

Media Statement

22 May 2020

The NSW Civil and Administrative Tribunal refers Destination NSW to NSW Information Commissioner

The NSW Civil and Administrative Tribunal (NCAT) decided on 22 May 2020 to refer Destination NSW to the NSW Information Commissioner. This is first occasion in which a referral from NCAT to the Information Commissioner under s111 of the *Government Information (Public Access) Act 2009* (GIPA) has been made.

The Tribunal determined to refer the Respondent in the case, Destination NSW, to the NSW Information Commissioner in relation to systemic issues identified in the proceedings in *Taylor v Destination NSW [2020] NSWCATAD 137*. The referral recognised that the Information Commissioner is the appropriate office to provide assistance in understanding and complying with obligations under the GIPA Act, particularly in determining access applications.

The NSW Information and Privacy Commission's (IPC) regulatory options include auditing, monitoring and reporting to assist agencies in connection with the exercise of their functions under, and compliance with, the GIPA Act.

The referral is currently under consideration to inform the scope and nature of the regulatory engagement with Destination NSW. The engagement will also be informed by the Tribunal's findings and observations.

ENDS

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