Promoting Integrity - Regulatory Outcomes

Compliance Made Easy

Audience specific

- Elected Officials
- Executive leadership
- Staff
- **Rate payers – citizens**

Function specific

- **Overarching obligations – Why?**
- General Open Access
- Specific Open Access
- Authorised Proactive Release
- Informal Release
- Formal Release
- Digital Restart Fund Act 2020

Democracy & Integrity in Government

Why?
- Democracy means rule by the people

How?
- Systemic institutionalised accountability, transparency and engagement

Who?
- Us

Self-assessment Tools

The on-line tools are publicly available and can be accessed on the IPC website:

- www.ipc.nsw.gov.au/information-governance-agency-self-assessment-tools-information

- There are two tools available: one for information access and one for privacy

- Agencies assess compliance of their organisation against key categories of information access and privacy requirements which provides a dashboard with a compliance rating for each category

- These dashboards can then be reported to your ARC or governance teams on a regular basis to show progress towards full compliance.

Information Access Self-assessment Tool

Supporting tools and systems

Staff in your agency are 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.
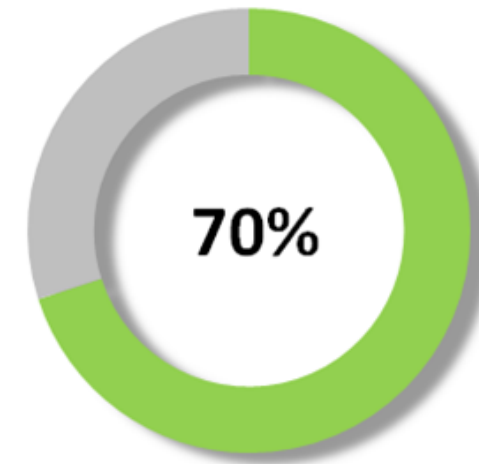
Select the response that best reflects your agency from the drop down list next to each requirement

Level of compliance

Agencies should:

a) Provide training on a regular basis for officers authorised to exercise for GIPA functions — Every 3 months

b) Provide regular communication providing updates on policies or guidance on GIPA responsibilities — Processes/procedures absent

c) Have in place a case management tool for managing GIPA applications — Processes/procedures under development

d) Provide documented procedures for meeting GIPA requirements which are updated as required and communicated to staff — Processes/procedures in place

e) Have in place procedures to assist in managing the risks associated with searches for information including: — Processes/procedures in place
   - guidance on conducting searches, and
   - templates for issuing search requests and for return of documentation and certification

70%

Agency comments:

GIPA Compliance Assessment

Culture and Leadership

	Level of compliance	Compliance References and Guidelines
Select the response that best reflects your agency from the drop down list next to each requirement		

Agencies with an open access/data culture:

a) Support and advocate an open access culture as a priority from the Board and executive to all levels of the organisation — Processes/procedures in place
b) Have established governance around access to open information and data — Processes/procedures under development
c) Reflect and monitor and regularly update what is open access and open data and how it may be made available to citizens — Processes/procedures under development
d) Provide training and support to ensure staff are aware of open access and open data policies and requirements — Processes/procedures in place
e) Promote the four pathways for access to information — Processes/procedures in place
f) Promote a pro-disclosure culture — Processes/procedures in place
g) Support informed and independent decision-making by Right to Information officers — Processes/procedures in place

86%

Agency comments:

IPC Resources to improve performance and achievement

Conditions Enabling Open Data and Promoting a Data Sharing Culture

Fact Sheet - the role of principle officer and senior executives in supporting the object of the GIPA Act

Fact Sheet - delegation or authorisation of GIPA Act functions

Governance

	Level of compliance	Compliance References and Guidelines

Schedule 2 of the Government Information (Public Access) Regulation 2018 sets out the statistical information about access applications to be included in the annual report. This information informs the Information Commissioner's annual report on the operation of the GIPA Act.

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should:

a) Have in place procedures to comply with schedule 2 — Compliant

100%

Agency comments:

IPC Resources to improve performance and achievement

IPC GIPA Tool

Legislative compliance and achievement

1 Open access information

	Level of compliance	Compliance References and Guidelines

Open Access Information 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).

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should have in place arrangements to ensure it:

a) Makes its open access information publicly available, unless there is an overriding public interest against disclosure — Compliant
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) — Compliant
c) Ensures there is at least one way that people can access this information free of charge — Compliant
d) 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 — Compliant
e) Has an Agency Information Guide that meets the requirements specified in section 20 of the GIPA Act and the IPC's AIG guideline — Compliant
f) Reviews and updates the AIG every 12 months — Compliant
g) Notifies the Information Commissioner before amendment to, or release of, an AIG (section 22) — Compliant

100%

Agency comments:

IPC Resources to improve performance and achievement

Fact Sheet - Open Access Information for Agencies

Checklist - Agency Information Guide self assessment checklist for agencies
Guideline 6 - Agency Information Guides

2. Contract register (Division 5)

	Level of compliance	Compliance References and Guidelines

All public sector agencies, Ministers, public authorities, public offices, local authorities and courts who enter into a contract with the private sector, must publish a register of all contracts that have a value, or are likely to have a value, of $150,000 (including GST) or more. There are some exemptions to this requirement.

