

**FORMAL GIPA APPLICATION - FACT SHEET**

**Objective**

The purpose of this fact sheet is to provide information about Formal GIPA Applications and offer guidance to potential applicants as to how to make their application.

**What is a GIPA?**

The term GIPA is an abbreviation for the *Government Information (Public Access) Act 2009* (the GIPA Act).

The GIPA Act provides, how the public can access a Government agencies records, rights of access, limitations to these rights, and obligations on Council in relation to making information available to the public. When we speak about making a GIPA application, this simply means that a customer seeks access to Council records as per the rights set out in the GIPA Act.

**What is a Formal GIPA Application?**

A Formal GIPA Application is a process that can be used by a customer who wishes to access records held by Council that;

- are of a sensitive nature,
- contain personal information of various parties,
- could affect the legislative rights of another person or organisation, or
- will require significant Council time and resources to process.

The Formal GIPA Application process, also known as an Access Application is set out in Part 4, Division 1 of the GIPA Act.

**How do I make a Formal GIPA Application?**

Section 41 of GIPA Act provides that a Formal GIPA Application **must** comply with the following requirements:

- It must be in writing and lodged with the correct agency.
  - *This means that you need to make reasonable enquiries to determine if Council is the correct Government Agency holding the information you want access to.*
- State that you are seeking the information under section 41 of the GIPA Act.
- Include your name, postal address and email address for a response.
- Be clear and specific about the information you are seeking, so Council can identify it.
  - *This means that if you are unsure as to what you need from Council and cannot clearly identify the information you need access to, then you will need to make reasonable enquiries to determine what you need prior to lodging your application for access.*
- Pay a \$30 application fee.

To assist an applicant to meet the requirements set out above, Campbelltown City Council has made available a Formal GIPA Application form. You can access this form electronically by using the e-form, which is available on our website. You can also access a paper form by downloading a PDF version from Councils website or request a form at Councils Civic Centre.

## Asking for information

When telling us what information you want from Council, we recommend that you identify:

- the subject matter of the information you are requesting,
- why the information is important to you,
- will the information assist you in exercising any legal rights,
- provide a date range for the information you are requesting,
- the type of information you are requesting (for example, a report or emails), and
- whether the information is your own personal information.

Avoid using vague, broad and undefined terms that create an open ended or an indefinite scope of information. Some examples of these terms are, *etc...*, *but not limited to* and, *any and all*. Use of such terms can create delays as Council will need to seek clarification from the applicant to avoid misunderstandings when deciding your application.

## How long will it take to process a Formal GIPA Application?

The application process will take **up to 20 working days**, unless you agree to extend the time.

If Council needs to seek further information from a third party or from archives, Council may take an **additional 10-15 working days**. Council will tell you if the process will take longer, why and when it will be completed.

If Council does not decide your access application within 20 working days, it is considered a 'deemed refusal' and your application fee will be refunded. However, this does not apply if an extension of time has been agreed or payment of an advanced deposit is pending.

## What will this cost?

An application fee of \$30.

Council may also charge processing fees. Processing fees cover the time and resources needed to locate the information you asked for and decide your application. The GIPA Act, section 65 provides that Council may charge a processing fee of \$30 per hour of time taken to deal with your application.

Council can ask you to pay up to a 50% deposit on expected processing costs in advance; this request must be made in writing and you have at least 20 working days to pay.

If you seek access to your own personal information, the first 20 hours of processing time is free of charge.

## Am I eligible for a discount?

Concession card holders, pensioners, students and not-for-profit organisations may be able to receive a 50% discount off processing fees. If you believe that a discount should apply, you will need to request it in writing.

You can also apply for a 50% reduction in the processing cost because of financial hardship or ask for a waiver of the fee if the information will be of special benefit to the public.

## Do I have any rights of review if I'm not satisfied with Councils decision?

The Formal GIPA Application process gives an applicant rights of review if they are not satisfied with Councils decision. There are three options:

- 1) Internal review by a senior staff member of Council
- 2) External review by the Information & Privacy Commission
- 3) External review by the NSW Civil and Administrative Tribunal (NCAT)

When Council provides a decision, you will be advised as to all your review options.