



Managing informal access applications

Who is this information for?	NSW information access practitioners who are managing an informal access application under the GIPA Act.
Why is this information important to them?	This checklist covers important information and considerations when managing and deciding an informal access application. It is designed to ensure that the practitioner has given consideration to all steps involved during this process. It contains links to templates and resources for agencies.

In NSW, the *Government Information (Public Access) Act 2009* (GIPA Act) provides the legislative framework for open government, and it protects and preserves the right to access government information. This checklist provides a list of steps for agencies to follow when managing an informal access application.

The informal release of information provides benefits for agencies and citizens by increasing access to information. It enables citizens to request information informally, for example in person or during a telephone call, without the need to submit a formal access application. It also allows agencies to impose conditions on the release of information, decide the format in which information is provided and delete information that might render the information inaccessible because of public interest factors against disclosure. Information released informally should also be considered for proactive release to the public broadly and included in your agency's Agency Information Guide (AIG).

Unlike the formal application pathway, the informal pathway has no reporting requirements under the GIPA Act. However, decisions made about informal release of information are decisions that impact citizen rights and as such agencies should document the applications and their outcomes. As a minimum, records made regarding informal access decisions should include:

- the date of receipt of the request
- the general nature of the request
- the decision to release the information including briefly outlining considerations
- the date of that decision
- any conditions placed on access and use.

Agencies are encouraged to record this information in an Excel spreadsheet, an online tool such as Microsoft Forms, or other appropriate record suitable for the agency and save in their agency's record management system. The IPC has a [sample model](#) available via its website to assist agencies with their record keeping. The [IPC GIPA Tool](#) will be updated in the next month to include functionality to record and report on informal release requests.

A sustainable, efficient, and effective informal release program requires implementation of certain practices and the collection of particular information. The IPC recommends agencies consider the following questions when dealing with informal release requests that will provide a robust framework for the management and processing of informal requests.

1. Steps on receiving a request		
Step	Complete (Y/N)	Include in correspondence
1. Record the informal request in your agency's informal access request spreadsheet, tool or tracking document and save in your agency's records management system.		
2. Record the date of receipt of the informal request.		Yes
3. Record the contact details of the requesting person, and their preferred contact details for response.		Yes
4. Record the general nature of the request, e.g.: <ul style="list-style-type: none"> a. Mandatory Open access check GIPA Act s18 and GIPA Regulations cl. 4-6 and Sch. 1 b. Reports of budget/spending/properties/maintenance/business cases c. Research data/statistics d. CCTV e. Personal information 		Yes

2. Steps in considering the request		
1. Check your agency's website/AIG/Annual Report to see if the information is already available or should be available because its open access information.		
2. Check your agency's disclosure log against the request.		
3. Check your Agency's proactive release program for whether the information has been proactively released?		
4. Consider if it is information your agency would normally release? If so, why?		
5. Are there specific public interests in favour of disclosure?		
6. Does the information contain the personal information of the applicant or someone else?		
7. Are there factors against disclosure?		
8. Can the information be redacted so as to enable the information to be released?		
9. Can you deal with this request in 20 days?		
3. Steps in responding to the request		
1. Do you need more information from the applicant? If so, contact the applicant within 7 days of receipt of the request.		Yes

<p>2. Have you found the information? If not, are you satisfied that you have conducted reasonable searches to locate the information within your agency?</p>		<p>Yes</p>
<p>3. Are you satisfied that the information is not held by your agency? If so, proceed to 4. Steps to finalising the informal application.</p>		
<p>4. Do you need to consider options for release of the information:</p> <ul style="list-style-type: none"> a. Can the information be released subject to conditions? b. What options are available to release the information in a particular form e.g., PDF, audio visual? c. Can information be deleted to enable release? 		<p>Yes</p>
<p>4. Steps for finalising the informal application</p>		
<p>1. Can you release the information either:</p> <ul style="list-style-type: none"> a. in full b. in part with redactions c. subject to conditions d. in a particular form. 		<p>Yes</p>
<p>2. If so, record in your agency's spreadsheet/tool with:</p> <ul style="list-style-type: none"> a. the date of the application b. your decision c. the date of that decision <p>See IPC Template - Agency Informal Release Record</p>		
<p>3. In recording the decision, include a description of the information released, the outcome and including the description of any conditions (if any) imposed for example copyright.</p> <p>See IPC Fact Sheet – The GIPA Act and Copyright</p>		<p>Yes</p>
<p>4. Confirm your decision to release with the date of the application, your decision, and the date of that decision.</p> <p>See IPC Template - Agency Informal Release Record</p>		<p>Yes</p>
<p>5. Should you advise the applicant that a formal application is required? If so, confirm in writing with the date of the application, your decision explaining why you can't release the information informally and the process for making a formal request together with the date of that decision.</p> <p>See letter 2, IPC Template - Informal Release Decision Template</p>		<p>Yes if refusing access</p>
<p>6. If you cannot release information, record in the spreadsheet/tool with the date of the application, your decision, and the date of that decision.</p> <p>See IPC Template - Agency Informal Release Record</p>		
<p>7. Can the information also be released proactively? If yes, record in your agency's AIG and action or refer to your website manager/appropriate officer.</p> <p>See IPC Template - Agency Informal Release Record</p>		

Resources and sample documents

- [Fact Sheet - Informal release of information](#)
- [Fact Sheet - What is the public interest test?](#)
- [Fact sheet – The GIPA Act and Copyright](#)
- [Information Access Guideline 11 - Informal Release of Information](#)
- [Template - Informal Release Decision Template](#)
- [Template - Agency Informal Release Record](#)

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Website: www.ipc.nsw.gov.au

NOTE: The information in this checklist is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.