



information
and privacy
commission
new south wales

NSW Police Force

GIPA Act – Follow up compliance report – Phase 2

September 2021

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Abbreviations

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

Acronym or abbreviation	Explanation
AAMS	Access Application Management System
GIIC Act	<i>Government Information (Information Commissioner) Act 2009</i>
GIPA Act	<i>Government Information (Public Access) Act 2009</i>
IPC	Information and Privacy Commission
NSWPF	NSW Police Force
PAC	Police Area Command
PD	Police District
SOP	Standard Operating Procedure

1. Purpose

The purpose of this follow-up audit is to assess the practical adoption of the GIPA access application process by NSW Police Force (NSWPF) following the completion of two prior compliance audits by the Information and Privacy Commission (IPC).

The history, issues considered, and the recommendations made as a result of the two previous audits are detailed at length in those previous audits. As a result, those details are not reproduced in detail in this report. However, to assist to contextualize the purpose of this current audit the following summary is provided.

In 2018/2019 the Information Commissioner conducted an audit in accordance with section 21 of the [Government Information \(Information Commissioner\) Act 2009](#) (GIIC Act) to examine the systems and processes of the NSW Police Force (NSWPF) in relation to dealing with applications for access to information under the [Government Information \(Public Access\) Act 2009](#) (GIPA Act). The findings and recommendations of that audit were published in a GIPA Act compliance report in April 2019 which is available on the IPC's website [here](#).

The 2019 compliance report made 22 recommendations arising from the audit examining NSWPF systems, policies and practices. It also made a further 10 recommendations particular to an individual complaint encompassed within the audit. Those recommendations traversed issues including: improving communication, compliance with search requirements and statutory timeframes. Some of these additional recommendations aligned with recommendations made in the broader audit examining NSWPF systems, policies and practices.

The 2019 compliance report proposed conducting a follow up audit within 12 months from the date of the report. The unforeseen impact of the COVID-19 pandemic in 2020 and the associated restrictions applicable under NSW Health Orders required the IPC to reconsider its approach to the follow up audit.

As a result, the IPC adopted a two phased approach to the follow up audit:

Phase 1: An audit to be undertaken remotely to consider the implementation of the recommendations relevant to the development of systems, policies, templates and SOPs, as well as an analysis of the data reported by the NSWPF to the IPC and data from the NSWPF GIPA dashboard relevant to the implementation of the recommendations, and

Phase 2: An onsite audit of the practical application of the GIPA access application process.

Phase 1 of the follow up audit was completed as a desk top audit and the findings and recommendations of that audit were published in NSW Police Force GIPA Act – Follow up compliance report in August 2020 which is available on the IPC's website [here](#). This report made a further 10 recommendations. Of those recommendations the NSWPF confirmed that 5 of the recommendations were actioned in full, 2 were in progress and 3 were not accepted.

In December 2020 the IPC gave communicated to NSWPF that it would be proceeding with the completion of the second phase of its follow up audit with an intended timeframe of March 2021. The second phase was able to be completed by way of an onsite audit of systems and practices and was undertaken during April 2021.

This report relates to the outcomes of the Phase 2 of the follow up audit only.

2. Background

In 2019 the Information Commissioner undertook a compliance audit into the NSWPF's handling of access applications under the GIPA Act. This led to the 2019 compliance report which identified a number of concerns in relation to NSWPF's handling of access applications.

In undertaking the 2019 compliance audit, the IPC considered the NSWPF GIPA dashboard which highlighted access application performance by NSWPF as follows at that time:

- the number of applications decided within the statutory timeframe declined from 94% in 2015/16 to 84% in 2016/17
- the number of requests for internal reviews was significantly above the sector average in 2016/17 at 55% compared to 37% across the government sector
- the percentage of reviews where the decision was upheld declined significantly from 43% in 2015/16 to 24% in 2016/17
- the overall release rate in 2016/17 was 67% compared to the government sector average of 73%.

Since the first audit undertaken of NSWPF in 2019, NSWPF has undertaken a significant revision of its case management system. This has involved a shift to an online lodgment portal for the making of information access applications together with an enhanced case management system for the internal management and processing of access applications received.

In completing this audit, I have again had regard to the NSWPF GIPA dashboard which has highlighted:

- the number of applications decided within the statutory timeframe has improved to 91% in 2019/20.
- the number of requests for internal reviews in 2019/20 had reduced to 51% but remained above the government sector.
- the percentage of reviews where the decision was upheld had improved in 2019/20 to 45%.
- the overall release rate in 2019/20 of 69% had increased and was higher when compared to the government sector average of 67%.

