How does the GIPA Act affect DET business units?

The new Government Information (Public Access) Act 2009 (GIPA Act) replaces existing Freedom of Information (FOI) legislation on July 1. The main thrust of this new act is to make information about government agencies, including the DET, more freely available to the public, particularly on the internet.

There are four methods available for agencies to release government information – mandatory, proactive, informal and formal. There is a presumption in favour of disclosing government information unless there is an overriding public interest against disclosure. You can read more about this on the OIC (Office of the Information Commissioner) website www.oic.nsw.gov.au

For DET staff who routinely deal with requests for information there are four ways that information may be released.

Media requests: continue to refer inquiries to your local media liaison officer or the DET Media Unit by ringing 9561 8501.

Business as usual
Where you routinely release information as part of your usual business, continue to do so. Most business units have policies and guidelines about how people can access the information your business unit holds and any conditions (such as requiring identification for personal information). Legal Issues Bulletins may also provide guidance.

If you are unsure, check the policies on the website and if in doubt, check with your supervisor about what can be released. Records containing a 3rd party’s information should generally be considered under guidelines for formal release.

Records that might be suitable for routine release may include:

For Schools, TAFE colleges, etc: Information on the DET public website; student records (such as an individual’s own attendance records or assessment results) subject to any policy requirements and to the person providing ID; school or college-specific policies; annual reports.

For Corporate business units: Information on the DET website; published reports; published statistics; information provided under statutory orders such as subpoenas or court order.
Informal Release
Where you are requested to provide information that is not routinely given or where there is no policy, it may be suitable to provide the information under informal release.

The GIPA Act allows agencies to decide on reasonable conditions for informal release. Only officers authorised under the GIPA Act can release information in this way.

The DET is developing guidelines in consultation with the different portfolios that will help to decide whether this is the best way of providing access and will include a list of authorised officers. For example if the work involved for an informal request would unreasonably divert resources, you may decide that it needs to be made under a formal access application instead.

Records that might be released under an informal access request may include:

For Schools, TAFE colleges & public contact points: certain types student records that do not include 3rd party information (must be satisfied as to applicant’s ID); financial or budget information not published.

For Corporate business units: Copies of correspondence, where the request is made by the person who sent it to the Department; statistical information not yet published.

Formal release
If informal release is not suitable, a formal access application may be required. Access applications will be processed by the Information Access Unit in a similar way to current Freedom of Information applications.

Records to be considered for release under a formal application may include:

For Schools, TAFE colleges & public contact points: Student counselling records (held by Student Counselling); school accident reports; documents containing third party information; parent complaints; staff grievances.

For Corporate business units: sensitive information; reports or statistics not compiled as requested; financial information not compiled as requested; briefings; staff grievances; disciplinary records (such as EPAC records).
Contracts
The department must maintain a register of contracts and publish them. The Chief Procurement Officer will manage these requirements.

Officers responsible for contracts need to ensure all tenders are uploaded to the DET eTendering website through the Department of Services, Technology and Administration (DSTA) and that contracts contain clauses about access to information and consultation. More information about this process is available from Procurement.

What if I have a question?
- Visit the DET’s Information Access webpage:
  
  www.det.nsw.edu.au/information-access  or

- call the Information Access Unit on 9561 8100 or
- send an email to iaunit@det.nsw.edu.au