

How to Empower People with Disabilities Through Access to Information Laws

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information and
privacy commission
new south wales

Government Information Public Access Act 2009 (NSW) **(GIPA Act)**

The GIPA Act:

- authorises and encourages the proactive release of information by NSW public sector agencies
- gives members of the public a legally enforceable right to access government information
- ensures that access to government information is restricted only when there is an overriding public interest against releasing that information.

The GIPA Act applies to all NSW government agencies, and also extends to Ministers and their staff, local councils, state-owned corporations, courts in their non-judicial functions, and to certain public authorities, such as universities.

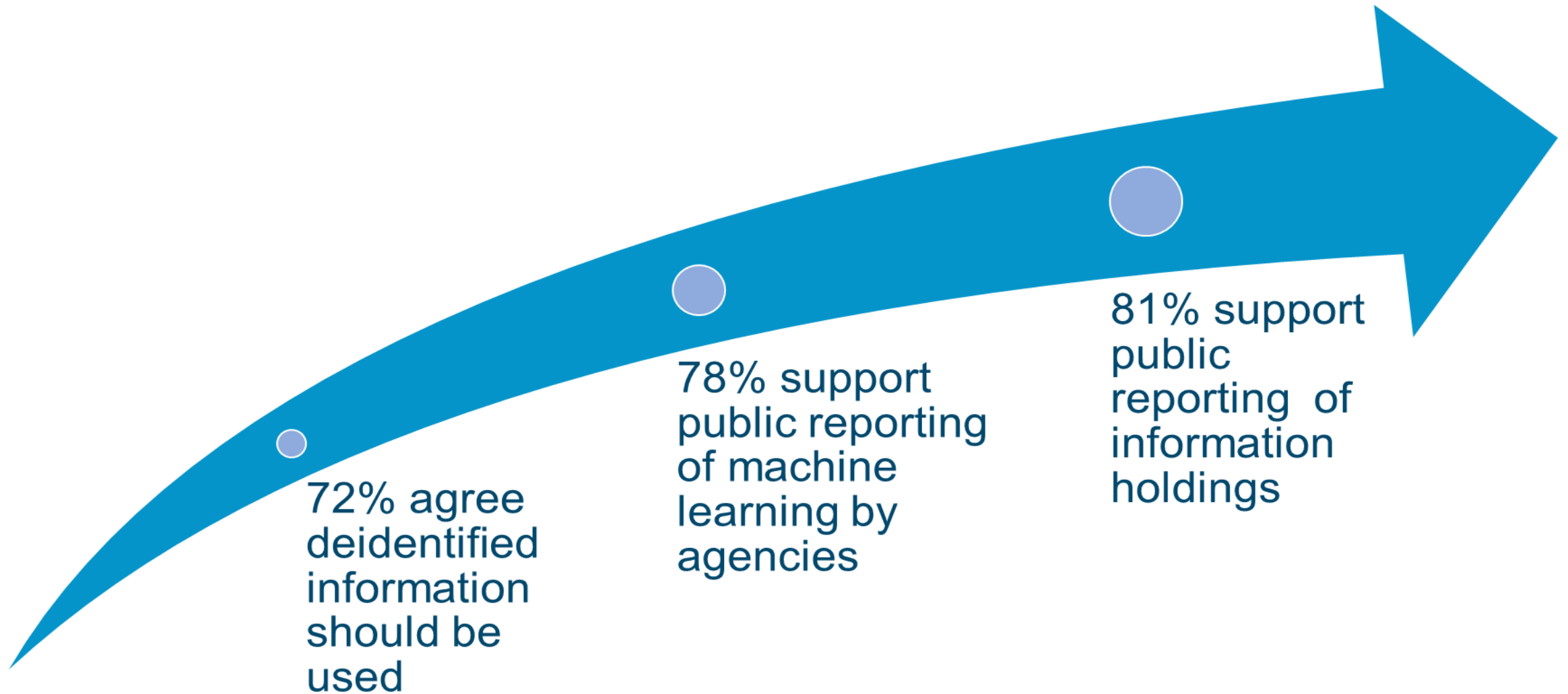
Three immutable features of contemporary Government

Three fundamental questions to preserve information and secure access

1. Digital government and data application
2. Increasing partnerships and outsourcing arrangements
3. Novel models of government that transcend traditional sectoral arrangements.

