

Government Information (Public Access) Act 2009 (GIPA Act)

Questions and Answers

In what way does the GIPA Act allow for information to be made available to the public?

There are 4 ways that information can be made available;

1. Mandatory disclosure of open access information

Agencies must publish certain information on their website, free of charge.

2. Proactive release

Agencies are encouraged to proactively release as much government information as possible, in an appropriate manner and free of charge (or at the lowest reasonable cost).

3. Informal release

Agencies are encouraged to release information in response to a request without the need for a formal access application.

4. Formal access application

In limited circumstances, access to information will require a formal access application. People have a right to access information in this way unless the [GIPA Act](#) provides a reason to withhold the information.

The [GIPA Act](#) does not change your ability to release information that is routine and not controversial. You should continue to provide or publish information to the public as you would normally.

What information is published on the DoE Internet?

The department is continually working towards ensuring the following information is freely available on the internet site:

- a current [agency information guide](#) – this describes the structure and functions of the agency, the various kinds of information it holds and how people can access it.
- documents about the department that have been [tabled in Parliament](#)
- the department's [policy library](#)
- the department's [disclosure log](#) of certain formal access applications
- the department's register of [government contracts](#)
- a record indicating any open access [information that has not been disclosed](#).

How should I respond to a request from a member of the public for information?

When a request for information is made by a member of the public, you should immediately refer the request to the appropriate officer, who will make a decision on the way the information is made available.

A 'public interest test' applies to decisions to release information under the Act. There is a general presumption that information can be released unless there is an overriding public interest against the disclosure.

How quickly do I need to respond to a request for information?

The Act requires that requests for access to government information should be answered promptly.

For routine and informal requests, you should respond within the timeframes set out in your business centre's policy guidelines.

Formal access applications (lodged via the DoE's Information Access unit) have strict statutory timeframes and it is crucial that you respond to the request within the time indicated.

Does the GIPA Act change the existing records management requirements?

The GIPA Act does not change any of the existing departmental records management requirements.

The GIPA Act requires employees to place greater emphasis on ensuring proper records management.

For further information on records management, visit the records management website or contact the Records Management unit for advice on (02) 9561 8011.

Does "information" include emails?

For the purposes of the Department of Education, a record is any information, created or received, as evidence of decisions or actions, in the transaction of departmental business, which may include emails.

All departmental employees should already be familiar with the department's [Records Management Procedures](#) and [Records Management Program](#) which includes information about emails.

Only non-personal information will be made available under mandatory and proactive release.

What do I do if a journalist contacts me seeking information?

Requests that come through from media organisations should be referred to the Media directorate as per current processes.

Media directorate: Phone: (02) 7814 1559 Email: mediaunit@det.nsw.edu.au

Who can I contact in the department for more information?

Website: <https://education.nsw.gov.au/about-us/rights-and-accountability/information-access>

Phone: (02) 7814 3525

Email: gipa@det.nsw.edu.au

Address: Manager, Right to Access
Legal Services, Department of Education
Level 5, 105 Phillip St, Parramatta NSW 2150