that increases government transparency and accountability. Contract registers can also contribute to improved performance of outsourced services, increased efficiency and value for money.

The contracts register must include contracts to which the government is a party to that has (or is likely to have) a value of \$150,000 or over (including GST). Information about these contracts must be entered into the register within 45 working days after the contract becomes effective.

Agency compliance with these requirements is independently overseen by the NSW Information Commissioner.

The Information Commissioner is aware of proceedings before the NSW Parliament Budget Estimates Inquiry before Portfolio Committee No. 6 - Transport and Customer Service on 9 March 2020 and references to the upload of a number of government contracts by icare NSW to the NSW eTendering website where the 45 working day period may have been exceeded.

The Information Commissioner reviewed the NSW eTendering website to assess icare's performance and commenced regulatory engagement with icare seeking further information. The provision of additional information from icare will inform an assessment of icare's compliance with the GIPA Act. This action is ongoing.

The Information and Privacy Commission NSW (IPC) has undertaken a number of initiatives to support compliance by agencies with contract reporting requirements, including:

- Conducting audits of universities' compliance with contract register requirements under the GIPA Act and publishing relevant reports
- Issuing a self-assessment checklist for agencies to assist them ensure its published contract register is presented in compliance with the GIPA Act
- Providing all agencies with an on-line self-assessment tool to promote compliance with contract reporting requirements
- Developing an e-learning tool to educate staff on how to meet the requirements of the GIPA Act relevant to contract registers
- Issuing general guidance on the open access requirements under the GIPA Act, including contract registers

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For further information, please contact:

IPC media team on 0435 961 691 or email ccadigital@ipc.nsw.gov.au

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.

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