This report sets out the outcome of the IPC's review of the progress made by NSWPF on its handling of access applications.

The onsite audit was completed at the end of April 2021.

A copy of the draft report was provided to NSWPF on 7 September 2021.

NSWPF's response to the report has been taken into consideration in the finalisation of this report. NSWPF responded positively to the recommendations made in the report.

3. Methodology

3.1 Review of access applications

In addition to an assessment of NSWPF's overall performance in managing GIPA applications using the NSWPF GIPA dashboard and its responses to the two preceding audits, the IPC attended the offices of the NSWPF, and was provided access to the NSWPF's GIPA files and relevant representatives.

At the time of the completion of this audit, the NSWPF had fully transitioned to its new case management system. The IPC audited a random sample of access applications that had been decided by NSWPF in the period since the commencement of the implementation of its new case management system. The sample audit was selected from those cases that were concluded in March 2021. In this way, the audit would best review the effect of changes which had been made and adopted in the case management system as distinct from a further review of historical records.

A total of 76 files were identified for the purposes of the audit representing approximately 10% of all cases that were concluded by NSWPF in the month of March 2021. However, at the time of the audit, it became apparent that one file selected was the subject of internal review and therefore was excluded from the audit. This meant that a total of 75 files were reviewed. The sample number should be reviewed in the context of the number of access applications received by NSWPF which for the period in 2019/20 was 5,997. The number of access applications received by all agencies for the period of 2019/20 was 17,252. Accordingly, NSWPF represents approximately 35%¹ of all GIPA applications.

3.2 Assessment criteria

The IPC assessed NSWPF's compliance with the GIPA Act against

Assessment Criteria
GIPA search requirements
GIPA Templates
Decision making
GIPA case management

3.3 Audit limitations

NSWPF's online lodgment portal for the making of an access application was not reviewed for the purposes of this audit as it was considered out of scope. In this regard I note that section 41 of the GIPA Act does not require the approval of the Information Commissioner for the adoption of additional facilities for the making of access applications following amendment to the GIPA Act in 2018.

¹ NSW Agency GIPA Dashboard 2019/20 available at <https://www.ipc.nsw.gov.au/information-access/agency-gipa-dashboard/gipa-dashboard>

The scope of the audit is limited to the audit of formal access applications that have been decided between 1/8/2020 to 31/3/2021 and were finalised. The sample selection was limited to the most recent immediate past month of March 2021. No applications were included that were subject to external review by the Information Commissioner so as to preserve the integrity of any review process that may be underway.

This audit did not reconsider the recommendations made in phase 1 which were not accepted by NSWPF, namely 11(a), 15(a) and 21(a).

3.4 Conduct of analysis

This report finalises Phase 2 of the follow up audit and includes specific comments, findings and recommendations to assist NSWPF with compliance with the GIPA Act.

The findings of the review are presented in two parts:

- assessment against select criteria that assist examination of NSWPF compliance with legislated requirements. The results of individual audit assessments provide objective findings and, in some instances, inform further findings or commentary.
- specific comments, findings and recommendations to assist NSWPF with compliance with legislated requirements.

The IPC recorded and retained data in relation to each of the sample files, and for the purposes of this report deems it unnecessary to provide a breakdown of each file as the findings and recommendations are applicable generally and not specifically.

4. Acknowledgments

The IPC appreciates the assistance and co-operation provided by the NSWPF and its representatives during Phase 2 of this follow up audit.

5. Findings

5.1 GIPA search requirements

The 2019 compliance report recommended improvements for NSWPF in the exercise of its searches under section 53(2) of the GIPA Act. During the Phase 1 follow up audit the IPC observed progress had been made by NSWPF in the implementation of the recommendations made. This audit considered the practical application and effect of the changes made to its searches processes by NSWPF.

2021 Summary Results

Criterion		Result
a	Identification of parameters of GIPA application	Adequate
b	Established records storage and retrieval system	Adequate
c	Identification of business units	Adequate

Criterion		Result
d	Referral to business units	Improvements recommended
e	Retrieval from business units	Improvements recommended
f	Certification on return by officer conducting search	Adequate

Comments, findings and recommendations

Comments:

The 2019 compliance report noted that the NSWPF has multiple established records storage and retrieval systems. That report also found that the NSWPF did not have a formal process for the follow up of search requests or an escalation model in the event of a non-response. As a result improvements to the following aspects of the search process were recommended:

- Identification of parameters of GIPA application and relevant business units
- Referral to and retrieval from business units, and
- Certification on return by officer conducting search.

