

Sydney Olympic Park Authority Policy

Policy Name Government Information (Public Access) (GIPA) Policy

Policy No. POL12/1

Department File No. F10/1288

Business Unit Commercial & Corporate

Office Responsible Right to Information Officer

Approving Officer Chief Executive Officer

Date of Approval

Version	Date
1	January 2012

GIPA Policy

1. Definitions

- 1.1. GIPA – Government Information (Public Access) Act 2009.
- 1.2. Information – As defined in GIPA is government information contained in a record held by an agency. A detailed definition of government information is contained in GIPA at Schedule 4, Clause 12.
- 1.3. Record - As defined in GIPA means any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means. A detailed definition of record is contained in GIPA at Schedule 4, Clause 10.

2. Summary

This document is the Authority's policy with respect to the publication and disclosure of information and assignment of internal responsibilities under GIPA. This document incorporates approvals granted to date in relation to GIPA processes and delegations.

3. Purpose and Scope

This policy applies to all information held by the Authority, including Authority Venues, and details the manner in which the Authority discharges its obligations under the GIPA. In addition, the policy aims to promote the Authority's commitment to open and transparent governance generally.

4. Background and Context

In 2009 the NSW Government passed GIPA, the Government Information (Information Commissioner) Act 2009 and the Government Information (Public Access) (Consequential Amendments and Repeal) Act 2009. This legislative reform replaced the Freedom of Information Act 1989, established the Office of the Information Commissioner NSW and commenced what has been described as the 'Right to Information Regime' in NSW.

5. Legislative Requirements

The Authority is deemed to be a public authority for the purposes of GIPA and is therefore subject to its provisions.

6. Replacement of Existing Policy

This policy supersedes the Authority's Freedom of Information (FOI) Policy.

7. Delegated Authorisation

- 7.1. Under written delegation of the CEO, the Right to Information Officer (RIO) is responsible for the Authority's compliance and release of information under Part 4 of GIPA (except decisions made pursuant to

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Section 127 of GIPA). The RIO is the Executive Manager, Information & Administrative Services.

- 7.2. The RIO will:
 - 7.2.1. Determine what information held by the Authority will be made publicly available pursuant to Section 7 of GIPA, and on what terms it is to be made available; and
 - 7.2.2. Consult with external third parties, General Manager's and Business Units of the Authority where required; and
 - 7.2.3. Determine if applications are subject to inter-agency transfer where the Authority does not hold all or part of the information requested; and
 - 7.2.4. Review the Authority's program for the mandatory and proactive release of information pursuant to Sections 6 and 7 of GIPA; and
 - 7.2.5. Ensure that the Authority makes information publicly available, as provided by the Authority's Publication Guide.
- 7.3. Under written delegation of the CEO, the Right to Information Coordinator (RIC) is responsible for the collection of information in response to formal and informal access application for consideration for release by the RIO. The RIC is the Manager, Information & Records Services. The RIC assists the RIO in the compilation of information in response to requests, both formal and informal, and the coordination of information for mandatory and proactive release.
- 7.4. The General Manager, Operations & Sustainability is authorised by the CEO to conduct internal reviews of the Authority's determinations of access applications made under GIPA, pursuant to Division 2 of Part 5, provided that officer was not involved in the initial determination.
- 7.5. Where the General Manager, Operations & Sustainability was involved in the original determination or not available, the RIO will seek the CEO's authorisation for a suitable alternate officer to conduct the internal review.
- 7.6. Where the RIC is absent from the office the RIO may delegate an acting RIC.
- 7.7. Where the RIO is absent from the office the acting RIO is the officer fulfilling the role of the Executive Manager, Information & Administrative Services.

8. The Authority's Publication Guide

- 8.1. The Authority is required by Division 2 of Part 3 of GIPA to adopt a 'Publication Guide'.

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- 8.2. Pursuant to Section 18 of GIPA, the Authority will make open access information publicly available via the Authority's website. In the event such publication imposes an unreasonable cost to the Authority, the information will be made available free of charge by another means specified by the Authority's Publication Guide.

9. Proactive Release

- 9.1. All officers responsible for SOPA policies are to regularly review their policies to ensure that, where they have application to members of the public, they are published on the Authority's website.
- 9.2. In addition, any other information, for example reports which would be of interest to members of the public, are also to be published on the website.

