



## Media release

2 June 2023

### Information Commissioner audit into assets and acquisitions demonstrates low level of compliance by NSW government agencies

The NSW Information Commissioner has today published a proactive audit into the compliance of NSW government departments with the mandatory requirement to make publicly available their major assets and acquisitions together with the total number and value of properties disposed of during the previous financial year in accordance with the *Government Information (Public Access) Act 2009* (GIPA Act) and the *Government Information (Public Access) Regulation 2018* (GIPA Regulation).

The NSW Information Commissioner Elizabeth Tydd said, “The mandatory release of information helps to foster a responsible and representative government that is open, accountable, fair, and effective. Information about major asset acquisition and disposal provides transparency and accountability to citizens. Agencies have a duty as stewards of these public assets to account to the public.

“The IPC recognises the important role it has in assisting agencies to achieve compliance which in turn provides benefits to citizens in providing access to the information that the legislators intended to be proactively disclosed.”

The audit follows an ongoing trend identified by the Information Commissioner in previous annual Reports on the Operation of Government Information (Public Access) Act 2009 (the Report), where agency compliance with additional open access requirements for major assets and disposals continues to remain low. The Report notes agencies either failing to publish the required *open access* information or providing it via alternative mechanisms.

The audit further highlights this trend, finding:

- 40% of departments disclosed assets and acquisitions publicly
- only 20% of departments’ additional *open access* requirements, assets and acquisitions, are easy to locate on the department’s website
- only 20% of additional *open access* requirements are fully accessible to all users on the department’s website without condition.

Information Commissioner said, “The findings from the audit conducted in 2022 into NSW agencies demonstrate that there is significant work to be done in this important area to address the continuing low levels of compliance.

“Mandatory public release of *open access* information promotes consistent and transparent information sharing across NSW agencies and ensures that members of the public have an immediate and free of charge right of access to important government information.

“To achieve compliance, agencies need to implement immediate changes to ensure information about additional open access is available and online in a format that is easy for citizens to view.”



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Recommendations provided by the Information Commissioner suggest agencies should take immediate action to implement measures to enable greater transparency between government and citizens.

These recommendations include:

- developing internal processes to ensure the information is provided in a timely and consistent manner
- taking steps to actively ensure ease of locating *open access* information
- ensuring that both a list of major assets, and a list of major assets acquired in the previous financial year, as required by clause 6(2)(a) of the GIPA Regulation, together with disposals and the value of disposals is made publicly available.

The Information Commissioner said, “The IPC will continue to assist agencies to adopt these recommendations and provide regulatory assistance to improve their compliance.

“It is imperative that agencies also provide internal training to staff with responsibilities for the management and publication of information.”

The audit report is available for download via the [IPC website](#).

**ENDS**

**For further information, please contact:**

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**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.

The *Government Information (Information Commissioner) Act 2009* (GIIC Act) establishes the procedures for appointing the Information Commissioner and sets out the Commissioner's powers and functions. It outlines the method for people to complain about the conduct of agencies when undertaking their duties under the GIPA Act, and the way in which the Information Commissioner may deal with the complaint. The GIIC Act also enables the Information Commissioner to investigate and report on how agencies carry out their functions under the GIPA Act.



For further information about the IPC visit our website at [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)

