



information  
and privacy  
commission  
new south wales

**Media release**

**29 September 2020**

## **Information Commissioner releases Community Attitudes Survey Results - Right to Know Week NSW 2020**

The NSW Information Commissioner and Open Data Advocate today released the results of the IPC Community Attitudes Survey 2020 on data sharing, information access and agency assistance.

### **Data sharing**

The results of the IPC Community Attitudes 2020 survey provide a strong endorsement for data driven services with 72% of respondents agreeing that de-identified information should be used to inform planning and delivery of services provided by government agencies.

NSW Information Commissioner and Open Data Advocate said, "That result is coupled with an equally compelling case for accountability by government in using this data with 81% of respondents agreeing that agencies should publicly report on the information they maintain. Under the Government Information (Public Access) Act 2009 (GIPA) Government agencies are required to identify and report publicly on the various kinds of information that hold.

The results of the survey also confirm that Government's use of technology to provide efficient services and to inform decision-making must be accompanied by transparency and accountability with 78% of respondents agreeing that agencies should publicly report on the use of machine learning/artificial intelligence during decision making. Importantly, agencies are also required to describe the ways in which functions are exercised, in particular decision-making functions that affect members of the public.

The survey results provide a compelling case for 'future proofing information access rights'. Irrespective of the technology used by government the right to access information is preserved under the GIPA Act"

### **Information access**

Overall, 88% felt that their right to access government information was important.

The great majority felt that it was important for the public to have access to data that was held by government agencies to support 'Transparent decision making' (91%) and 'accountable decision making' (92%).

Awareness of information access rights has risen slightly since 2018, with over half (59%) of respondents knowing of their right to access information and most respondents intended to contact the agency involved in order to access information. In total 37% would use technology, either via a search or going to the agency's website. However, 19% were unsure of what they would do if they wanted to access information.

Ms Tydd said "These results confirm that information matters. People are readily identifying that it matters because it maintains accountability and transparency, promotes integrity and a just and fair society, it facilitates service and fosters engagement with citizens. 74% of people were successful in obtaining information. Comparing 2014, 2016, 2018, 2019 and 2020 there is a downward trend in respondents indicating that they were



successful in obtaining information so more needs to be done to promote awareness of this important right and to achieve better outcomes.

That is why I commissioned a further survey to examine how agencies fulfilled their responsibility to provide advice and assistance to citizens seeking access to information.”

### **Agency assistance**

Ms Tydd said, “In 2019, 60% of citizens advised that agencies had been helpful in assisting them to access information. This insight confirmed that the majority of agencies are fulfilling their responsibility to provide advice and assistance to citizens attempting to gain access to information.”

Through the 2020 Community Attitudes survey, the IPC was able to further examine how agencies were providing assistance and identify the elements of that assistance to better understand what agencies were doing in servicing citizens well and identifying where there are areas for improvement.

The survey found that agencies were most effective in providing advice and assistance to citizens when they:

- outlined the different ways information could be accessed (36%)
- helped clarify the information sought (32%)
- explained the process to obtain information by formal access application (28%)
- followed up the engagement in writing (28%)
- provided advice about who or what other agency to contact, including how to transfer the application when the information was not held by the agency (25%).

These results were confirmed in the survey in response to the question: How could agencies have improved the assistance?

- 41% said that the agency could have explained the processes available to obtain information
- 40% said the agency could have provided advice about how to access or seek access to information
- 29% said that the agency could have referred them to the agency’s website to obtain information
- 27% said the agency could have told them what agency to go to obtain the information or helped with the transfer of the application
- 25% said the agency could have talked to them about their request to access information
- 22% said the agency could have told them how to get information about their information access rights
- 18% said the agency could have provided them with an application form to seek access to information.

Ms Tydd said, “These results provide valuable insights to both agencies and citizens. Importantly they demonstrate that to be effective in providing advice and assistance agencies need to provide:



- advice about the different ways information can be accessed such as websites, documentation and data
- an explanation about how to obtain information using the four access pathways under the GIPA Act and
- where relevant transferring the request to a different agency that holds the information.”

## Implications

Ms Tydd said, “The research reinforces that easy to navigate, comprehensive websites are critical way to support access, especially for open access information.”

The IPC has created a framework to encourage agencies to structure their information access webpages in a way that is open and transparent, uniform across agencies, provides key contacts for accessing information, and clearly sets out the rights of citizens and obligations of agencies via the four access pathways under the GIPA Act.

The IPC is working with DCS on the website consolidation of NSW agency information access pages as part of digital transformation of service in NSW government to ensure that there is clear information about the types of information held by each agency and the different ways in which that information can be accessed. This initiative will provide tangible benefits to both citizens and agencies.

Ms Tydd said, “As government increasingly adopts technology it has a duty to implement administrative practices that safeguard the legislated commitment to open government and the fundamental right of access to information.

“This necessitates adopting existing practices to the digital environment to future proof the right to access information. Adoption and implementation of measures that provide administrative mechanisms to complement increasing reliance upon digital and other forms of service delivery by government include:

- procurement standards and elevated contractual arrangements to preserve the right to access information when government outsources services
- inventories of machine enhanced decision-making systems and databases
- certification and attestation requirements in relation to information access searches and consideration of the imposition of processing charges when information should be more readily located in digital form.

“The *Government Information (Public Access) Act 2009* secures the right to access government information in all forms. It mandates the proactive release of information and importantly requires agencies to:

- Provide advice and assistance to citizens seeking information<sup>1</sup>
- Ensure that any documents that are likely to affect rights, privileges, benefits, obligations, penalties or any other entitlement or liability that affects citizens is disclosed as *open access* information<sup>2</sup>

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<sup>1</sup> GIPA Act section 16

<sup>2</sup> GIPA Act section 23



- Ensure that a description of the ways in which functions, including decision making functions are exercised are publicly available as *open access* information<sup>3</sup>
- Proactively identify the kinds of information (including data) held and describe how that information can be accessed<sup>4</sup>
- Ensure that government contracts provide an immediate right of access to information held by the third-party contractor<sup>5</sup>

"These provisions respond to digital government and will, if faithfully applied ensure that the right to access information is *future proof*," she said.

## ENDS

### **For further information, please contact:**

IPC media team on 0435 961 691 or email [ccadigital@ipc.nsw.gov.au](mailto: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](http://www.ipc.nsw.gov.au)

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<sup>3</sup> GIPA Act section 20(1)(b)

<sup>4</sup> GIPA Act section 20(1)

<sup>5</sup> GIPA Act section 121