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should:

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 — Compliant
b) Update the register within 45 working days of the contract coming into effect — Compliant
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) — Compliant
e) Ensure that if a copy of all contracts 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:
 - the reasons why the contract or provisions have not been included on the register
 - 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
 - a general description of the types of provisions that have not been included. — Compliant
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. — Compliant

100%

Agency comments:

IPC Resources to improve performance and achievement

Checklist - Agency Contract Register self-assessment checklist
Contract register eLearning module

3. Authorised proactive release (s7)

	Level of compliance	Compliance References and Guidelines

The GIPA Act authorises agencies to release information through proactive release programs, which must be reviewed each year and the outcomes of this review reported to the IPC.

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should:

a) Make government information held by the agency publicly available unless there is an overriding public interest against disclosure — Compliant
b) Make the information available either free of charge or at the lowest reasonable cost — Compliant
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 — In Progress
d) Have in place clear governance arrangements to manage proactive release of information — Compliant
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 — Processes/procedures under development
f) Have processes in place to determine release priorities, such as stakeholder consultation and analysis of requests — Processes/procedures in place

83%

Agency comments:

IPC Resources to improve performance and achievement

Fact Sheet - Authorised proactive release of government information

4. Informal release (s8)

	Level of compliance	Compliance References and Guidelines

Agencies are authorised to release government information following an informal request for access unless there is an overriding public interest against disclosure. Agencies can determine what reasonable conditions they apply to an informal request, or the means by which they release the information, provided that it occurs with the authority of the agency's principal officer.

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should:

a) Have a process in place to manage informal requests for government information — Compliant
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 — Processes/procedures under development
c) Have defined approval processes and delegations or authorisations for permitting the release of information informally — In Progress
d) Maintain a record of informal requests to inform the future program for proactive release (section 7) — Compliant

75%

Agency comments:

IPC Resources to improve performance and achievement

Knowledge update - Informal release of information

5. Formal access applications (s9)

	Level of compliance	Compliance References and Guidelines

Under the GIPA Act, people have a right to access government information through a formal access application, unless there is an overriding public interest against disclosure.

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should:

a) Have staff who are authorised to manage formal access applications including the authority to make a reviewable decision (Right to Information officers) — Compliant
b) Have processes in place to determine if the request is valid, or if the information is available via any alternative means — Compliant
c) Provide assistance and advice to the applicant to facilitate the making of a valid application (see section 16) — Compliant
d) 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. — Processes/procedures in place
e) 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. — Compliant
f) Have systems and processes in place to undertake consultations with third parties (see sections 54 and 54A) — Compliant
g) Monitor the timely finalisation of requests (as the GIPA Act specifies timeframes for decisions) — Compliant
h) Have processes in place to manage an internal review if the individual is not satisfied with the decision about release of the information — Compliant
i) 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 — Processes/procedures in place
j) Provide decision templates and ensure processes are in place to inform the making of the allowable decisions (section 58) — Processes/procedures in place

100%

Agency comments:

IPC Resources to improve performance and achievement

Guide - Managing formal access applications

Fact Sheet - what is the public interest test?
Fact Sheet - Digital records and the GIPA Act

IPC Templates - Notice of decision

6 Disclosure Logs (s25)

	Level of compliance	Compliance References and Guidelines

Agencies are required to keep a disclosure log which publishes details of information released in response to access applications that the agency considers may be of interest to other members of the public

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should:

a) Keep an up-to-date agency disclosure log which contains the following information:
 - the date the application was decided
 - a description of the information released
 - a statement as to whether the information is now available to other members of the public and how it can be accessed — Compliant
b) Make the disclosure log available free of charge on their agency website — Compliant

100%

Agency comments:

IPC Resources to improve performance and achievement

Fact Sheet - Good practice for disclosure logs

Templates - Disclosure log example

Supporting tools and systems

	Level of compliance	Compliance References and Guidelines

Staff in your agency are 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.

