### Template Consultation Contract Clause (GIPA Act, s. 54)

Template clause for agencies to include for contracts with third parties regarding consultation - GIPA Act s54.

1. The Agency will take reasonably practicable steps to consult with the Contractor before providing any person with access to information relating to the Contract, in response to an access application under the *Government Information (Public Access) Act 2009* (GIPA Act), if it appears that:
   1. the information:
      * 1. includes personal information about the Contractor or its employees;
        2. concerns the Contractor’s business, commercial, professional or financial interests; or
        3. concerns research that has been, is being, or is intended to be, carried out by or on behalf of the Contractor; or
        4. concerns the affairs of a government of the Commonwealth or another State (and the Contractor is that government);
   2. the Contractor may reasonably be expected to have concerns about the disclosure of the information; and
   3. those concerns may reasonably be expected to be relevant to the question of whether there is a public interest consideration against disclosure of the information.
2. If, following consultation between the Agency and the Contractor, the Contractor objects to disclosure of some or all of the information, the Contractor must provide details of any such objection (including the information objected to and the reasons for any such objection) within 5 days of the conclusion of the consultation process.

(2A) If the agency considers that information about a person consulted under this section is likely to be included in the agency’s disclosure log in relation to the access application, the agency must give a written notice to the person containing the following statements:

* 1. that information concerning the application will be included in the agency’s disclosure log and that the person can object to this,
  2. that there is a right of review under Part 5 of a decision by the agency to include information in its disclosure log despite the person’s objection.

1. In determining whether there is an overriding public interest against disclosure of government information, the Agency will take into account any objection received by the Contractor.
2. If the Contractor objects to the disclosure of some or all of the information but the Agency nonetheless decides to release the information, the Agency must not provide access until it has given the Contractor notice of the Agency’s decision and notice of the Contractor’s right to have that decision reviewed.
3. Where the Agency has given notice to the Contractor in accordance with sub-clause (4), the Agency must not provide access to the information:
   1. before the period for applying for review of the decision under Part 5 of the GIPA Act has expired; or
   2. where any review of the decision duly applied for is pending.
4. The reference in sub-clause (5)(a) to the period for applying for review of the decision under Part 5 of the GIPA Act does not include the period that may be available by way of extension of time to apply for review.