10. The Authority's Register of Certain Contracts

- 10.1. The Tender Secretary is responsible for ensuring compliance with the Authority's obligations to post all the Authority's tenders and contracts, on the government's e-tendering website.
- 10.2. The Executive Manager, Commercial Services is responsible for providing the RIC with information on all leases managed by the Authority.

11. Protections

- 11.1. Part 6, Division 6 of GIPA provides protections for officers disclosing government information, both formally and informally, pursuant to a decision under GIPA where the person who made the decision believes in good faith, when making the decision, that this Act permits or requires the decision to be made.
- 11.2. Requests for CCTV footage made by members of NSW Police and other law enforcement bodies are to be handled in accordance with the Authority's CCTV Code of Practice and are considered to be informal access applications. NSW Police and other law enforcement bodies may be provided footage by the Authority's Manager, Precinct Operations and/or their delegated officers.
- 11.3. General enquiries relating to Sydney Olympic Park, the Authority and Authority Venues, facilities, allowable activities and other such requests that relate to information currently in the public domain and which does not fit within the categories listed at paragraphs 12.1 and 12.2, are considered informal applications. Applicants for such information will not be required to submit a written request and may be responded to by reception, enquiries and visitor centre / services staff.
- 11.4. Student and research enquiries may be dealt with by the relevant manager within the Authority where such requests do not fall within the

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categories listed at paragraphs 12.1 and 12.2. Information provided in response to such requests should be limited to information that is easily accessible. Information provided is not to contain confidential, copyrighted or personal information.

11.5. All other requests are to be forwarded to the RIO to determine if the application should be dealt with as a formal or informal Access Application. These include requests requiring:

- 11.5.1. Searching of the Authority's recordkeeping and information systems;
- 11.5.2. Retrieval of records and/or information from more than one business unit; and
- 11.5.3. Access to records at State Archives.

12. Request Types

12.1. Informal GIPA access applications:

- 12.1.1. The Authority is not required to consider an informal request, however, by processing information requests in this manner;
 - a) Information for which there is an overriding public interest against disclosure (*opiad*) can be deleted; and
 - b) Conditions on disclosure can be imposed; and
 - c) Processing fees cannot be charged; and
 - d) Applicants and third parties do not have the right of appeal.
- 12.1.2. Requests for information falling within the categories below will generally be processed as informal GIPA applications.
 - a) Information is not already publicly available and the request requires a basic search of TRIM, easily accessible records at SOPA or low volume access to records at State Archives; or
 - b) Relating directly or indirectly to the requestor; or
 - c) Requiring research which the requestor is willing to do after signing a confidentiality undertaking.

12.2. Formal GIPA access applications:

- 12.2.1. A person who makes a formal GIPA application has a legally enforceable right to be provided with access to the information unless there is an overriding public interest against disclosure (*opiad*), however:
 - a) Conditions on disclosure cannot be imposed; and

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- b) Fees can be charged; and
- c) Strict timeframes exist for processing; and
- d) Applicants and third parties have a right of appeal.

12.2.2. Requests for information will be processed as formal GIPA applications where the request:

- a) May potentially lead to a request for additional information; or
- b) Would involve a considerable number of hours of research; or
- c) The applicant is not willing to research the records on site and/or not willing to sign a confidentiality undertaking; or
- d) The request involves a high volume of records held at State Archives; or
- e) The records require consultation and responses from across the Authority's Business Units; or
- f) One or more third party consultation(s) is required.

13. Fees and Charges

13.1. Fees and charges shall be levied by the Authority pursuant to GIPA and any directions of the Information Commissioner NSW.

13.2. The RIO is to keep applicants fully informed of any applicable fees and charges and provide cost estimates prior to the levying of charges.

13.3. Where the RIO is of the view that it is appropriate, any fee or charge payable or paid under GIPA may be waived, reduced or refunded pursuant to Section 127 of GIPA.

14. Compliance

The Authority will act in the spirit of GIPA and follow the requirements of the legislation as well as directions from the Information Commissioner.

15. Offences under GIPA

Part 6 Division 2 lists penalties that apply to unlawful actions concerning release or non-release of information including coercion of, or influencing the outcome of an access application.

16. Contact Officer

All enquiries should be referred to the Right to Information Officer, on 9714 7888