Questions and Answers

What are the major changes or differences between the GIPA Act and the Freedom of Information Act 1989 (NSW)?

The GIPA Act replaces the Freedom of Information Act 1989 (NSW) (FOI Act) and it encourages the proactive release of government information to meet community expectations of a more open and transparent government.

There is a presumption in favour of the disclosure of Government information unless there is an overriding public interest against it. The public right of access needs to be balanced with other public interest considerations.

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 respond to the public and provide or publish information as you would normally.
What information will be published on the DET Internet after this new legislation takes effect?

The Department will be working towards ensuring the following information will be made freely available on the Department’s internet site:

- a current publication 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 documents
- the Department’s disclosure log of certain formal access applications (formerly FOI)
- 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 unit’s policy guidelines.

Formal access applications (lodged via the DET’s Information Access Unit) have strict statutory timeframes and it is crucial that you respond to the request within the time indicated.
Will the GIPA Act change the existing records management requirements?

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

Implementation of the GIPA Act may however, require 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 and Training, 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 Manual 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 Unit as per current processes.

Media Directorate: Phone: (02) 9561 8501 Email: mediaunit@det.nsw.edu.au

Who can I contact in the Department for more information?

Website: www.det.nsw.edu.au/information-access

Phone: Information Access Unit inquiry line: (02) 9561 8100

Email: Information Access Unit email: iaunit@det.nsw.edu.au

Fax: Information Access Unit: (02) 9561 1157

Address: Manager, Information Access Unit

Legal Services Directorate, Department of Education and Training
Level 7, 35 Bridge St, Sydney NSW 2000