That report also identified a need to assist the search process through the identification of key search terms and together with the 2020 Phase 1 report recommendations designed to assist NSWPF elevate its search practices were made. It is acknowledged that NSWPF accepted in part but not all of the recommendations made by the Information Commissioner relevant to its search practices.

Finding: This audit observed that the new case management system has been designed to send search requests to relevant business areas identified and includes provision for the automatic follow up in circumstances where a response to a search request has not been received. These actions are built into the system workflows and include reminders and follow ups to the business areas concerned. This practice appears to be effective in managing and supporting search returns. It appears that these strategies are a contributing factor to the improvement in the overall timeliness in deciding access applications.

Our audit also observed that a significant number of the applications reviewed did not result in a referral to a business unit as the information was collected and obtained directly by decision makers from the COPs data base. This was the case for approximately 62% of the files that were reviewed. Consequently, because a high proportion of applications did not necessitate a referral for a search this also translated into the instances in which an identification of a relevant business area for referral was unnecessary. Where a referral to a business area was necessary it appeared that the relevant business area was properly identified. The audit did not identify any instances where the identification of the relevant business area was not appropriate.

Comments, findings and recommendations

For the purposes of this audit, we accepted that these searches had been assessed against the scope and were appropriate. However, during our audit, we did continue to identify opportunities for further improvements to the search processes adopted by NSWPF in circumstances where a referral for a search to a business was necessary and made. This audit acknowledges that previous recommendations relevant to searches have been made including in the Phase 1 compliance audit. We note though the recommendation made in that audit was not accepted. Despite this, our review identified it was reasonable to make further recommendations relating to searches as a result of this audit.

While NSWPF advises that it provides a copy of the GIPA access application together with instructions and search terms to external units when making a request for searches to be undertaken our audit did observe variable practices in the way the search requests were responded to. This included search certifications that were:

- not fully completed as not all items were responded to against the request sent,
- not explicit about whether information was held,
- not clear as to whether the information located was returned with the search request
- not always clear about the scope of the searches undertaken by reference to key words used and
- potentially outdated as they included a checklist that appeared to be an August 2018 version.²

In one instance it did not appear that the escalation processes in place for non-response to the search request was followed. Our audit observed there was also a limited number of instances of extensions to timeframes that appeared to have been agreed with the applicant but were not accompanied by appropriate records within the case management system.

Whilst the cases were limited in number, we also note that previous compliance reports have made recommendations relevant to assisting NSWPF improve its practices. These recommendations included:

- provision of further instruction regard search terms
- provision of training to staff regarding reasonable searches
- updates to Standard Operating Procedures and
- introducing an escalation process for non-responses.

Prior audits recommended a process for reporting on escalations for non-responses to search requests. We note that the decision to implement the process for overdue searches to senior officers as part of performance reporting as adopted by NSWPF on a quarterly basis was in place practically but the commencement of the performance report itself was delayed as a result of COVID-19 and the redirection of resources generally. NSWPF is encouraged to ensure that it takes steps to activate this performance monitoring and reporting as soon as reasonably practicable.

² The previous Phase 1 audit report observed the need to ensure its templates were updated noting that the August 2018 search template appears to have been superseded by a version dated January 2020.

Comments, findings and recommendations
<p>Accordingly, there remain opportunities for NSWPF to further continuously improve its searches processes for retrieval from business units.</p> <p>Recommendation 1: NSWPF implement a program of regular training or communications for business areas explaining the requirements of searches under the GIPA Act, and the scope of the requirements for a successful and complete search certification.</p> <p>Recommendation 2: NSWPF review its template for searches to ensure its use reflects its most current version.</p> <p>Recommendation 3: NSWPF continue to monitor its search return responses for non-responses in order to ensure its escalation processes are activated as appropriate.</p>

5.2 GIPA templates

Templates can be an effective tool to support decision making by agencies. The Phase 1 compliance report gave particularly consideration to the standard operating procedures in place by NSWPF, having regard to the recommendations made in the 2019 audit.

This audit considered the extent to which the response to the recommendations previously made were effective in practice.