1. Who holds the information?
2. How access is provided?
3. In what form can access be provided?

Information holdings – community attitude survey



Securing the right to access information and the public interest – legal developments & adequacy

- *O'Brien v Dept Communities and Justice*
- *Calderwood v Department of Planning, Industry and Environment; Calderwood v Campbelltown City Council; Department of Planning, Industry & Environment v City of Ryde* [2020] NSWCATAD 200
- *Redfern Legal Centre v Commissioner of Police* [2021] NSWCATAD 288
- Digital Restart Fund – Offender Digital Services
- Digital Restart Fund – Digital Accessibility Program

Procurement contracts – essentials

Purchaser must have access to:

- data sets and any input to training; configuration, quality testing, potential bias and proposed methodologies
- test version of system and performance analysis
- training and technical manuals.

Vendor agrees to:

- undertake algorithmic impact assessment and revalidation
- waive legal rights in respect of purchaser's testing/auditing
- provide ongoing advice of any legal claims, systems failures/unintended consequences
- ensure system operates within law/compliance requirements and subcontractors compliance
- ensure security and access by purchaser.

Essential Features - Implementation

Digital Government implementation must include:

- Legal by design; ethical assessment
- Examine risks relative to context e.g. insurance, social media, the criminal justice system
- Diversity assessment, co-design
- On going audit/analysis
- Notification of adverse impacts
- A non-digital option
- Address risk of digital exclusion - technologies integrated to promote accessibility in digital platforms at a low cost, including the use of digital chatbots.

IPC Diversity and Inclusion

The Information and Privacy Commission NSW (IPC) respects and values the different backgrounds, skills, experience and needs that its diverse stakeholders and staff contribute to the organisation's strategic and regulatory goals of the right to information access and protection of privacy in NSW.

Diversity and Inclusion Action Plan 2021-2023

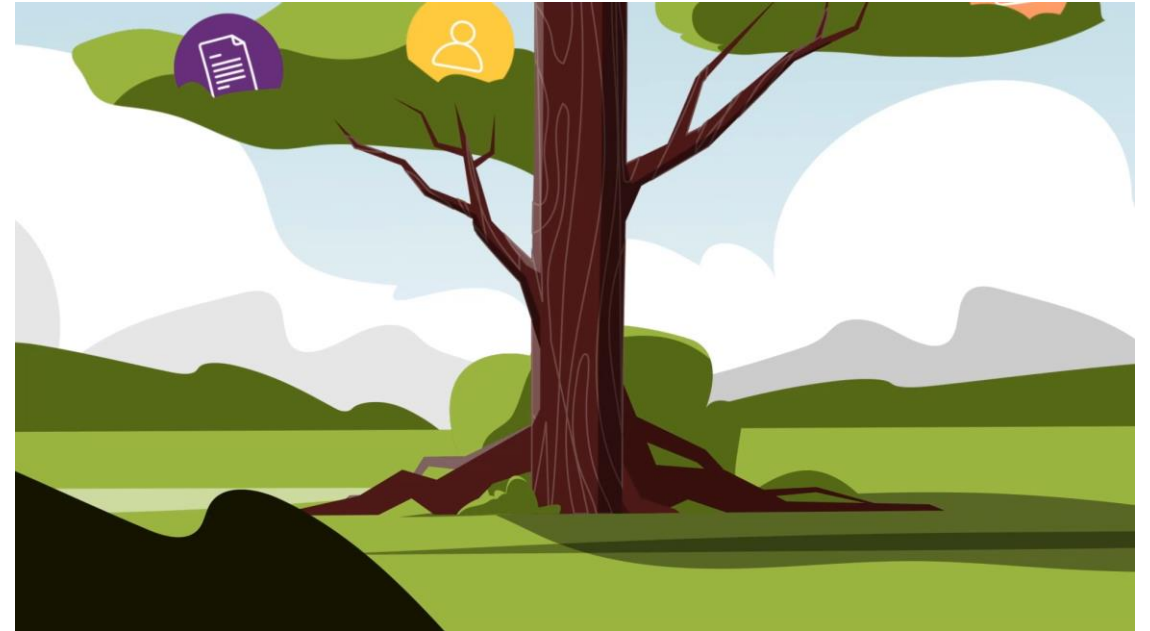
Priorities:

1. Identify the needs of people within diverse communities in NSW to promote their right to accessing government-held information and the protection of privacy.
2. Enhance information about how to access government-held information and protection of privacy rights for people within diverse communities in NSW.
3. Promote the needs of our diverse communities in NSW when developing and delivering resources to support the work of our regulated sectors in providing access to information and the protection of privacy rights.
4. Enhance the organisation's capacity and individual competency to understand and respond to population diversity.

IPC resources – animations for citizens



Ways to access government held information in NSW



Your right to access government information in Australia

Connect with us



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