

Our Ref: 2024/010331

24 July 2024

Miss Anonymous
Email: foi+request-11538-d0f7e919@righttoknow.org.au

Re: RIGHT TO INFORMATION – INFORMAL NOTICE OF DECISION

Dear Miss Anonymous,

I refer to your informal request received by NSW Fair Trading on 20 June 2024, under the *Government Information (Public Access) Act 2009* (the Act), for access to information relating to the *Residential Tenancies Act 2010*. Specifically, you request access to any report or similar outlining the number of penalty notices issued by NSW Fair Trading relevant to the Act.

I am authorised by the principal officer of NSW Fair Trading, for the purposes of section 8(6) of the Act, to decide your access application.

Informal Release

In accordance with the Act your request was treated as an informal request to access information under section 8 of the GIPA Act. In dealing with your informal request, I have considered the following:

- The information you sought and whether an overriding public interest may prevent release or whether it contained someone else's personal information.
- Whether the imposition of reasonable conditions would assist the release of the information.
- The resources and time that would be required to search for and retrieve the information.
- How the information could be supplied to you and whether it could be presented in a form that would provide you with access without affecting the interests of others.

Searches

In response to your request, the team responsible for tenancy matters were requested to provide any records they may hold that fall within the scope of your request.

Decision

Following my consideration of your request, I have decided that there are no overriding public interest factors against disclosure of the information you have sought access to you and have today decided to provide the information to you in full. Although I have decided to provide you with the information, as this decision relates to an informal request for information, it cannot be reviewed.

Section 75 of the GIPA Act states that an agency is not prevented from providing access to information held by the agency by making and providing access to a new record of that information. As such, a table has been created to provide you with access to the number of penalties issued by NSW Fair Trading under the *Residential Tenancies Act 2010*.

The information is attached with this letter.

If you have any queries, please do not hesitate to contact me.

Sincerely,



Harmoni Curry-Babushkin
Advisor

Extracts of the GIPA Act **Section 8**

8 Informal release of government information

- (1) An agency is authorised to release government information held by it to a person in response to an informal request by the person (that is, a request that is not an access application) unless there is an overriding public interest against disclosure of the information.*
- (2) An agency can release government information in response to an informal request subject to any reasonable conditions that the agency thinks fit to impose.*
- (3) An agency cannot be required to disclose government information pursuant to an informal request and cannot be required to consider an informal request for government information.*
- (4) An agency can decide by what means information is to be released in response to an informal request.*
- (5) An agency can facilitate public access to government information contained in a record by deleting matter from a copy of the record to be released in response to an informal request if inclusion of the matter would otherwise result in there being an overriding public interest against disclosure of the record.*
- (6) The functions of an agency under this section may only be exercised by or with the authority (given either generally or in a particular case) of the principal officer of the agency.*