



information  
and privacy  
commission  
new south wales

# Greyhound Welfare and Integrity Commission NSW

**GIPA Act – Compliance Report  
May 2020**



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## 1 Purpose

This desktop review examined the systems and processes of the Greyhound Welfare and Integrity Commission (GWIC) in relation to its compliance with the requirements of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act).

The review was undertaken in accordance with section 17(g) of the GIPA Act, to monitor, audit and report on the exercise by agencies of their functions under, and compliance with, the GIPA Act. Its purpose was to review and assess the GWIC's assessment of its compliance with the GIPA Act in fulfilling its responsibilities under the GIPA Act. This review was limited to a desktop assessment and review of the GWIC's self-assessment of its compliance alongside a desktop review of its website.

As a regulatory tool a desktop audit is applied in areas of small to moderate risk of non-compliance and may also form the basis of a preliminary assessment. The methodology of a desktop audit should be recognised as constrained by factors including:

- independent remote assessment;
- non inquisitorial;
- focused on identified compliance risks and informed by agency responses.

On that basis it is distinguishable from an onsite audit which can adopt a more direct inquisitorial approach. Accordingly, in general the IPC conducts desktop audits to elevate compliance by way of guidance, awareness raising and in some cases recommendations to an agency. However, poor results or lack of co-operation by an agency may result in further and escalated compliance action.

Accordingly, the focus of this review did not include the content or application of the policies and procedures that GWIC has developed or is developing to fulfil its requirements under the GIPA Act or the GWIC's processing of formal access applications made under the GIPA Act.

## 2 Background

The GWIC was established as a key recommendation of the Greyhound Industry Reform Panel and was set up to undertake greater oversight and enforcement of integrity and welfare standards in the greyhound racing industry.<sup>1</sup> The reforms distinguished between the commercial and regulatory functions previously carried out by Greyhound Racing NSW (GRNSW). With the establishment of the GWIC, GRNSW retained the commercial functions and GWIC administers the welfare and other regulatory functions.

The GWIC was established under the Greyhound Racing Act 2017 (GRA) and commenced its operational activities on 1 July 2018.<sup>2</sup> Under the *Government Sector Employment Act 2013* (GSE Act)<sup>3</sup>, GWIC is a separate agency.

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<sup>1</sup> Greyhound Welfare and Integrity Commission website at <https://www.gwic.nsw.gov.au/about/who-are-we>

<sup>2</sup> Greyhound Welfare and Integrity Commission, Annual Report 2017/18 at page 12

<sup>3</sup> Part 3, Schedule 1 of the *Government Sector Employment Act 2013*

The results of this desktop audit together with the agency self-assessment have demonstrated that some systems, policies and practices of the agency remain under development. This is not inconsistent with the development of practices and procedures generally in a newly created agency. In a number of areas, compliance maturity is more advanced than others.

However, I am satisfied that the Agency has demonstrated a willingness to comply and that its leadership has demonstrated its commitment to compliance by acknowledging through its self-assessment audit those areas where policies or procedures are absent or in development.

In light of these findings there is no factor that would motivate an escalation of regulatory action by the IPC.

This report outlines the findings and proposed recommendations as a result of the IPC's review.

The GWIC responded to the draft report on **15 May** 2020. That response has informed the finalisation of this report.

## 3 Methodology

### 3.1 Sample selection

In undertaking this review the IPC requested that the GWIC undertake a self-assessment of its compliance with the GIPA Act using the [IPC's Self-Assessment Tool](#). The IPC reviewed GWIC compliance with the GIPA Act as described in its self-assessment against a sample of information that was publicly available on its website on the date of the assessment.

For the purpose of the methodology adopted during this review, it is to be noted that for some criteria the IPC was not able to measure each category within the self-assessment tool against publicly available information as the criteria did not lend themselves to such a measure. This is because such criterion related to policies or a procedure to support a function and such policy or procedure was not publicly available and nor was it required to be. Where this is the case, the IPC has observed that the criterion was "Not measurable" and informed its assessment based on the responses provided by GWIC.

### 3.2 Assessment Criteria

The IPC assessed GWIC's compliance with the GIPA Act against the criteria identified in the self-assessment tool. The criteria are set out in the table below.

Assessment criteria
1. Culture and Leadership
2. Governance
3. Legislative Compliance and achievement
I. Open Access
II. Contract register
III. Authorised proactive release
IV. Informal release

Assessment criteria
V. Formal access applications
VI. Disclosure logs
4. Supporting tools and systems
5. GIPA functions

### 3.3 Conduct of the analysis

The analysis of GWIC's compliance was conducted by the IPC on 27 February 2020. The GWIC provided to the IPC a copy of its completed self-assessment. IPC staff examined the GWIC's responses in the self-assessment tool in conjunction with the publicly available information on GWIC's website. The assessment of the GWIC was performed with reference to the self-assessment tool, with data and observations recorded.