Criterion		Result
a	Section 126 Template	Adequate 87% of the files sampled met the requirements
b	Templates	Templates are in place

Comments, findings and recommendations
<p>Comment: Section 126 of the GIPA Act, sets out the requirements for any notice that is required to be given under the GIPA Act, and is not limited to only the Notice of Decision. Section 126(1)(d) of the GIPA Act requires an agency to give the contact details of an officer of the agency to whom inquiries can be directed in connection with the agency’s decision or other action relevant to the notification. The provision of contact details enables an applicant to seek relevant information about their access application as necessary</p> <p>Findings: Both previous audits recommended NSWPF include the contact details of an officer to whom inquiries can be directed with in respect of the access application in accordance with section 126 of the GIPA Act. In response to the further recommendation on this issue in the Phase 1 audit, NSWPF advised that templates notices provide a contact for applicant to make enquiries in connection with any notice they receive. The name or role position of that contact and the phone number is required to ensure that applicants are provided with current contacts in the event of any communication requirements.</p>

Comments, findings and recommendations

To that end, the NSWPF was comfortable that ‘an officer of an agency’, as understood by section 126 and taking account of the intention of that section, included a role position for this purpose where that is more appropriate. This audit observed that this was the practice in place in respect of the templates for notices issued to applicants in the files reviewed.

In 2019, only 67% of the sampled files met the requirements of section 126. This audit found a commendable improvement of 20%, with 87% of files meeting the requirements.

This audit also observed the application of templates which have been developed to support decision making. However, this review did observe some instances relating to templates in which the templates for notices of validity were not issued. This appears from our review to have only occurred infrequently and appears to be connected with the application of manual processes where an access application was received by post and not through the online lodgement facility. We have elsewhere in this report made recommendations relevant to the manual process by NSWPF.

5.3 Decision making

Criterion		Result
a	Sample reflects proper application of a) Schedule 1 and b) Schedule 2 of the GIPA Act	Improvements recommended
b	Section 61	Improvements recommended 61% of samples files met the requirements

Comments, findings and recommendations

Comment: The premise of the GIPA Act is to provide access to information unless there is an overriding public interest against disclosure (OPIAD). This requires a proper application of the public interest test (section 13 of the GIPA Act), including an acceptance of the presumption in favour of the disclosure of information (section 5 of the GIPA Act), the identification of relevant OPIADs, or conclusive overriding public interest against disclosure (COPIADs) and the application of the factors in favour and against release of the particular information. Only one of the files reviewed relied on a COPIAD in the decision made. All other decisions relied on the application of an OPAID/s.

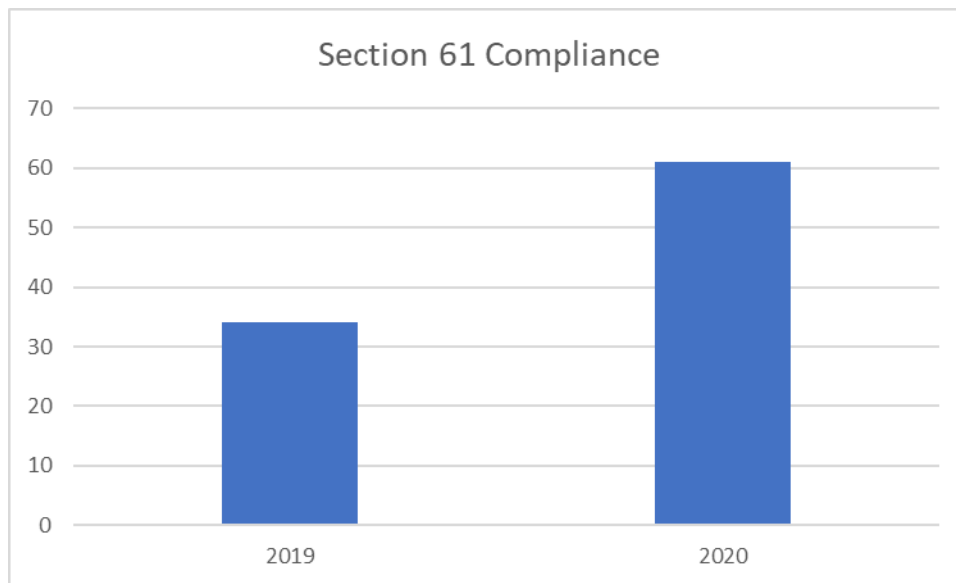
Section 61 of the GIPA Act is concerned with ensuring that notices of decision refusing to provide access because of an overriding public interest against disclosure include the agency’s reasons for its decision, the finding on any material questions of fact underlying those reasons together with a reference to the sources of information on which those findings are based.

Findings: This review acknowledges that the findings relevant to the application of a COPIAD is limited. However, we did observe that in that file there was an insufficiency of information available on the file to support the findings. Regardless of whether the agency relies on an OPIAD or a COPIAD the agency should ensure that its decision and the supporting documentation underpinning the decision are evident from the file. This appears to arise in relation to the application of the COPIAD under schedule 2 for Excluded Information of the Coroner. An application for excluded information is not a valid application.

