GIPA Guideline for Search Officers - Reasonable searches

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What is ‘government information’?

Under the Government Information (Public Access) Act, 2009 or ‘GIPA Act’ it is information contained in a record held by a government agency. ‘Record’ means any document or other source of information compiled, recorded or stored in written form or by electronic process, or by any other manner or means. It includes:

- electronic documents stored on computers including those in draft form
- working notes
- emails
- hard copy or CD copy of any documents or papers on files
- records of meetings
- PowerPoint presentations
- databases
- audio or visual recordings
- photographs
- anything capable of recording a meaning

It includes any record that can be automatically created from an existing database, even if that particular presentation of the information as an electronic document does not currently exist.

The department holds information if it is:

- contained in a record held by the department
- held by a private sector entity and the department has an immediate right of access to it
- held by the State Records Authority and the agency has an immediate right of access to it
- in the possession or under the control of a person in their capacity as an officer of the department (including information held at home or on a home computer by officers who work from home).

What is a ‘Reasonable Search’?

You must undertake reasonable searches using the most efficient means reasonably available to your business unit, including using electronic search facilities where available. You are expected to make a reasonable effort to locate records if there is a probability that they would be held in your unit when the application was received.

A "reasonable search" depends on:

- the particular application
- factors relating to the area of the business unit for which you are responsible
- the degree of your personal knowledge of the information held in your area
- the length of time you have held that position.

As a guide, the following searches would be appropriate:
TRIM system
  • A TRIM search of key terms used in the Access Application and then of any files located by that search

All electronic files and any files or folders held in your area
  • Shared drives and personal drives
  • A business unit drive search for key terms used in the Access Application

Email
  • Personal and public folders

Inquiries to staff within the business unit that would be likely to hold such documents if they are held in the business unit

Presentations, photographs and audio or visual recordings

Physical search of hard copy documents or papers on files

Ask other members of your unit

The Information Access Unit can help with advice about what searches might be appropriate.

Unreasonable diversion of resources and creating documents

You are not expected to go to unreasonable lengths to search for documents in locations where you would not ordinarily expect to find them. If you discover that records are held in archives, please notify the Information Access Unit immediately as the time for the decision is extended in this case.

You are not required to create a document to satisfy a request although sometimes it may be more efficient to create a compilation summary document rather than provide all the individual records.

You are not required to search electronic backup systems unless the information was lost or destroyed contrary to the Department’s record management procedures or the State Records Act 1998.

If informal release is requested and you have previously provided the same information to the applicant or their legal representative under a subpoena or other court order, please contact the Information Access Unit immediately as the GIPA Act specifically provides that the Department does not have to provide it again.

Nor are you expected to unreasonably divert the Department's resources away from the normal work that your unit is required to deliver. It is not practical if the effort required to carry out the search would prevent your unit from performing its core function for an unreasonable length of time.

If the information is held in a number of electronic data bases, and it would require a specific program or skilled officer to manipulate the data provide access to the information as requested, it is likely to be a diversion of resources.

Non-personal and personal access applications

There are two categories of GIPA access application:

• Personal - where the applicant is seeking his or her own personal information, or information about their child who is under 18 years; and

• Non-Personal – for government information not directly concerning the applicant's personal affairs. It may include a request for personal, commercial or business information about other people or businesses.
Time limits and processing charges

The GIPA Act places strict time limits on the Department for providing access, so it is essential to provide your response (and the records if possible) by the due date and advise the Information Access Unit of any likely delay.

Processing charges may apply. You are requested to notify the Information Access Unit within 5 working days of receiving the search request if the work involved for your unit is likely to exceed the following time limits:

- *Personal applications* - 5 hours
- *Non-Personal applications* - 1 hour.

A Time Estimate form is available to help you calculate the work involved.