The IPC recorded and retained data in undertaking the audit. For the purposes of this report it was deemed not necessary to provide a breakdown as the findings and recommendations are applicable generally and not specifically.

## 4 Acknowledgments

The IPC appreciates the assistance and co-operation provided by the GWIC and its officers during the review and assessment. The IPC also acknowledges the comprehensive implementation plan developed by GWIC to track and acquit all recommendations.

## 5 Observations

### 5.1 GIPA Culture and Leadership

Criterion		Result
<b>I.</b>	Agencies with an open access/data culture	
<b>a.</b>	Support and advocate an open access/data culture as a priority from the Board and the executive to all levels of the organisation	<b>Not measurable</b>
<b>b.</b>	Have established governance around access to open information and data	<b>Not measurable</b>
<b>c.</b>	Reflect and monitor and regularly update what is open access and open data and how it may be available to citizens	<b>Not measurable</b>
<b>d.</b>	Provide training and support to ensure staff are aware of open access and open data policies and requirements	<b>Not measurable</b>
<b>e.</b>	Promote the four pathways for access to information	<b>Not measurable</b>
<b>f.</b>	Promote a pro-disclosure culture	<b>Not measurable</b>
<b>g.</b>	Support informed and independent decision-making by Right to Information officers	<b>Not measurable</b>

#### Comments, findings and recommendations

**Comment:** Under the GIPA Act, leaders have an important role in promoting awareness and fostering an organisational culture that advances and promotes the objects of the GIPA Act. This can be achieved by adoption of an open access and open data culture by promoting of releasing information supported by a governance framework that demonstrates a commitment to open access and data.

**Observations:**

In undertaking its assessment of the GWIC against this criteria, the IPC's review was limited to an assessment of the agency's response against the information publicly available on its website. This meant that the IPC was not able to measure each category within the self-assessment tool against publicly available information as the criteria did not lend themselves to such a measure.

However, GWIC's own self-assessment measure of compliance identified this to be at 71%. In the main it identified that for most categories it had processes/procedure in place or under development. There was only one category in which the GWIC self-identified that processes and procedures were absent. This result indicates that as a newer agency, GWIC has established a positive approach towards GIPA compliance recognising the importance of leadership and culture early.

GWIC may wish to consider a further review itself against this assessment in twelve months to assess its progress against the implementation and development of its policies and procedures. The implementation of the development of processes and policies may be supported by a remediation plan that identifies the timeframes in which full implementation will occur by.

In terms of training the GWIC may wish to refer to the available suite of e-learning modules that the IPC has developed, which includes:

1. Access Training for Decision Makers under the GIPA Act;
2. Towards Open Government Information in NSW
3. Open Data
4. The Contract Register and Contract Disclosures.

In particular the IPC's module on Toward Open Government Information in NSW and Open Data may assist the GWIC to elevate the understanding, culture and awareness of open access/ open data across the GWIC.

In terms of open data this review did observe that GWIC makes available on its website general statistical information about races, fines issued, race starts among other things. Also included is data about breeding and whelping, Injury Reports and Retirement End of Life Reports. Some updates were as recent as January 2020. GWIC's approach to proactively releasing such statistical information is consistent with a positive approach to a pro-disclosure culture.

**Recommendation 1:** GWIC should undertake a further self-assessment of its compliance under the GIPA Act, in 12 months' time.

**Recommendation 2:** GWIC should develop a remediation plan for the implementation and finalisation of all policies and procedures it has identified as either absent or in development with timeframes for full implementation to be achieved by 30 September 2020.

## 5.2 Governance

Criterion		Result
I.	Have procedure in place to comply with schedule 2	<p><b>Not compliant</b></p> <p>This finding is based upon the annual reporting requirements and a review of GWIC Annual Report 2018/19.</p>

### Comments, findings and recommendations

**Comment:** Schedule 2 of the GIPA Regulation provides for statistical information about the formal access application that an agency has received to be captured and included in the annual report. This statistical information informs the preparation of the Information Commissioner’s annual report on the operation of the GIPA Act in accordance with section 37 of the *Government Information (Information Commissioner) Act 2009* (GIIC Act).

