

# Year in Review

The 2021/22 Report identified a range of priority actions for the IPC and agencies. The outcomes of the IPC actions identified in that Report, as they are aligned with the information access pathways, are reported below.

## Mandatory proactive release

The 2021/22 Report identified that there were opportunities to enhance regulatory guidance and compliance with mandatory proactive release obligations, particularly for Open Access information requirements prescribed in Part 3, Clause 6 of the GIPA Regulation.

Action	Outcome
Publish an IPC Compliance Report on the compliance with the additional Open Access requirements for departments in relation to acquisitions and disposals of major assets as required by Clause 6 of the Government Information (Public Access) Regulation 2018 (GIPA Regulation).	<p>The IPC carried out a compliance audit and in May 2023, published a report: <a href="#">Agency reporting on expenditure of public funds by disclosing the acquisition, disposal and value of major assets as required by the GIPA Act</a>.</p> <p>The audit findings included that:</p> <ul style="list-style-type: none"> <li>• 40% of departments disclosed assets and acquisitions publicly</li> <li>• only 20% of departments' additional Open Access requirements, assets and acquisitions, are easy to locate on their websites</li> <li>• only 20% of additional Open Access requirements are fully accessible to all users on the department's website without condition.</li> </ul> <p>Recommendations for departments included:</p> <ul style="list-style-type: none"> <li>• developing internal processes to ensure the information is available in a timely and consistent manner</li> <li>• taking steps to actively ensure ease of locating Open Access information</li> <li>• ensuring that both a list of major assets, and a list of major assets <u>acquired</u> 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.</li> </ul>
Publish an IPC Compliance Report to review the compliance with Open Access requirements by Local Councils, 12 months after the Information Commissioner's 2021 audit report. The focus will remain on the disclosure of pecuniary interests by elected officials and key personnel and the application of the <a href="#">Information Commissioner's Information Access Guideline 1</a> .	<p>The IPC carried out a compliance audit and in June 2023, the IPC published the following report: <a href="#">Local Government Sector – Follow-up GIPA Compliance Report Disclosure of Open Access Information (returns disclosing the interests of councillors and designated persons)</a></p> <p>The audit found that there had been an increase in compliance with their mandatory reporting requirements by the majority of councils.</p> <p>The audit found increases in compliance with:</p> <ul style="list-style-type: none"> <li>• public availability of returns of interests by councillors and designated persons - a significant increase from to 61% to 88% fully compliant (+27%)</li> </ul>

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## Mandatory proactive release (continued)

Action	Outcome
	<ul style="list-style-type: none"> <li>the ease of accessibility of councillor returns of interests - significant improvements from 52% to 88% (+36%)</li> <li>making returns of interests fully accessible without conditions – again a significant increase from 65% to 88% (+23%).</li> </ul> <p>The audit also identified six councils that had failed to take action to rectify their non-compliance with the requirement to publish disclosures of interests. These councils were referred for further consideration to the Office of Local Government within the Department of Planning, Housing and Infrastructure, which has regulatory powers in relation to compliance with legal requirements by councils.</p>

## Authorised proactive release

A priority for the IPC continues to be the promotion of the GIPA Act's 'push' model of information release, including authorised proactive release.

Action	Outcome
Undertake a review of the Agency Self-assessment Tool to improve functionality.	<p>The revised Information Access Self-assessment Tool incorporates valuable feedback the IPC received from agencies regarding their needs and requirements. The Tool now features a detailed framework for agencies to plan their steps for improvement. It also provides improved generation of reports and summaries to better identify forward actions.</p> <p>To assist agencies in navigating the revised Tool, the IPC has released a demonstration video outlining each of the components and how to use them effectively.</p> <p>The Information Access Self-assessment Tool and demonstration video are available for download via the <a href="#">IPC website</a>.</p>

## Informal release

The GIPA Act authorises agencies to release government information in response to an informal request by an individual unless there is an overriding public interest against disclosure of the information.

Action	Outcome
Publish research on the use of the informal access pathway and work with agencies to implement recommendations from the research.	In December 2022, the IPC, in collaboration with the University of New South Wales (UNSW) and the Centre of Public Law published the following report: <a href="#">Informal Release of Information under Section 8 of the Government Information (Public Access) Act 2009 (NSW)</a>

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## Informal release (continued)

Action	Outcome
	<p>The Report recommended that the IPC should:</p> <ul style="list-style-type: none"><li>• prepare guidance on informal release for NSW agencies;</li><li>• include the summary of best practice principles (set out in Part IV of the Report) in the IPC's guidance;</li><li>• consider how to support the informal release pathway amongst NSW agencies, including by providing templates, flowcharts and checklists, and information regarding legal issues;</li><li>• offer training on how to manage an informal release program.</li></ul>

## Formal access applications

The GIPA Act provides individuals and organisations with an enforceable right to apply for, and access, government information in NSW, unless there is an overriding public interest against disclosure.

Action	Outcome
Undertake enhancements to the Agency GIPA Dashboard and Tool to enable agencies to undertake deeper analysis of their performance.	The IPC's Agency GIPA Dashboard has been refreshed to enable a five-year comparison of data for agencies against their respective sectors and all agencies' reported figures. This enables better trend identification for each agency. All charts (except the cover page) can now compare the selected agency against data for their sector and against all agencies. Each chart has also been linked to the relevant page in the 2022/23 Report for further information.
Engage with the Department of Communities and Justice and the Department of Customer Service to propose consideration of legislative reform to identify the environment as a specific factor in favour of disclosure of information, not just a factor against disclosure (as it is currently).	The IPC has engaged with the Department of Communities and Justice and the Department of Customer Service to consider whether this would be an appropriate matter for legislative reform. This work is ongoing.
Engage with Department of Communities and Justice and the Department of Customer Service to examine options for a public portal to facilitate the lodgement of GIPA applications.	The IPC researched an existing lodgement system that deployed AI to assign applications to the relevant agency. The system is operating in the Philippines and was developed by the not-for-profit sector in conjunction with the Office of the Information Commissioner. The IPC explored funding for this project but has yet to receive any budget supplementation.

## What is the Agency GIPA Dashboard?

*The Agency GIPA Dashboard enables the public and agencies to see how the GIPA Act is working against key performance measures reported upon each year. The Agency GIPA Dashboard can be accessed on the [IPC website](#).*