Comments, findings and recommendations

Information may be released if the agency consents to the disclosure. It is our understanding that consent is not provided as a matter of course.³

In this audit we again reviewed the application of section 61 to the files that were reviewed. In our 2019 audit we reviewed the level of compliance with the requirements of section 61 of the GIPA Act. In that audit we observed poor levels of compliance with only 34% of the sample meeting the requirements. This audit observed a marked overall improvement with 61% of the sample reviewed meeting the requirements of section 61 of the GIPA Act. The IPC acknowledges the improvements made by NSWPF.



However, from our review we identified that in some instances there remained insufficient detail included in the explanation of its reasons for decision. In our review we considered that in some instances the decisions on application of the public interest considerations:

- provided limited reasoning
- did not provided sufficient explanation as to why the information protection principles may apply when consideration was being given to 3(b) Contravening an information protection principle under the *Privacy and Personal Information Protection Act 1998*
- applied standard or generic reasons.

The provisions of reasons and findings of fact are key elements for robust and sound decision making and provide applicants with an understanding of the reasons for the agency's decision. It also ensures that the agency is able to discharge the onus under section 97 of the GIPA Act where the burden is on the agency to justify its decisions. In our review we identified that common categories infected by a deficiency of reasons for example matters that remain under investigation or subject to court proceedings.

³ See *Christopher v Independent Commission Against Corruption* [2021] NSWCATAD 256

Comments, findings and recommendations

In the course of our review, we observed an instance of use of supplementary decision that was inconsistent with the GIPA Act. Section 58(3) provides that an agency may make a supplementary decision after deciding an access application information or additional information is held by the agency. That further decision may replace or supplement the original decision. In the review of sampled files, we observed an instance of misapplication of the provisions of section 58(3) so as to seek to amend the original decision made from a refusal to provide access to a decision to provide access by viewing only. While we acknowledge that the intended change was directed to facilitate access to the information, it remains the case that section 58(3) of the GIPA Act is not intended for this purpose.

Under section 60 of the GIPA Act, an agency may decide to refuse to deal with an access application. Decisions to refuse to deal with an access application under section 60 of the GIPA Act are also discretionary in nature and therefore the use of templates setting out reasons for refusing to deal with an application should also be approached with caution. Templates can act as a useful tool and resource for decision makers, however, these must be supported with training and guidance to ensure that any decision adequately meets the requirement of the GIPA Act and is specific to the circumstances of an individual application.

During our review we observed only a small sample of three files in which section 60 was a relevant consideration. Therefore, our observations are made in this limited context. We observed two areas that that required attention being:

- adequacy of explanation of how a refinement of a scope of an access application can be made and
- confirmation of the agreed refined scope.

Before an agency can refuse to deal with an access application because the agency has identified that it would require an unreasonable and substantial diversion of resources, the agency must give the applicant a reasonable opportunity to amend the application (section 60(4)). In practice this means the agency is inviting the applicant to narrow the scope of the access application.

In our review where a request for amendment or refinement of the scope was requested, there was insufficient information to assist the applicant with how a refinement to the scope could be made. Section 16 of the GIPA Act anticipates that an agency will provide advice and assistance to applicants in order to enable them to access information held. Likewise, section 52 provides a further statutory requirement that the agency assists within invalid applications to facilitate validity. The agency and the applicant should discuss how the application can be amended to reduce the amount of work involved in processing.

Where an access application is amended as a result, the revised amendment should be confirmed in writing with the access applicant, including providing the details of the due date for the decision (after taking into account the period already lapsed under section 60(4)). Any telephone discussions about the refinement of the scope should also be recorded on the file, particularly if such record forms the basis of the new scope.

Recommendation 4: The NSWPF should review its SOPs and templates to ensure that they reflect the requirements of the section 61 of the GIPA Act, together with providing ongoing training to decision makers on providing detailed reasons of decision in notices issued.

Comments, findings and recommendations
<p>Recommendation 5: NSWPF should ensure that in any application of a COPIAD that its records, including relevant file notes are demonstrable of the decision made.</p> <p>Recommendation 6: NSWPF update its SOPs to provide guidance on the operation of section 58(3) of the GIPA Act.</p> <p>Recommendation 7: NSWPF review its SOPs to ensure that its templates as relevant to section 60(4) provide sufficient details and guidance to facilitate an applicant’s capacity to amend their access application. Additionally, any discussions concerning amendment should be recorded with any revised and amended scope confirmed in writing.</p>

5.4 GIPA case management

Criterion		Result
a	Average time from receipt to acknowledgement	1.8 days (average)
b	Average time from receipt to finalisation	Compliant -13.5 days (average) (within the 20 working days decision period as stated in section 57(1) of the GIPA Act)