Section 37 of the GIIC Act requires that the Information Commissioner, as soon as practicable after 30 June in each year, to prepare and publish a report on the operation of the GIPA Act (generally, across all agencies) for the preceding 12 months. The Information Commissioner is further required to furnish that report to the Presiding Officer at each House of Parliament and a copy of the report to be provided to the Minister responsible for the IPC.

**Observations:** The IPC’s desktop review observed that GWIC included information about the total number of access application made to it in its 2018/19 annual report.<sup>4</sup> This approach was consistent with the approach it had adopted in the previous reporting period.<sup>5</sup> However, this information is insufficient to meet all of the required statistical information set out in Schedule 2 of the GIPA Regulation.

On this basis the IPC cannot be satisfied that GWIC has the necessary procedures in place at present that supports the agency to meet its requirements under Schedule 2 of the GIPA Regulation. In its self-assessment GWIC has identified that it has in progress development of procedures to comply with Schedule 2 of the GIPA Regulation. The IPC acknowledges the commitment of GWIC to the development of these procedures. This procedure should be finalised and operative in advance of the preparation of GWIC’s annual report for 2019/20.

The IPC has established the GIPA Tool which assists all agencies and organisations regulated by the GIPA Act to comply with the legislation when processing and reporting on government information access applications. In the development of its procedures for complying with Schedule 2, GWIC may wish to consider incorporating the GIPA Tool into its procedure.

**Recommendation 3:** GWIC finalise its procedure for complying with Schedule 2 of the GIPA Regulation in advance of the preparation of its 2019/2020 annual report.

**Recommendation 4:** GWIC consider in the development of its procedure adopting the GIPA Tool as a means of assisting it to meet the requirements of reporting on its annual GIPA activities under section 125 of the GIPA Act.

<sup>4</sup> GWIC Annual Report 2018/19 at page 33

<sup>5</sup> GWIC Annual Report 2017/18 at page 41



### 5.3 Legislative compliance and achievement

Criterion		Result
<b>I.</b>	Open Access Information	
<b>a.</b>	Makes its open access information publicly available, unless there is an overriding public interest against disclosure	<b>Compliant</b>
<b>b.</b>	Makes open access information available free of charge on a website maintained by the agency (unless to do so would impose unreasonable additional costs on the agency)	<b>Compliant</b>
<b>c.</b>	Ensures there is at least one way that people can access this information free of charge	<b>Compliant</b>
<b>d.</b>	Keeps a record of the open access information that an agency does not make publicly available on the basis of an overriding public interest against disclosure	<b>Non-compliant</b>
<b>e.</b>	Has an Agency Information Guide that meets the requirements specified in section 20 of the GIPA Act and the IPC's AIG guideline	<b>Compliant</b>
<b>f.</b>	Reviews and updates the AIG every 12 months	<b>Non-compliant</b>
<b>g.</b>	Notifies the Information Commissioner, before amendment to, or release of, an AIG (section 22)	<b>Compliant</b>

#### Comments, findings and recommendations

**Comment:** The GIPA Act requires a range of open access information to be made publicly available unless there is an overriding public interest against disclosure of the information. Open access information is to be publicly available free of charge on an agency's website (unless to do so would impose unreasonable additional costs on the agency).

The mandatory public release of open access information under the GIPA Act promotes consistent and transparent information and helps to foster responsible and representative government that is open, accountable, fair and effective.

The type of information that is open access is defined in section 18 of the GIPA Act and includes; the agency's information guide, policy documents, disclosure log of access applications, register of government contracts and record of open access information not made publicly available. Agencies are required to make open access information publicly available, unless there is an overriding public interest against disclosure (s6). The open access requirements vary according to the type of agency (see Parts 2, 3 and Schedule 1 GIPA Regulation).

**Observations:** This review observed that the GWIC has a website in which it makes open access information available free of charge. That open access information included, its Agency Information Guide (AIG), Annual Reports and Policy Documents. The types of policies that were made publicly available includes:

- Code of Practice for Breeding, Rearing and Education
- Code of Practice for the Keeping of Greyhounds in Training
- Race Day Hydration and Hot Weather Policy

**Comments, findings and recommendations**

- Trial Track Registration Policy
- Swabbing Policy
- Greyhound Re-homing Policy

In this regard it would appear that GWIC has taken positive steps to meet its requirements with section 6 of the GIPA Act.

However, GWIC’s website identified that its AIG was made in January 2019 and is therefore due for renewal. This review did not undertake an analysis of the particular compliance of the GWIC AIG with the requirements of the legislation as it was outside of the scope of this review.

However, the GWIC’s own self-assessment has self-reported that the review and update of the agency information guide is in progress.

