



Policy Title	Access to Information
Related Documentation	Access to Information webpage Formal GIPA Application Form Formal GIPA Application – Fact Sheet Internal Review Application Form Informal GIPA Request Form Informal GIPA Request – Plans Only Form Informal GIPA Request – Fact Sheet Information Guide Information Management Authorised Statement Privacy Management Policy Councillors Access to Information and Interaction with Staff Policy
Relevant Legislation	<i>Government Information (Public Access) Act 2009</i> <i>Government Information (Public Access) Regulations 2018</i> <i>Local Government Act 1993</i> <i>Copyright Act 1968 (Cth)</i> <i>Environmental Planning and Assessment Act 1979</i> <i>Environmental Planning and Assessment Regulation 2000</i> <i>Privacy and Personal information Protection Act 1998</i> <i>Health Records and Information Privacy Act 2002</i> <i>State Records Act 1998</i>
Responsible Officer	Manager Governance and Risk

Policy details may change prior to review date due to legislative changes, therefore this document is uncontrolled when printed.

Objective

The objective of this policy is to explain how, in accordance with legislative requirements, Campbelltown City Council enables public access to information held by Council.

Scope

This policy applies to all staff, Councillors and contractors of Campbelltown City Council.

Context

Council has a diverse range of services and functions, which requires us to collect and hold information. Some information is recent and some extends back to the early development of Campbelltown. There is a strong public interest in the information held by Council and we recognise the legal right of our community to access Council information.

DATA AND DOCUMENT CONTROL		
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The *Government Information (Public Access) Act 2009* ('the GIPA Act') provides a framework for how the public can access Council information. This framework identifies rights of access, limitations to these rights, and obligations on Council in relation to making information available to the public. The rights of access apply to information created, received and held by Council.

We are committed to being open, accountable, fair and effective in the exercise of our functions. Where possible we publish information on our website. However, in some cases it may not be possible or appropriate to publish information online. In these circumstances the GIPA Act provides Council other avenues for facilitating access to information.

Principles

When providing access to the information, we apply the principles as set out by the GIPA Act. These are;

- to ensure open, transparent and effective government,
- a presumption in favour of disclosure unless there is an overriding public interest against disclosure,
- a proactive approach to the disclosure of information,
- timely, equitable and impartial processing of reasonable requests for information within relevant legislative and business service levels, at the lowest reasonable cost,
- respect for the privacy of individuals, and
- in relation to personal information, consideration of the Information Protection Principles (IPP's) as set out in the *Privacy and Personal Information Protection Act 1998*.

Release of information is done with consideration to other relevant legislation and authorities, such as the:

- *Copyright Act 1968* (Cth)
- *Environmental and Planning Assessment Act 1979*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- Privacy Code of Practice for Local Government
- Any guidelines issued by the NSW Information and Privacy Commission

Open Access Information and Proactive Disclosure

The GIPA Act classifies some government information as open access information and there is a requirement on Council to make this sort of information publicly available. Where it is reasonable to do so, Council publishes open access information on our website.

Informal Access to Information (Informal GIPA Request)

Section 8 of the GIPA Act authorises Council to release information in response to an informal request, unless there is overriding public interest against disclosure of the information. However, section 8 does not create a legal obligation on Council to release information informally.

There is no requirement to pay an application fee, or other costs such as processing charges. However, should the search for and retrieving of the requested information require a significant diversion of resources, Council may refuse to consider the request informally.

Council cannot be required to release information in response to an informal GIPA request. Should access to information not be granted, a person has the right to make a formal GIPA Application. Where access is granted, Council may impose conditions on the release of information including how information can be accessed.

There is no legislative timeframe imposed on Council for responding to an informal GIPA requests. However, Council aims to respond to all informal GIPA requests in a timely manner. The processing of an informal GIPA request will take a minimum of 20 working days (4 weeks) from the date that a request is received. The processing of complex requests or during periods of high demand, requests can take up to 30 working days (6 weeks) to complete.

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.

Section 41 of the GIPA Act provides that a formal GIPA application must be in writing and accompanied by a \$30 lodgement fee. Section 65 of the GIPA Act permits Council to charge a processing fee. of \$30. Depending on the complexity of the application, Council may impose a processing fee of \$30 per hour of time taken by any Council officer to efficiently deal with the application

The formal GIPA application process has legislated timeframes for dealing with an application. The application must be acknowledged within 5 working days of receipt. The application must be decided within 20 working days.

If Council needs to seek further information from a third party or from archives then the decision period may be extended by an additional 10-15 working days.

Council must provide an applicant with a notice of decision, which outlines the process, outcomes and reasons for the decision.

Rights of Review

The GIPA Act provides no rights of review for decisions relating to informal GIPA requests.

There are a number of review rights available under part 5 of the GIPA Act for decisions arising from formal GIPA applications. There are three options:

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

Applications for internal review must be made within 20 working days of the date of the original decision and must be accompanied by a fee of \$40.00. An internal review will be undertaken by a senior officer who was not involved in making the original decision. A determination from an internal review will be issued within 15 working days. This may be extended by up to 10 working days where there is a need to consult.

Alternatively, an applicant can apply for a review directly to the IPC or the NCAT. Applicants have 40 working days from the date of the original decision to ask for this review. If the applicant has already received a review decision from the IPC, they have 20 working days from the date of the decision to make an application to NCAT.

Councillors Access to Information

The Councillors Access to Information and Interaction with Staff Policy outlines the principles for Councillors access to Council records.

Copyright

The intellectual property of many records held by Council belong to third parties. Items such as building plans and reports, lodged with Council for various statutory purposes, are held by Council as a record and can be the subject of public interest. The *Copyright Act 1968* gives an author of such records exclusive rights over their works. Section 72(2)(c) of the GIPA Act, provides that Council must provide access to information, in a way requested by the applicant unless to do so would involve an infringement of copyright.

Copyright protections do not affect rights of access to material but rather affects the manner and form in which access is granted. Where Council is able to grant access to copyright protected material this will be done in a manner that does not infringe copyright such as view only access.

Responsibility

Staff, Councillors and contractors of Campbelltown City Council are responsible for upholding the principles of this Policy in their daily work.

Effectiveness of this Policy

This Policy will be reviewed in accordance with Council's Corporate Document Development and Review Procedure.

END OF POLICY STATEMENT