

Sydney Olympic Park Authority Policy

Policy Name	Government Information (Public Access) (GIPA) Policy
Policy No.	POL12/1
Department File No.	F10/1288.3
Business Unit	Commercial & Corporate
Officer Responsible	Right to Information Officer (Executive Manager, Commercial Services)
Approving Officer	Chief Executive Officer
Date of Approval	20 February 2012

Version	Review	Date	Approved By
1	Introduction of GIPA Legislation	January 2012	CEO
2	Amendments to GIPA Legislation	May 2012	CEO
	Reviewed	November 2012	
2.1	Reviewed by Mgr. Info.& Records	February 2014	GMCC

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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 Section 127 of GIPA). The RIO is the Executive Manager, Commercial Services.
- 7.2. 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

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access application for consideration for release by the RIO. The RIC is the Manager, Information & Records Services.

- 7.3. 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.
- 7.4. 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.
- 7.5. Where the RIC is absent from the office the RIO may delegate an acting RIC.
- 7.6. 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 Information Guide

- 8.1. The Authority is required by Division 2 of Part 3 of GIPA to adopt an 'Information Guide'.
- 8.2. Pursuant to Section 18 of the GIPA Act and GIPA Regulation 2009 Schedule 1,, 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 Information 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. All officers responsible for reports, statistics and creation of information that impact on the public are to review their documents for information would be of interest to members of the public that can be published on the Authority's 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.

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- 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 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. Fees cannot be charged and sensitive information can be deleted; and
- 12.2. Formal GIPA access applications. Fees can be charged, consultation is required for all third party information and information cannot be removed unless there is an overriding public interest against disclosure (*opiad*) or the information falls under Part 2, Division 2, Section 14 and Schedules 1 and 2 of the GIPA Act.

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 51A and Section 127 of GIPA.

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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 RIC, on 9714 7812

17. Listing of amendments

Version	Changes resulting from	Updated by	Date Updated	Approved by
2	GIPA Act Amendments - 2012	RIC -Angie Knott	14/05/12	CEO Alan Marsh
3	Delegation Change	RIC -Angie Knott	12/02/14	General Manager, Commercial & Corporate Minor Change

18. Related References

Reference	Title	Responsible Officer
D12/19	Formal Application Processing Procedure	Right to Information Officer
D12/20	Informal Application Processing Procedure	Right to Information Officer
D12/8313	Agency Proactive Release Information Review Procedure	Right to Information Officer
D10/10881	Signed Issues Paper – Determining Informal Vs Formal Applications	General Manager, Commercial & Corporate (Chief Information Officer)
D13/14980	Signed Issues Paper - Delegation Authorisation for RIO and RIC	SOPA CEO