At the time of this review it does not appear that the Agency had notified the Commissioner in accordance with section 22 of any review of its AIG. This would be consistent with the GWIC own assessment of its compliance to the requirements of section 22. GWIC should take steps to finalise its review of its AIG and in doing have regard to the IPC’s guidance for AIG’s. Additionally, it should ensure that it provides timely notification to the Information Commissioner consistent with the requirements of section 22.

GWIC assessed itself as compliant in respect of the record of open access that the agency does not make publicly available on the basis of an overriding public interest against disclosure (OPIAD). However, for the purposes of the IPC’s review a search of the website was unable to locate such a record. A record of the information that the agency does not make publicly available is an important mechanism to assist members of the public in understanding the full scope of the agency’s information holdings and the information which has not been made available publicly on account of an OPIAD. In the absence of being able to locate its record of open access information that is not made publicly available, the GWIC should take steps to update its website to include the required information in satisfaction of section 6(5) of the GIPA Act. This action should be included in GWIC remediation plan.

**Recommendation 5:** In undertaking its AIG review, GWIC should have regard to the IPC’s guidance on AIG’s to assist it in meeting the requirements for AIG’s under the GIPA Act. Additionally, it should ensure that it takes steps to meet the requirements of section 22 of the GIPA Act for notification to the Information Commissioner.

**Recommendation 6:** GWIC take steps to amend its website to include a statement of the information that it does not make publicly available under section 6(5) of the GIPA Act.

Criterion		Result
II.	Contract register	
a.	Maintain a register of all class 1 contracts with a value of \$150,000 (including GST) or more that identifies the name and business address of the contractor, the commencement date and duration of the contract, details of the project, project cost, basis for variations and selection process	<b>Compliant</b>

Criterion		Result
b.	Update the register within 45 working days of the contract coming into effect	Not measured
c.	Ensure that the contract register includes all additional information required for class 2 contracts (see section 30)	Compliant
d.	Ensure that the register fully meets the requirements for Class 3 contracts (those with a value of \$5 million or more) (see section 31)	Not measured
e.	Ensure that if a copy of a contract is not included on the agency register or only some of the provisions are included because it contains confidential information (see section 32), agencies place on the register: <ul style="list-style-type: none"> <li>- the reasons why the contract or provisions have not been included in the register</li> <li>- a statement as to whether it is intended to include the contract or provisions at a later date, and when this is likely to occur</li> <li>- a general description of the types of provisions that have not been included</li> </ul>	Not measured
f.	Ensure that processes are in place to update the register in the case of material variations to the contract. Material variations should be included in the register within 45 working days after the variation becomes effective.	Not measured

### Comments, findings and recommendations

**Comment:** The GIPA Act requires that all public sector agencies that enter into a contract with the private sector, to have established a register of all government contracts that have a value, or are likely to have a value, of \$150,000 inclusive of GST or more. These requirements upon agencies are set out in sections 27 – 40 of the GIPA Act and includes exemptions where that may be relevant.

**Observations:** The IPC’s desktop review observed that GWIC has a link on its website for a register of government contracts. That link provides a page which describes the register requirements and refers to a new link on the e-tenders website. The link to e-tenders is active.

This desktop review did not identify any contracts within it that are either active or archived for GWIC. This may mean that GWIC has not entered into a government contract in its own right for which it is captured within the definition of a government contract and/ or meets the requirements of either a class 1,2 or 3.

However, the GWIC’s Annual Report for 2018/19 at page 75 includes information about consultancies that were entered into and a list of those consultancies is included. The highest dollar value attached to any is \$131,000. This desktop review did not undertake an assessment of whether these contracts met the threshold definition of a government contract for the purposes of the GIPA Act, but if it were the case that these contracts did meet the definition as defined, it would seem on the face of their value, that they would not meet the threshold of \$150,000 (including GST) in any case.

On the basis that the agency uses e-tender it would be compliant in respect of the minimum legislative requirements.

The IPC notes that GWIC has self-identified that it has in progress work to fulfil the requirements for contract register reporting. GWIC may benefit from accessing the IPC’s contract register self-assessment checklist in the progress of this work.

Comments, findings and recommendations

**Recommendation 7:** In undertaking its continued work to fulfil the requirements for contract register reporting, GWIC should have regard to the IPC’s contract register assessment checklist. Additionally, GWIC may wish to consider including completion of the IPC training on contracts register available as an e-learning module.

