

Your review rights under the GIPA Act and important information about the Disclosure Log

The right to information system in New South Wales aims to foster responsible and representative government that is open, accountable, fair and effective.

You have a right to request a review of a decision regarding the release of information if you disagree with any of the following agency decisions as set out under the *Government Information (Public Access) Act 2009* (GIPA Act):

- a) a decision that an application is not a valid access application
- b) a decision to transfer an access application to another agency, as an agency-initiated transfer
- c) a decision to refuse to deal with an access application (including such a decision that is deemed to have been made)
- d) a decision to provide access or to refuse to provide access to information in response to an access application
- e) a decision that government information is not held by the agency
- f) a decision that information applied for is already available to the applicant
- g) a decision to refuse to confirm or deny that information is held by the agency
- h) a decision to defer the provision of access to information in response to an access application
- i) a decision to provide access to information in a particular way in response to an access application (or a decision not to provide access in the way requested by the applicant)
- j) a decision to impose a processing charge or to require an advance deposit
- k) a decision to refuse a reduction in a processing charge
- l) a decision to refuse to deal further with an access application because an applicant has failed to pay an advance deposit within the time required for payment

- m) a decision to include information in a disclosure log despite an objection by the access applicant or a third-party (authorised objector) or a decision that the authorised objector was not entitled to object.

You generally have three options to have a decision reviewed:

1. Internal review

You have 20 working days from receiving notice of a decision to lodge an application for internal review. A notice is considered to have been given to a person when it is posted or emailed by the agency.

If a Minister or the principal officer of an agency made the decision, you cannot ask for an internal review, but you can ask for an external review (see sections 2 and 3).

The review is not to be done by a person who is less senior than the person who made the original decision. The review decision must be made as if it was a fresh application.

There is a \$40* fee for an internal review application except if the decision is a 'deemed refusal' because CSNSW did not process your application in time. In this case, you cannot be charged any review fee. *50% discount may apply.

An agency must acknowledge your internal review application within five working days of receiving it.

An agency must decide the internal review within 15 working days (this can be extended by 10 working days if the agency has to consult with a third-party, or by agreement with you).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for a review by the Information Commissioner.

If you are the person applying for access to information, you do not have to have an internal review of the decision before asking the Information Commissioner to review it.

If you are not the access applicant, you must seek an internal review before applying for review by the Information Commissioner.

You have 40 working days from being notified of the decision to ask for a review by the Information Commissioner. On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency.

Note: You cannot ask the Information Commissioner to review a decision that has already been reviewed by the NSW Civil and Administrative Tribunal (NCAT)

3. External review by the NSW Civil and Administrative Tribunal

If you disagree with any of the decisions listed above, you can ask for a review by the NSW Civil and Administrative Tribunal (NCAT). If you are the access applicant, you do not have to have the decision reviewed internally before applying for a review by the NCAT.

You have up to 40 working days from being notified of the decision to apply to the NCAT for review. However, if you have applied for review by the Information Commissioner, you have 20 working days from being notified of the Information Commission's review outcome to apply to the NCAT.

DISCLOSURE LOG (Does not apply to applicants seeking personal information about any person – Division 4 of the GIPA Act).

If the information sought is released to you, and would be of interest to other members of the public, details about the released information (not your details) may be recorded in the Department's 'disclosure log'. This log is published on the website – www.Justice.nsw.gov.au/corrective-services

If you object to this, please contact the Information Access & Privacy Unit as soon as possible; otherwise it will be assumed that you do not object.

If you do object, after a relevant decision has been made you may need to supply information to the Department to help it decide whether to include all or specified information concerning the application in the disclosure log (s.56 of the GIPA Act).

Further information

Information Access & Privacy Unit:

(02) 8346 1359
(02) 8346 1501

Information and Privacy Commission (IPC):

- Further information is on the [IPC website](http://www.ipc.nsw.gov.au) www.ipc.nsw.gov.au
- Email: ipcinfo@ipc.nsw.gov.au
- Mail: GPO Box 7011, Sydney NSW 2001
- Call: 1800 472 679 between 9am and 5pm, Monday to Friday (excluding public holidays).

If you are deaf or have a hearing or speech impairment, you can call the IPC through the National Relay Service (NRS) on 133 677. If you need an interpreter, you can call the IPC through the Translating and Interpreting Service (TIS) on 131 450. NRS and TIS are free services.

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