**Letter template: Third party advice of agency decision to release information and proposal to include information in the disclosure log**

**Insert agency name/logo**

|  |  |
| --- | --- |
| AddresseeAddress – line 1 Address – line 2 | Enquiries: Name of contact officerTel: (02) XXXX XXXXOur ref: XXX Your ref: XXX |

[date]

Dear Title – Surname

**Information about you/your business interests/ your financial interests/your research interests/ your agency’s affairs to be released [and published on the agency’s disclosure log]**

On [date], you were advised that [agency] had received an application to access information under the *Government Information (Public Access) Act 2009* (GIPA Act). As some of the information requested relates to you/ your business interests/ your financial interests/ your research interests/ your agency’s affairs, you were asked if you objected to the release of the information.

You objected on [date] to the release of the information.

Outcome of the access application

I am now writing to advise you that I have considered your submission and balanced your objection and all other considerations against the disclosure against those considerations in favour of disclosing the information to the access applicant, which is known as applying the public interest test. After balancing the public interest carefully, I have decided to release the information to the applicant despite your objection.

The reasons for proposing to release your information are as follows[[1]](#footnote-1):

* XXX
* XXX
* XXX

Disclosure Log (delete if not applicable)

Section 25 of the GIPA Act requires an agency to publish information that is released in response to an access application in a disclosure log, if the agency considers it may be of interest to other members of the public.

I believe the information released in response to the access application may be of interest to the public. I therefore plan to include information about the application, including information about

you/your business interests/your financial interests/your research interests/your agency’s affairs in the [agency’s] disclosure log. Please note that identifying information such as your name and address will not be published.

The [agency’s] disclosure log is published on our website. You can view it at: [web address].

Review rights

Your review rights are summarised in the enclosed IPC fact sheet: *Your third party review rights*.

You have until **[date]** to exercise your right for internal review, that is 20 working days from the date of the decision.

As advised in our previous letter to you about this matter, your personal/business/research information will not be released until your rights to have the matter reviewed have expired.

Objection to the publication of information in the Disclosure Log (delete if not applicable)

You also have a right to object to the inclusion of any or all details which concern you in the disclosure log. I will consider any objection prior to publishing the information in the [agency’s] disclosure log. However, the [agency] also has a right to publish the information despite your objection. If I decide to include the information even though you object, you can seek a review of that decision under Part 5 of the GIPA Act. Your review rights are summarised in the fact sheet.

If you object to the information being published in the disclosure log, please advise me within **five working days** of receiving this letter. Please specify which information about you or your interests that you do not want included in the disclosure log.

If you have any questions, please contact [name], at [email] or [phone number].

Yours sincerely

Name

**Position**

1. **NOTE**: The NSW Civil and Administrative Appeal Panel’s decision of *Commissioner of Police v Barrett [2015] NSWCATAP 68* commended the desirability of reasons being furnished to persons even when there is no legal duty to do so.

Where an agency is providing reasons for the disclosure of the information the types of matters that would assist in giving a third-party objector a better understanding of the basis for the decision include:

	1. demonstrating that the agency has an understanding of what the third party’s objection is and the reasons for that objection
	2. how the agency had regard to those factors in its consideration of the public interest and in particular what considerations against disclosure it applied as a result of that objection
	3. some explanation as to why the agency ultimately reached the view that the public interest factors against disclosure did not outweigh those in favour, such that there was not an overriding public interest against disclosure. [↑](#footnote-ref-1)