Criterion		Result
III.	Authorised proactive release	
a.	Make the information available either free of charge or at the lowest reasonable cost	<b>Compliant</b>
b.	Update the register within 45 working days of the contract coming into effect	<b>Compliant</b>
c.	Review its program for release of government information at intervals of no more than 12 months to identify the information that it holds that should be made publicly available	<b>Not measured</b>
d.	Have in place clear governance arrangements to manage proactive release of information	<b>Not measured</b>
e.	Incorporate proactive release into records management processes, including processes at creation of the document or information to determine if it should be proactively released	<b>Not measured</b>
f.	Have processes in place to determine release priorities, such as stakeholder consultation and analysis of requests	<b>Not measured</b>

Comments, findings and recommendations

**Comment:** A key intention of the GIPA Act is to encourage proactive public release of government information by NSW public sector agencies. This is one of the major ways to meet the GIPA Act’s broader goal of advancing democratic government that is open, accountable, fair and effective. The GIPA Act authorises agencies to have proactive release programs in place and requires these to be reviewed each year, with outcomes reported to the IPC. The GIPA Act authorises agencies to release information through proactive release programs which must be reviewed each year, and outcomes reported to the IPC.

**Observations:** This desktop review identified that GWIC appears to make information available through proactive release. It was observed that the GWIC website includes data about race meetings and other statistics which seem to be as recent as January 2020 on its website. In this context, the agency appears to proactively release information on its data holdings. It is not possible to ascertain from a review of its website whether it meets c) - f) of the requirements for proactive release. However it is noted that the Agency self-identified that it is compliant with (d) and (e) and work is under way for (c) and (f) above.

The IPC notes that GWIC has self-identified that it has in progress work to further fulfil its compliance requirements in this regard and draws to the agency’s attention to the resources published by the IPC and available on its website that can support GWIC in this endeavour. This includes the IPC fact sheet: *Authorised proactive release of government information*

Comments, findings and recommendations

**Recommendation 8:** GWIC finalises the remaining work it has identified in its self-assessment to ensure compliance with section 7 of the GIPA Act by no later than 30 September 2020.

Criterion		Result
<b>IV.</b>	Informal Release	
<b>a.</b>	Have a process in place to manage informal requests for government information	<b>Compliant</b>
<b>b.</b>	Ensure staff understand, through a documented guideline or manual, what information can be released on the basis of an informal request, and what types of information require a formal application under Part 4 of the GIPA Act	<b>Not measured</b>
<b>c.</b>	Have defined approval processes and delegations or authorisations for permitting the release of information informally	<b>Not measured</b>
<b>d.</b>	Maintain a record of informal requests to inform the future program for proactive release (section 7)	<b>Not measured</b>

Comments, findings and recommendations

**Comment:** The GIPA Act allows agencies to release information to citizens in response to an informal request. Section 8 of the GIPA Act enables agencies to release information informally. The informal release of information provides benefits for agencies and citizens and increases access to information consistent with the objects of the GIPA Act to facilitate access to government information.

Informal release of information can be more efficient, flexible and timely for agencies and citizens. The effectiveness of this pathway can be enhanced through sound agency practices, recognising the safeguards for staff who release information and by linking the pathway to agency access mechanisms, in particular, Agency Information Guides.

**Observations:** There is no information available on GWIC website which would confirm the level of compliance by the Agency. However, it would appear that it is likely that GWIC does have a mechanism to manage its informal requests by reference to how it is described in its AIG and on its agency information access page. In particular, the GWIC website includes information about the information that it will typically release informally and how that information can be requested. This information describing informal access is consistent with the requirements of section 8 of the GIPA Act.

In its self-assessment GWIC identified that it has in development procedures to ensure staff understand the approach and requirements relevant to informal release. Additionally, it also identified that a record of informal access requests to inform future release is in progress. The IPC recognises this work is underway and is available to assist the GWIC as it progresses this work. Although a relatively new agency for the purposes of the GIPA Act, GWIC should aim to finalise the work underway as soon as possible which will better position the agency in receiving and processing informal access applications.

**Recommendation 9:** GWIC finalises the remaining work it has identified in its self-assessment to ensure compliance with section 8 of the GIPA Act by no later than 30 September 2020.