Comments, findings and recommendations
<p>Comments: Section 57(1) of the GIPA Act prescribes that an agency must decide an access application and give the applicant notice of the agency’s decision within 20 working days after the agency receives the application. The GIPA Act also requires that an agency should acknowledge receipt of an access application as soon as practicable after receiving the access application and in any event within 5 workings days after the application is received. ⁴</p> <p>This audit reviewed the NSWPF’s performance against both measures. In 2019 the compliance report found that although the NSWPF was generally acknowledging receipt of access applications within the statutory timeframe under section 51 of the GIPA Act, the average timeframe from receipt to finalisation was outside of the 20-working day decision period (section 57(1)).</p> <p>Based on the GIPA Agency dashboard, NSWPF had decided 73% of access applications within the statutory timeframe during 2018/2019 which was significantly lower than the sector wide average which was 95%. Its level of deemed refusal was also significantly high with the 2019 audit observing that 68% of access applications on hand were a deemed refusal as they were not decided within the 20 working day timeframe. Against this context, NSWPF were also experiencing a backlog that was a contributing factor to deterioration in timeliness.</p>

⁴ Section 51(2) GIPA Act

Comments, findings and recommendations

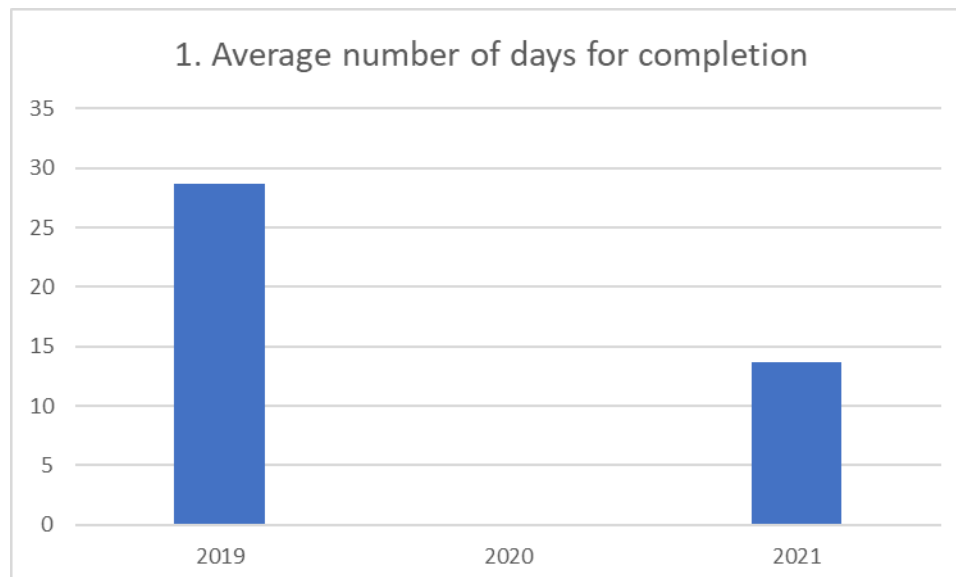
Since this time NSWPF have implemented changes to their operating context which has included:

- an online lodgement facility for the making of access applications
- an electronic case management system that is linked to its electronic facility
- streamlined workflows and process for the handling of access applications.

At the time that this the audit was conducted the NSWPF online portal and linked case management system had been in effect for 8 months. The IPC audit in 2019, identified that the average number of days to acknowledge receipt of an access application was 1.2 days compared with this audit which found the average number of days increased to 1.8 days on average. While this is an increase it remains well within the 5 days provided for under the GIPA Act.

In the 2019 audit, the average number of days from receipt to finalisation of an access application at 28.7 days on average, was well outside of the 20 working statutory timeframe under the GIPA Act. Table 1 below provides a comparison of the average number of days to completion over the two audits completed.

This audit observed that the average number of days has substantially improved by a commendable 52%. From the sample reviewed in the audit 96% of access applications were finalised within the statutory timeframe of 20 working days. This includes where an extension was either agreed with the applicant (section 57(4)) or permitted for one by of the circumstances under section 57(2) of the GIPA Act.



