



Frequently asked questions: IPC Regulatory Tool

Who is this information for?	NSW public sector agencies who are seeking more information about the IPC's Regulatory Tool
Why is this information important to them?	This fact sheet is designed to address issues or questions you may have about the Tool

Why has the IPC adopted the Regulatory Tool approach?

The IPC acknowledges that contemporary regulation requires digital capability and systems to effectively engage with all sectors to fulfill our broad regulatory responsibilities. The new Tool will assist the IPC by leveraging automation and reducing the burden on the IPC and its staff in manually locating documents and other artefacts when the IPC undertakes its proactive compliance audits and other investigations of agencies' compliance with legislative requirements.

When will the IPC commence using the Tool?

The IPC will trial the Tool in January/February 2024 to complement the existing reporting of open access compliance in the Report on the Operation of the GIPA Act.

How does the Tool search agency websites?

The Tool looks for defined search terms on an agency website and produces an Excel spreadsheet showing the URL of the agency, the webpage the search terms were found on and metadata such as the date when the document was last modified. The Tool also provides information on the accessibility of documents to the public e.g., the number of website menu levels it searched before finding the relevant search terms.

Does the Tool collect any personal information?

No, the Tool does not collect any personal information, download any documents, or provide results that are outside of the scope of the defined search terms.

It is important to remember that the Tool is examining information that is publicly available on agency websites.

How will the IPC use the Tool?

The IPC will use the output from the Tool to complement the manual tasks of searching for documents and information as part of desktop and proactive audits. This is because under the legislation for both information access and privacy, there are publication requirements imposed upon agencies.

When will the IPC start using the Tool?

The Tool will be trialled in January/February 2024. The IPC intends to use the Tool to complement the desktop audit of agency's compliance requirements in relation to open access information. The IPC will report on this trial in the Report on the Operation of the GIPA Act scheduled to be published in April 2024.

How is the IPC checking results?

In the trial the Tool will report compliance with mandatory open access information so verifying the accuracy simply requires a manual check against the website. That manual check is the current process of the IPC. The publication of the results reflects the current arrangements. There are no additional adverse consequences for non-compliance.

Will the Tool make adverse findings about my agency?

If the Tool detects non-compliance with mandatory open access information, the IPC will first check those results for accuracy. This check will be a manual check applying the same process that has been used for all previously published Reports on the Operation of the GIPA Act. This is a built-in part of the trial and ensures that the IPC operates and reports consistently.

Will those findings be published?

If the Tool detects non-compliance with mandatory open access information, the IPC will first check those results for accuracy.

The results will be published in the Report on the Operation of the GIPA Act and will reflect that outcome in the same way as has been reported on in previous Reports There is no change in reporting of IPC's findings.

What if my agency has any concerns about the Tool?

Please refer to the e-Alert that was sent to all Agency Heads and information access practitioners containing general information about the Tool. If you still have concerns or questions please do not hesitate to write to the IPC via [email](#).

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 fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.