Criterion		Result
<b>V.</b>	Formal Release	
<b>a.</b>	Have staff who are authorised to manage formal access applications including the authority to make a reviewable decision (Right to Information officers)	<b>Compliant</b>
<b>b.</b>	Have processes in place to determine if the request is valid, or if the information is available via any alternative means	<b>Not measured</b>
<b>c.</b>	Provide assistance and advice to the applicant to facilitate the making of a valid application (see section 16)	<b>Not measured</b>
<b>d.</b>	Provide an access application form available to download on your website, or accessible in some other way and have processes for payment of the application fee and any processing charges, which can include electronic facilities.	<b>Not measured</b>
<b>e.</b>	Have systems and processes in place to undertake searches for information, such as identification of parameters of GIPA applications and established records storage and retrieval systems.	<b>Not measured</b>
<b>f.</b>	Have systems and processes in place to undertake consultations with third parties (see sections 54 and 54A).	<b>Not measured</b>
<b>g.</b>	Monitor the timely finalisation of requests (as the GIPA Act specifies timeframes for decisions).	<b>Not measured</b>
<b>h.</b>	Have processes in place to manage an internal review if the individual is not satisfied with the decision about release of the information.	<b>Not measured</b>
<b>i.</b>	Provide decision templates and ensure processes are in place to inform decisions about waiver or reduction of fees or charges on the basis of hardship.	<b>Not measured</b>
<b>j.</b>	Provide decision templates and ensure processes are in place to inform the making of the allowable decisions (section 58).	<b>Not measured</b>

#### Comments, findings and recommendations

**Comment:** The GIPA Act provides a legally enforceable right to access most government information unless there is an OPIAD. The GIPA Act also outlines the processes that applicants and agencies must follow in dealing with access applications and the options for the review of those decisions.

**Observations:** It was not possible through the exercise of a desktop audit to confirm the level of compliance by the GWIC to all the elements that would be necessary to ensure that the requirements of section 9 are being met. However, this review did establish from GWIC's AIG and agency information access page available on its website that GWIC has a Right to Information Officer (RIO). There is no publicly available information about the policies and procedures that the GWIC has in place to support its formal access functions.

**Comments, findings and recommendations**

A review of the GWIC annual report for 2018/19 indicates that 3 formal access applications were received. The IPC is not aware of any decision that was subject of a review by the IPC.

The IPC’s review of the annual report though did identify that it does not include the relevant detailed schedules required as part of its annual report requirements under section 125(1) of the GIPA Act and as set out in the *Government Information Access Regulation 2018* (GIPA Regulation). That statistical information provides details about the applications received, the types of information and the decisions made. This information in turn informs the Information Commissioner’s annual reporting under section 37 of the GIPA Act as to the performance generally of agencies under the GIPA Act.

In its self-assessment GWIC identified that it was compliant and/or has procedures in place across all of the criteria relevant to section 9. There is no information available to the IPC to indicate that this is not the case. The IPC encourages the GWIC to avail itself of the resources and templates on its website which have been developed to support agencies in the exercise of their functions in dealing with formal access applications. GWIC states that it now utilises the IPC GIPA Tool to collate the required statistical information; a process that was not in place at the time the annual report was prepared.

**Recommendation 10:** GWIC review and update its annual reporting to ensure that they comply with the requirements of section 125(1) of the GIPA Act and the GIPA Regulation. This should be completed in time for the GWIC next annual report.

Criterion		Result
<b>VI.</b>	Disclosure Logs	
<b>a.</b>	Keep an up-to-date agency disclosure log which contains the following information: <ul style="list-style-type: none"> <li>- the date the application was decided</li> <li>- a description of the information released</li> <li>- a statement as to whether the information is now available to other members of the public and how it can be accessed</li> </ul>	<b>Compliant</b>
<b>b.</b>	Make the disclosure log available free of charge on their agency website	<b>Compliant</b>

**Comments, findings and recommendations**

**Comment:** Section 25 of the GIPA Act requires that agencies must keep a disclosure log as part of their mandatory open access information. The disclosure log publishes details of information released in response to access applications that the agency considers may be of interest to other members of the public. Each NSW government agency must publish a disclosure log on its website. Section 26 of the GIPA Act requires agencies to record the following information about each access application in the disclosure log:

- a. the date the application was decided
- b. a description of the information to which access was provided in response to the application, and
- c. a statement as to whether the agency intends to make the information available to other members of

**Comments, findings and recommendations**

the public and, if so, how it can be accessed.

**Observations:** GWIC includes its disclosure log on the website. The disclosure log includes the relevant information as is required by section 26 of the GIPA Act. Information can be accessed either by direct link download from the website or by contact to the RIO. At the time of the desktop audit there are three entries made.

GWIC’s disclosure log at the time of the audit was assessed as compliant with the requirements of the GIPA Act.

