

Formal Request for Access to Information

Section 41 Government Information [Public Access] Act 2009

Making a Formal Request for Access to Information

The Government Information (Public Access) Act 2009 (GIPA Act) details the obligations of agencies such as Council to provide access to certain information that it holds. The Act provides for Council to release information publicly on its website (called **open access information**), in response to an informal request for access or in response to a formal application for access. Certain restrictions do apply to the type of information you can view and receive a copy of. To prevent any delay in responding to your request it is important that you read all the information in this document prior to applying for access to information.

Accessing Information

You may obtain access to information as follows:

- By searching Council's website to see if it is already available
- By contacting Council and requesting the information. You will be advised whether the information requested:
 - is open access information that is readily available. You will also be informed where and how to get the information,
 - can be released through an informal request, or
 - requires a formal access application.

Formal Request for Access to Information

The requirement for a formal application for access will apply where release of the information is generally restricted due to considerations such as commercial confidence, legal privilege, security concerns and protection of privacy.

A Formal Request for Access to Information application form will need to be completed and submitted with the mandatory \$30 application fee. Acknowledgement of such an application will be provided by Council within 5 working days.

How long will it take to access the information?

In respect of formal applications, Council will notify applicants of the decision on an application within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve a record from archives.

If Council defers access, then the applicant will be notified, including the reason for deferral and the date on which the applicant will be given access. A decision to defer access is reviewable (see Rights of review and Appeal). If Council does not decide the applicant's access application within the above timeframes, it is deemed 'refused'. Council will refund the application fee and the applicant may seek internal or external review (see Rights of Review and Appeal) of this refusal. This will not apply if an extension of time has been arranged or payment of advanced deposit for processing fee is pending.

Rights of Review and Appeal

Where an applicant is refused access under formal application, Council will provide details of the reasons for refusal in writing to the applicant. Any applicant has three options of review available

You can apply to Council for an internal review. This is a review conducted by the Public Officer of Council who is independent of the original determination. You have 20 working days from receiving notice of decision to ask for an internal review and it attracts a \$40 fee.

If you are not satisfied with the internal review, or do not want one, you can ask for a review by the Information Commissioner. You have eight (8) weeks from being notified of a decision to ask for this review

If you are not satisfied with the decision of the Information Commissioner or the internal reviewer or if you do not want to take these options you can apply to the NSW Civil and Administrative Tribunal (NCAT). If you have already had a review by the Information Commissioner you have four (4) weeks from notification of the decision to make this application. If you go directly to the NCAT you have eight (8) weeks from notification of the original decision to make this application.

The impact of Copyright

Due to the provision of the Copyright Act, you will only be able to view certain information to which copyright applies. Under no circumstances will Council provide a reproduction or copy of a Copyright protected document.

Where can I get further information?

Further information can be obtained from the Office of the Information Commissioner NSW

Go to the website at www.ipc.nsw.gov.au

Email an enquiry to ipcinfo@ipc.nsw.gov.au

Mail an enquiry – GPO Box 7011, Sydney NSW 2001

Call 1800 472 679 between 9am and 5pm, Monday to Friday (excluding public holidays).

NOTE: If you have a hearing or speech impairment, you can call the OIC through the National Relay Service (NRS) on 133 677 or if you want to talk to us with the assistance of an interpreter, you can call us through the Translating and Interpreting Service (TIS) on 131 450. NRS and TIS are free services.