

Pathway 3: Informal release of information

The informal release of information benefits both agencies and stakeholders by increasing options for access to information outside formal application processes. The effectiveness of this pathway depends on sound agency practices, including linking those processes to other access mechanisms, such as AIGs.

Agency practices

The GIPA Act authorises agencies to release government information informally unless there is an overriding public interest against disclosure of the information.

Informal release under the GIPA Act is a quicker and cheaper access option for both the applicant and the agency. Agencies have flexibility in deciding how information is to be informally released. Conditions can also be imposed on the use of the information released this way, unlike formal access decisions. Additionally, the GIPA Act provides other legal protections for agencies using this pathway.

By highlighting the role of the informal release pathway, agencies can create opportunities to streamline the handling of common requests for information and ensure that citizens are able to avoid the cost, time and effort required to prepare and lodge a formal access application. Agencies should also use these insights to determine what information can be proactively released.

The IPC recommends that agencies exercise their discretion to deal with requests informally wherever possible, to facilitate timely access to government information at the lowest reasonable cost. However, review rights should also be considered by agencies in discussions with applicants regarding the option to deal with a request for information informally.

Previously, there has been limited data available to the IPC to draw reliable conclusions on the frequency and volume of access requests made via the informal pathway or the outcomes for applicants. In recognition of this, during the reporting year the IPC engaged with UNSW to partner in research on the use of the informal access pathway. The IPC supplemented the research with an audit of selected agencies' practices.

Informal release reporting

In October 2023, the IPC also included questions on informal release in the IPC's GIPA Tool and sent correspondence to all government agencies requesting that they voluntarily provide data on informal access applications. Data available from the voluntary reporting has shown a positive uptake, with 73 agencies providing data to the IPC on informal access applications for 2022/23, representing 27% of agencies that provided annual GIPA reporting to the IPC.

The data shows that agencies are receiving a high volume of informal access applications in addition to formal access applications. While the voluntary reporting only represented 27% of all agencies, the number of informal applications received was equivalent to 58% of the total access applications under the formal pathway received by all agencies.

The data also shows that agencies finalised 97% of requests received, however only 48% of these requests were finalised within 20 business days. Agencies also only reported on the outcomes of 40% of the informal release applications received, suggesting there is a need for agencies to develop policies and procedures for informal release applications and to better capture data on the outcomes.

The results are summarised in the table below.

Number of Informal Requests Received	Number of Informal Requests Closed	% of Informal Access Requests completed in 20 Business Days	% of Informal Access Requests where access granted in full	% of Informal Access Requests where access granted in part	% of Informal Access Requests where access was refused
14,217	13,764	48%	22%	14%	4%

Issue Highlight: The IPC commissioned research into the Informal Release of Information under section 8 of the *Government Information (Public Access) Act 2009 (NSW)*

In May 2023, the Information Commissioner [released a Report](#) containing findings from research into the informal release pathway and a compliance audit examining the informal release practices of NSW public sector agencies.

The Report made recommendations for the IPC about ways to improve informal release of government information in NSW:

1. The IPC should prepare guidance on informal release for NSW agencies, similar to what has been done in some other Australian jurisdictions.
2. The summary of best practice principles identified in the Report could be included in the IPC's guidance. There are particular matters that the research suggests would be important to emphasise. These included:
 - Recordkeeping of informal release requests and outcomes should be encouraged and relevant written correspondence filed.
 - Reporting of informal release outcomes.
 - Guidance on what information should be given and in which format in the context of a decision not to release the requested information in full.
 - Guidance on appropriate timeframes for responding to informal release requests, based on other GIPA Act timelines.
 - The benefits of documenting internal processes for making informal release decisions, with best practice anonymised examples from each sector included.
 - The importance of providing information to the public about the informal release pathway and process.
 - The range of possible decisions, including release subject to conditions and redaction of information which would otherwise prevent release of the whole document, should be stated.

In response to the identified gaps, the IPC has supported the use of the informal release pathway by NSW agencies, by providing:

- a suite of new and updated informal access resources released during Right to Know Week NSW 2023 (RTK Week), including:
 - Templates for Informal Release Decision Letters
 - a Checklist on Informal Access
 - Information Access Guideline 11 – Informal Release of Information
 - a Template for Agency Informal Release Records
 - an updated Fact Sheet for citizens on Frequently asked questions – Informal Release of Information.
- information regarding legal issues, including:
 - copyright
 - defamation
 - privacy
 - confidentiality
 - application of Schedule 1 of the GIPA Act.

In September 2023 as part of RTK Week, the IPC published a training webinar on Informal Release of Information. During the week, the webinar was promoted to over 1,600 information access practitioners and leaders. The webinar can be accessed via the [IPC's YouTube channel](#).