**5.4 Supporting tools and systems**

Criterion		Result
a.	Provide training on a regular basis for officers authorised to exercise for GIPA functions	<b>Not measured</b>
b.	Provide regular communication providing updates on policies or guidance on GIPA responsibilities	<b>Not measured</b>
c.	Have in place a case management tool for managing GIPA applications	<b>Not measured</b>
d.	Provide documented procedures for meeting GIPA requirements which are updated as required and communicated to staff	<b>Not measured</b>
e.	Have in place procedures to assist in managing the risks associated with searches for information including: <ul style="list-style-type: none"> <li>- guidance on conducting searches, and</li> <li>- templates for issuing search requests and for return of documentation and certification</li> </ul>	<b>Not measured</b>

**Comments, findings and recommendations**

**Comment:** The GIPA Act does not stipulate the particular training or tools that agencies should have in place to fulfil the legislative requirements of the GIPA Act. However, it is apparent that for those legislative requirements to be met, Staff need to be supported to comply with the GIPA Act through the availability of appropriate training, documented processes and delegations, and processes to ensure requests are handled in a timely and appropriate way.

**Observations:** The IPC did not measure the GWIC’s compliance on the elements required to underpin the tools and systems in place to support GIPA compliance. This was because the IPC accepted the outcomes from GWIC’s self-assessment which identified that work was required to achieve effective compliance. The GWIC self-assessment identified that training had not been provided to staff on exercise of GIPA functions, that there was an absence of a case management tool for managing applications and that procedures were in development for meeting GIPA requirements and procedures to assist in managing risks associated with searches for information.

Inadequate training and/or procedures can leave agencies vulnerable to non-compliance. Investing in the capabilities of staff who are involved in dealing with information access requests will lead to better decision-making, analysis, and build capacity within the agency.



**Comments, findings and recommendations**

Agencies need to ensure systems are in place to monitor staff training and ensure that new staff receive base line training. The IPC has developed a suite of free eLearning modules, including for decision makers. The Crown Solicitors Office (CSO) also delivers GIPA training.

The IPC notes the small number applications that the GWIC received in the 2018/19 reporting year. Consistent with the Information Commissioner’s role in providing assistance in connection with the exercise of their functions under the GIPA Act, including by providing services to assist with the lodgement, handling and processing of access applications<sup>6</sup>, the IPC has made available the GIPA tool for this purpose without the need for an investment in a dedicated system.

The GIPA Tool may assist GWIC to efficiently manage GIPA applications and meet the requirements of reporting on annual GIPA activities under section 125 of the GIPA Act.

The GIPA Tool is now utilised by GWIC but was not utilised at the time when GWIC was setting up or when the applications were received and assessed.

Additionally, GWIC may wish to look to a cluster lead for the purposes of sharing this information. It may also be of use for it to access the practitioner network to assist in the development of these resources.

**Recommendation 11:** GWIC access and make available to staff the IPC’s eLearning modules as a mechanism to support staff in exercising GIPA functions.

**Recommendation 12:** GWIC review the availability of the IPC’s GIPA Tool as a means of managing its access applications.

**5.5 GIPA Functions**

The audit results reflect information obtained at the time of conducting the audit.

Criterion		Result
a.	Appropriate delegations/authorisations are in place	<b>Not measured</b>
b.	Processes to ensure that delegations/authorisations are regularly reviewed	<b>Not measured</b>
c.	Delegations/Authorisations are regularly reviewed	<b>Not measured</b>

**Comments, findings and recommendations**

**Comment:** The exercise of functions under the GIPA Act needs to be supported by clear and established delegations/authorisations, accompanied by processes to ensure that any delegations remain current and valid. The roles and responsibilities of staff with GIPA functions are clearly defined and communicated.

Section 9 of the GIPA Act provides that the making of a reviewable decision in connection with an access application may only be exercised by or with the authority (given either generally or in a particular case) of the principal officer of the agency.

<sup>6</sup> Section 17(d) GIPA Act 2009

Comments, findings and recommendations

**Observations:** This desktop audit did not identify a copy of the GWIC's delegations for the exercise of GIPA functions as part of this desktop review. The Agency assessment identifies it has a delegation but is absent of a process for review of those delegations and that those delegations are then regularly reviewed. The Agency should put in place an annual review of its delegations, and this should be included in its annual review of policies.

**Recommendation 13:** GWIC publish its delegations for the exercise of GIPA functions as part of its proactive release of information.

**Recommendation 14:** GWIC develop a process to review to ensure that delegations/authorisations are regularly reviewed by 30 September 2020.

## 6 Conclusions and recommendations

### 6.1 Conclusions

This audit was informed by:

- A self-assessment completed by GWIC
- A desktop audit of GWIC’s publicly available material published to its website
- the legislative requirements of the GIPA Act.

In summary, this audit has identified:

- a high level of commitment and engagement with the GIPA Act
- opportunities to support and enable GWIC in achieving compliance in respect of its GIPA functions.

