

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 seek access to Council's 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?

You may lodge a Formal GIPA Application with Council by either downloading and completing a PDF form or completing an online e-form. Links to both options have been included below.

- [Formal GIPA Application Form - PDF Downloadable document](#)
- [Formal GIPA Application online e-form](#)

Making a valid application

When preparing a Formal GIPA Application, remember that for the application to proceed to processing it must be a valid application. Section 41 of GIPA Act provides that a Formal GIPA Application must comply with the following requirements for it to be considered a valid application:

- a) It must be in writing and lodged with Council by post, email or online e-form.
- b) It must clearly indicate that the application is made under the GIPA Act.
- c) It must include an application fee of \$30.00
- d) It must include the applicants name and a postal address or email address for correspondence.
- e) It must include enough details about the information being sought to allow Council to locate and identify the information that is being applied for.

Asking for information

When making your application, try to avoid 'fishing' terms such as asking for, *any and all* records relating to a topic. Tell us what information you are seeking access to; be as descriptive as possible, this will ensure concise and accurate searches which will save time and reduce the processing costs of your GIPA application. When making your application tell us:

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

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

Council must process a Formal GIPA Application within 20 working days (4 weeks) of a valid application being received. This processing period can be extended by 10-15 working days should we need to consult with another person or where we need to retrieve records from archives.

If Council does not decide your 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?

In addition to the application fee of \$30, Council may charge a processing fee. Processing fees cover the time and resources needed to locate the information and decide your application. We are permitted to charge a processing fee of \$30 per hour of time taken to deal with your application.

Council may seek a deposit of the processing fees. We may request that a 50% advanced deposit be paid on the estimated processing fees. If an advanced deposit is not paid, we may refuse to deal any further with an application.

If you seek access to your own personal information, the first 20 hours of processing time is free of charge. Please note, this applies to information that falls within the definition of personal information as set out in section 4 of the *Privacy and Personal Information Protection Act 1998*.

Am I eligible for a discount on processing fees?

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.