As part of the implementation of the previous audits, NSWPF were requested to provide the Information Commissioner with updates on the management of its deemed refusals and internal review applications. The Phase 1 follow up audit observed that the reports provided by NSWPF demonstrated a significant and continuous improvement in compliance with the statutory timeframes for decision-making on access applications. This improvement has continued and was further evidenced by the NSWPF update provided by NSWPF in October 2020 which advised that:

Comments, findings and recommendations

Reporting period	Number of internal reviews related to a deemed refusal	Number of internal reviews not decided within the statutory timeframe
July – Sept Quarter 2019	16	27
October – December 2019 quarter	8	16
Jan- March 2020 quarter	1	9
April – June 2020 quarter	2	5

The 2019/20 GIPA Agency dashboard further confirms the progress that NSWPF has made with 91% of its access applications made within time consistent with the government sector average. Its level of deemed refusal has also greatly improved and in 2019/20 was 6%.

It appears that the changes that have been made by NSWPF together with the commitment shown by NSWPF to respond to the 2019 and 2020 compliance audit recommendations, has positively impacted the NSWPF's compliance with statutory timeframes under the GIPA Act. The ability of the NSWPF to continue to improve compliance with the statutory requirement under the GIPA Act to ensure timely decision-making against an increase in volume requires adequate and continued resourcing, as well as a continuing agency-wide commitment to promoting and monitoring compliance with the GIPA Act.

The audit did observe that where an access application was not received as part of the online lodgement, and received by post, some practical difficulties were evident. This is because when application is received by post it is required to be manually uploaded into the case management system and relies on human actions to activate steps in the workflows.

Relevantly the audit observed that this led to some instances notices of validity not being issued as the action was not activated on manual entry. As NSWPF continue to receive a blend of online lodgement and postal applications, it does require consideration to ensure that the effective automated processes are also triggered for all manually entered applications, ensuring its compliance with the procedural aspects of the GIPA Act.

Finding: This data demonstrates a significant improvement in the timeliness in decision making by NSWPF despite an increase in its overall volume and confirms that the changes that it has implemented to its systems and practices have resulted in a meaningful impact. The NSWPF should continue the work that it has undertaken to improve its timeliness and in doing so have future regard for the volume of applications it receives and the resourcing that would be required to support that going forward.

Recommendation 8: The NSWPF review its processes for uploading of access applications received via manual methods to ensure that upon entry into its case management system, the autogenerated processes for generated correspondence and follow up actions are triggered in the same way as for access applications received through its online portal.

5.5 Conclusions and recommendations

This audit was informed by:

- A review of the information provided by the NSWPF relating to its systems, policies, templates and SOPs
- A review of the NSWPF GIPA Dashboard 2018/19 and 2019/20
- IPC data and information in conducting external reviews
- NSWPF data reported in respect of annual reporting requirements and data provided as a consequence of the 2019 and 2020 compliance reports.

In summary, this audit identified:

- a commitment to implementing changes to fulfil the requirements of the GIPA Act and implement the recommendations made by the IPC in the 2019 compliance report
- a significant improvement in compliance with statutory decision-making timeframes in relation to original access applications
- overall improvements in compliance with statutory timeframes demonstrate a responsiveness to NSWPF’s commitment to enhanced processes, policies and resources
- further opportunities, particularly in respect of applications received in non-electronic form for the NSWPF in the review and development of its systems, SOPs, templates and procedures relevant to its GIPA process to assist in the achievement of compliance in respect of its GIPA functions.

5.6 Recommendations and monitoring

The cooperation of the NSWPF during Phase 2 of this audit is appreciated and the findings recognise that the NSWPF has demonstrated a willingness to take steps to implement the recommendations made in both previous audits.

This report makes additional recommendations to assist the NSWPF in improving its compliance with the requirements of the GIPA Act.

Based on the findings of this follow up audit, it is recommended that the NSWPF implement the following recommendations. Given the commitment made to implement these further recommendations this concludes the Information Commissioner’s monitoring of NSWPF.

Recommendations	
Recommendation 1	NSWPF implement a program of regular training or communications for business areas explaining the requirements of searches under the GIPA Act, and the scope of the requirements for a successful and complete search certification.
Recommendation 2	NSWPF review its template for searches to ensure its use reflects its most current version.
Recommendation 3	NSWPF continue to monitor its search return responses for non-responses in order to ensure its escalation processes are activated as appropriate.

Recommendations	
Recommendation 4	The NSWPF should review its SOPs and templates to ensure that they reflect the requirements of the section 61 of the GIPA Act, together with providing ongoing training to decision makers on providing detailed reasons of decision in notices issued.
Recommendation 5	NSWPF should ensure that in any application of a COPIAD that its records, including relevant file notes are demonstrable of the decision made.
Recommendation 6	NSWPF update its SOPs to provide guidance on the operation of section 58(3) of the GIPA Act.
Recommendation 7	NSWPF review its SOPs to ensure that its templates as relevant to section 60(4) provide sufficient details and guidance to facilitate an applicant's capacity to amend their access application. Additionally, any discussions concerning amendment should be recorded with any revised and amended scope confirmed in writing.
Recommendation 8	The NSWPF review its processes for uploading of access applications received via manual methods to ensure that upon entry into its case management system, the autogenerated processes for generated correspondence and follow up actions are triggered in the same way as for access applications received through its online portal.