### 6.2 Recommendations

Based on the findings of this audit, it is recommended that GWIC implement the following within the timeframes specified:

Recommendations	
<b>Recommendation 1</b>	GWIC should undertake a further self-assessment of its compliance under the GIPA Act, in 12 months’ time.
<b>Recommendation 2</b>	GWIC should develop a remediation plan for the implementation and finalisation of all policies and procedures it has identified as either absent or in development with timeframes for full implementation to be achieved by 30 September 2020.
<b>Recommendation 3</b>	GWIC finalise its procedure for complying with Schedule 2 of the GIPA Regulation in advance of the preparation of its 2019/2020 annual report.
<b>Recommendation 4</b>	GWIC consider in the development of its procedure adopting the GIPA Tool as a means of assisting it to meet the requirements of reporting on its annual GIPA activities under section 125 of the GIPA Act.
<b>Recommendation 5</b>	In undertaking its AIG review, GWIC should have regard to the IPC’s guidance on AIG’s to assist it in meeting the requirements for AIG’s under the GIPA Act. Additionally, it should ensure that it takes steps to meet the requirements of section 22 of the GIPA Act for notification to the Information Commissioner.
<b>Recommendation 6</b>	GWIC take steps to amend its website to include a statement of the information that it does not make publicly available under section 6(5) of the GIPA Act.
<b>Recommendation 7</b>	In undertaking its continued work to fulfil the requirements for contract register reporting, GWIC should have regard to the IPC’s contract register assessment checklist. Additionally, GWIC may wish to consider including completion of the IPC training on contracts register available as an e-learning module.
<b>Recommendation 8</b>	GWIC finalises the remaining work it has identified in its self- assessment to ensure compliance with section 7 of the GIPA Act by no later than 30 September 2020.
<b>Recommendation 9</b>	GWIC finalises the remaining work it has identified in its self- assessment to ensure compliance with section 8 of the GIPA Act by no later than 30 September 2020.
<b>Recommendation 10</b>	GWIC review and update its annual reporting to ensure that they comply with the requirements of section 125(1) of the GIPA Act and the GIPA Regulation.

Recommendations	
	This should be completed in time for the GWIC next annual report.
<b>Recommendation 11</b>	GWIC access and make available to staff the IPC's eLearning modules as a mechanism to support staff in exercising GIPA functions.
<b>Recommendation 12</b>	GWIC review the availability of the IPC's GIPA Tool as a means of managing its access applications.
<b>Recommendation 13</b>	GWIC publish its delegations for the exercise of GIPA functions as part of its proactive release of information.
<b>Recommendation 14</b>	GWIC develop a process to review to ensure that delegations/authorisations are regularly reviewed by 30 September 2020.
<b>Recommendation 15</b>	GWIC report back regarding implementation of the recommendations within this report to the Information Commissioner by 1 December 2020.

### 6.3 Monitoring

The IPC will continue to assist GWIC as it adopts these recommendations and requests a report back regarding implementation by 1 December 2020.

## 7 Audit chronology

Date	Event
23 October 2019	IPC Preliminary Engagement with GWIC
29 November 2019	Correspondence from IPC to GWIC of proposed audit and request for completion of self-assessment tool
7 February 2020	GWIC provides completed Information Access Self- Assessment
27 February 2020	IPC conduct of GWIC desk top assessment
29 April 2020	Provision of draft report to GWIC
15 May 2020	GWIC response to draft report
18 May 2020	Provision of final report to GWIC

## 8 Abbreviations

The following table lists the commonly used abbreviations within this report.

Acronym or abbreviation	Explanation
AIG	Agency Information Guide
CSO	Crown Solicitor's Office
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA Act	<i>Government Information (Public Access) Act 2009</i>
GSE Act	<i>Government Sector Employment Act 2013</i>
GWIC	Greyhound Welfare and Integrity Commission
GRNSW	Greyhound Racing NSW
IPC	Information and Privacy Commission, NSW
OPIAD	Overriding public interest against disclosure
RIO	Right to Information Officer

## 9 Legislation

The following legislation is relevant to the conduct of this audit.

*Government Information (Public Access) Act 2009 – relevant sections:*

- Section 17 – Role of the Information Commissioner
- Division 1 – Ways of accessing government information
- Division 2 – Part 3 – Agency information guides
- Division 4 – Part 3 – Disclosure logs
- Division 5 - Part 3 – Government contracts with private sector

*Government Information (Information Commissioner) Act 2009 – relevant sections:*

- Section 21 – Investigation of agency systems, policies and practices
- Section 24 – Report on compliance with an Information Act