

Pathway 4: Formal applications

For the third consecutive year, valid applications increased

In 2022/23, there was another record number of formal applications: 24,476. That number exceeds the number of applications received in 2021/22 by 3%, following on from a 30% increase recorded between 2019/20 and 2020/21.

The GIPA Act provides individuals and organisations with a legally enforceable right to access government information upon application, unless there is an overriding public interest against disclosure.

Agencies must assess the validity of each formal application for information that is received. For valid access applications, agencies must then apply the public interest test and balance the factors for, and against, the disclosure of the information that is requested.

The main benefits of the formal access pathway include:

- The right to seek access is legally enforceable.
- Agencies must process applications within statutory timeframes.
- Agencies are not subject to the direction or control of any Minister in the exercise of the agency's functions when dealing with an access application.
- Agencies must apply the public interest balancing test and consult with third parties to whom the information relates.
- Applicants have a right to seek review of an agency's decision about the application through a number of review avenues: an internal review by the agency, an external review by the Information Commissioner and an external review by the NSW Civil and Administrative Tribunal (NCAT).

The IPC continues to publish a dashboard on its website, enabling easy access and understanding of NSW agencies' operation of the formal pathway.