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies should:

a) Provide training on a regular basis for officers authorised to exercise for GIPA functions — Every 4-6 months
b) Provide regular communication providing updates on policies or guidance on GIPA responsibilities — Processes/procedures under development
c) Have in place a case management tool for managing GIPA applications — Processes/procedures in place
d) Provide documented procedures for meeting GIPA requirements which are updated as required and communicated to staff — Processes/procedures in place
e) Have in place procedures to assist in managing the risks associated with searches for information including:
 - guidance on conducting searches, and
 - templates for issuing search requests and for return of documentation and certification — Processes/procedures in place

85%

Agency comments:

IPC Resources to improve performance and achievement

Fact Sheet - The role of principal officers and senior executives in supporting the object of the GIPA Act
Fact Sheet - The GIPA Act: Agency systems, policies and practices - guidance for principal officers
Fact Sheet - Delegation or authorisation of functions under the GIPA Act
Guides - Quick guide to my responsibilities under the GIPA Act

FactSheet - Safeguards to prevent misuse of the GIPA Act

Guides - Managing formal GIPA applications

Knowledge Update - Reasonable searches under the GIPA Act

GIPA Functions

	Level of compliance	Compliance References and Guidelines

The agency has clearly defined the roles and responsibilities of staff in the exercise of GIPA functions.

| | Select the response that best reflects your agency from the drop down list next to each requirement | |

Agencies have in place:

a) Appropriate delegations/ authorisations — Compliant
b) Processes to ensure that delegations/authorisations are regularly reviewed — Compliant
c) Delegations/ authorisations are regularly reviewed — Compliant

100%

Agency comments:

IPC Resources to improve performance and achievement

Fact Sheet - Delegation or authorisation of functions under the GIPA Act
Fact Sheet - The role of principal officers and senior executives in supporting the object of the GIPA Act

Open access information for councils

Under the GIPA Act, additional open access information for councils include:

- information about the local authority, such as annual reports, EEO management plans and any codes referred to in the *Local Government Act 1993*

- information in *returns of interests (*pecuniary interests or otherwise)

- agendas and papers of council meetings

- land registers, registers of delegations and current declarations of disclosures of political donations

- plans and policies such as for approvals, management of community land and environmental planning instruments

- information about development applications made on or after 1 July 2010 including associated documents and records of decisions.

Animation – Disclosure of interest returns by councils

- This animation provides guidance to councils on the requirement to publish returns of interest of councillors, designated staff and delegates in accordance with the GIPA Act.

Disclosure of Interests – Councils

IPC Resources: Elected officials, Council Executive & Staff

- Fact Sheet – Open access information for agencies
www.ipc.nsw.gov.au/media/840

- Information Access Guideline 1: For local government on the disclosure of information
www.ipc.nsw.gov.au/node/167

- Animation – Disclosure of Interest Returns by Councils
www.ipc.nsw.gov.au/media/3368

- E-learning www.ipc.nsw.gov.au/information-access/e-learning

- GIPA Compliance Reports www.ipc.nsw.gov.au/node/70

- Essential Guidance Toolkit on information access and privacy fundamentals
www.ipc.nsw.gov.au/node/1697

- GIPA Tool www.ipc.nsw.gov.au/node/281

- Agency GIPA Dashboard www.ipc.nsw.gov.au/node/414

- Digital Restart Fund: assessing information access and privacy impacts
www.ipc.nsw.gov.au/media/3221

- Fact Sheet – Digital records and the GIPA Act www.ipc.nsw.gov.au/node/1652

IPC Resources: Citizens

- **Animation – Ways to access government held information in NSW**
  www.ipc.nsw.gov.au/node/2227

- **Simplified guide to information access** www.ipc.nsw.gov.au/node/2251 This fact sheet can assist citizens to make an application for information under the GIPA Act.

- **Open access information for citizens** www.ipc.nsw.gov.au/node/1502
  A guide to open access information that agencies must make available.

- **Agency Information Guides and the public** www.ipc.nsw.gov.au/node/684
  Provides information for members of the NSW public about what an AIG is, where an agency's AIG can be found, and how to make a complaint about an AIG.

- **Frequently asked questions: informal release of information** www.ipc.nsw.gov.au/node/423
  This fact sheet is designed to address issues or questions citizens may have when considering asking for information from an agency informally or when an agency offers to release information informally.

- **Fact Sheet – Automated decision-making, digital government and preserving information access rights – for citizens** www.ipc.nsw.gov.au/node/1688

- **Agency GIPA Dashboard** www.ipc.nsw.gov.au/node/414

IPC GIPA Dashboard

- The IPC makes agency-level data more accessible by publishing it in a form that allows deeper analysis and comparisons.

- The GIPA Dashboard enables the public and agencies to see how the GIPA Act is working against the eight key performance measures.

- It provides clear, visual insights into the performance of GIPA Act functions by sectors and agencies.

IPC GIPA Dashboard:

www.ipc.nsw.gov.au/information-access/agency-gipa-dashboard/gipa-dashboard

Ways to access government held information in NSW

- Open access is one of the **four "push-pull" pathways** to accessing information in NSW.

- The IPC has developed an animation to outline these pathways that can be downloaded for use on your council's website.

Digital Restart Fund (DRF): Commissioner advisory role

- August 2020 *Digital Restart Fund Act 2020* (DRF Act) – initial funding of $1.6 billion, increased to $2.1 billion in May 2021 budget

- DRF Act S.10 – before approving funding for a project, the Minister must obtain and have regard to advice from the Information Commissioner and the Privacy Commissioner

- IPC risk assessment

- Mitigation strategies

- Information Commissioner statutory advice

Connect with us

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new south wales