6. NSWPF's response to implementation of recommendations

Table 1 summarises the response by NSWPF to the recommendations made in this report. This explanation for the status is explained at Table 2 below.

Table 1:

Recommendation	Status			
	Adopted in full	Adopted in part	Alternate action adopted	Not adopted
1	X			
2	X			
3	X			
4	X			
5	X			

Recommendation	Status			
	Adopted in full	Adopted in part	Alternate action adopted	Not adopted
6	X			
7	X			
8	X			

Table 2:

Rating	Description
Adopted in full	The agency has accepted the recommendation in its entirety and will implement in full.
Adopted in part	The agency has accepted the recommendation in part. However, it has not fully realised the intent of the recommendation or only proposes to implement part of the recommendation.
Alternate action adopted	The agency has addressed the underlying issue by taking action different to the recommended action and that action is deemed acceptable to the IPC.
Not accepted	The agency has not accepted the recommendation.

7. Monitoring

The IPC will continue to assist the NSWPF as it adopts these recommendations.

8. Audit chronology

Date	Event
April 2019	2019 compliance report issued
14 May 2019	NSWPF provides quarterly report to the IPC.
30 July 2019	NSWPF provides quarterly report to the IPC.
30 October 2019	NSWPF provides quarterly report to the IPC. NSWPF advises the IPC that all recommendations made in the 2019 compliance report had been implemented.

Date	Event
4 November 2019	IPC requests the NSWPF to provide a full copy of the policies, procedures and processes relevant to the implementation of the 2019 audit recommendations.
19 November 2019	NSWPF provide a response to the request for a full copy of the policies, procedures and processes relevant to the implementation of the 2019 audit recommendations.
12 February 2020	IPC advises NSWPF of proposal for onsite audit to be conducted in May 2020.
18 February 2020	NSWPF provide additional statistical information relevant to timeliness during the period July-December 2019.
25 February 2020	NSWPF acknowledges that onsite audit will be conducted in May 2020 Quarterly report for the period 1 October – 31 December 2019 provided.
26 February 2020	IPC requests NSWPF to provide additional information relevant to the implementation of the 2019 audit recommendations relating to policies, procedures and processes.
12 March 2020	NSWPF provide additional information relating to policies, procedures and processes.
17 April 2020	IPC advises NSWPF of proposed two-part follow up audit due to COVID-19 pandemic restrictions
22 April 2020	NSWPF accepts proposal relating to two-part follow up audit
Late April 2020 to June 2020	IPC review of policies, procedures and processes relevant to the implementation of the 2019 audit recommendations provided by NSWPF
8 July 2020	Draft Follow Up Compliance Report – Phase 1 provided to NSWPF.
20 July 2020	NSWPF response to draft Follow Up Compliance Report – Phase 1.

Date	Event
31 July 2020	NSWPF response to recommendations 12 (a) and 20(a)
17 August 2020	Provision of final Follow Up Compliance Report – NSWPF Commissioner
7 October 2020	NSWPF – Phase 1 report update
23 December 2020	IPC to NSWPF – Proposed Phase 2 audit
February – March 2021	NSWIPC and NSWPF at officer engagement over scheduling of Phase 2 Audit
28 April – 30April	Phase 2 Field Work completed
7 September 2021	Draft Report provided to NSWPF
27 September 2021	NSWPF Response to Phase 2 Report
28 September 2021	Provision of final Phase 2 Report to NSWPF

9. Legislation

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

Government Information (Information Commissioner) Act 2009 – relevant sections

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

Government Information (Public Access) Act 2009 – relevant sections

- Section 9(3) – Access applications
- Section 17(g) – Role of the Information Commissioner
- Section 51 – Initial decision as to validity of application
- Section 52 – Agency assistance with invalid applications
- Section 53(2) – Searches for information held by agency
- Section 57 – Required period for deciding application
- Section 61 – Notice of decision to refuse to provide access
- Section 63(2) – Deemed refusal if application not decided within time
- Section 84 – Conduct of internal review
- Sections 86(1), (2) and (5) – Required period for determination of internal review
- Section 93 – Recommendation for reconsideration of matter by agency
- Section 126 – Requirements for notices given by agencies