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**Media release**

**24 May 2024**

## **Tabling of the 2022/23 Report on the Operation of the Government Information (Public Access) Act 2009**

The NSW Information Commissioner has tabled the [2022/23 Report on the Operation of the Government Information \(Public Access\) Act 2009](#) (GIPA Act) (the Report) in the Parliament of New South Wales.

Information Commissioner, Rachel McCallum said, “This year, we saw another increase in applications made for government information, with another record number received”.

Agencies reported that they received 24,476 valid applications during 2022/23, an increase of 3% compared to 2021/22.

The Commissioner is required to report annually to the NSW Parliament on the operation of the GIPA Act. The Report examines the performance of over 260 public sector agencies, providing important guidance to policymakers and agency heads, and promoting greater transparency for the NSW community.

As well as setting out detailed performance statistics, the Report covers the activities of the Information and Privacy Commission (IPC) in overseeing and assisting agencies. In 2022/23, the Report notes that the IPC focused additional oversight effort on the informal release activities of the public sector and on compliance with Open Access obligations.

Commissioner McCallum said, “For the first time, the Report includes data on agencies’ use of the informal release pathway that is available under the GIPA Act. While reporting on this pathway was voluntary, the 27% of agencies that did so said number of informal applications they received was equivalent to 58% of their total number of formal access applications.

“To understand more about how informal release was being used, the IPC also undertook an audit of agencies. That audit showed that agencies were receiving a high volume of informal access applications and that 83% of the informal requests that were recorded by agencies resulted in some information being released”.

The IPC has released further guidance about the informal release pathway for agencies, including recommendations about capturing more data about its use and managing their engagements with applicants.

The Report also notes that compliance with Open Access information requirements under the GIPA Act’s mandatory release pathway continues to be a concern. Across all departments and sampled smaller agencies, a desktop audit found that compliance with these requirements declined this year to 73% compared with 84% in 2021/22 and 85% in 2020/21.

Commissioner McCallum said, “Open Access is an important feature of the GIPA Act to improve accountability and transparency across the public sector. All agencies should take steps to fully comply with mandatory requirements that specific information to be published by them as Open Access information.”



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With the current focus on the deployment of artificial intelligence and improved data governance in the public sector, the Report also underlines the importance of agencies investing in their information access maturity. Commissioner McCallum noted, “As this trend continues, the preservation of information access rights will remain a central integrity requirement for all agencies.”

The GIPA Act already requires agencies to include a description of the ways in which their functions affect members of the public in a published ‘Agency Information Guides’ (AIGs). Where agencies use machine-enhanced decision-making, the Report recommends that this information be included in their AIGs now to enhance transparency. The Report also reiterates the IPC’s calls for legislative change to mandate such disclosures.

Commissioner McCallum said, “Guiding government agencies to implement good practice is an important part the Information Commissioner’s role. I encourage all agencies and practitioners to read and consider this Report and its findings.

“As this is my first Report as Information Commissioner, I also particularly thank the officers of the IPC for their hard work in compiling the data for tabling in the NSW Parliament and I trust it will guide consideration of important administrative improvements and legislative change.”

The Report can be accessed via the [IPC website](#). A [dashboard with individual agency performance data](#) is also available.

**ENDS**

**For further information, please contact:**

The Manager, Communications and Corporate Affairs on 0435 961 691 or email [communications@ipc.nsw.gov.au](mailto:communications@ipc.nsw.gov.au)

**About the Information and Privacy Commission:**

The Information and Privacy Commission (IPC) is an independent NSW integrity agency that supports the administration of New South Wales privacy and access to government information legislation. The IPC supports the NSW Information Commissioner and the Privacy Commissioner to fulfil their legislative responsibilities and functions, including to deal with complaints and reviews and to provide individuals and the public sector in NSW with 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. In NSW, state government agencies, public universities, state-owned corporations, ministers’ offices and local councils are all subject to the GIPA Act.

The *Government Information (Information Commissioner) Act 2009* (GIIC Act) establishes the procedures for appointing the Information Commissioner and sets out the



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Commissioner's powers and functions. It also 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 GIPA 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)

