

# HOW TO ACCESS INFORMATION HELD BY COUNCIL

## FACT SHEET

### GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 (GIPA ACT)

The GIPA Act details the obligations of agencies such as Council to provide access to certain information we hold. Certain restrictions apply to the type of information you can view and receive a copy of.

Information may be 'open access' information that is already available on our website. If not, it may need:

- an Application for Open Access to Information about Development Applications (without requiring an informal or formal application)
- written consent from a copyright owner
- an Informal Application
- a Formal Application or
- a special access request to be in writing on company letterhead.

### INFORMAL REQUESTS

You are encouraged to lodge an informal application to access information held by Council where the information you are seeking is **not**:

- a special access request; or
- restricted due to considerations such as commercial confidence, legal privilege, security concerns and protection of privacy; or
- information that contains personal information; or
- in relation to another party or parties; or
- open access information about a Development Application; or covered by any other application form.

If copyright protection restrictions apply to the information you have

requested, we will contact you to arrange a suitable time for you to come in to Council and view the information.

### FORMAL REQUESTS

A formal application for access will be required where release of information is generally restricted due to considerations such as commercial confidence, legal privilege, security concerns and protection of privacy.

### HOW TO APPLY

To access information from Council you can:

- search our website, to see if it is already available
- contact our Right to Information Officer on 4732 7732, and/or
- submit the relevant application form by email, fax, post or in person.

Application forms are available on Council's website, from our customer service offices at Penrith and St Marys or by calling the above number.

### WHAT WILL IT COST?

We do not charge any fee to process an informal application, however if you require copies of information (that are not protected by copyright), charges for copying apply.

The application fee for a formal request is \$30, and under the GIPA Act you may also be asked to pay a charge for processing at \$30 per hour. Discounts may apply due to financial hardship, waiver of fee for personal information or special benefit to the public. (Refer to Council's website for current fees and charges).



### HOW LONG WILL IT TAKE?

Council will acknowledge a formal application within 5 working days and notify applicants of a decision on an informal or formal application within 20 working days, unless the applicant agrees to extend the time. Council may also extend the time by up to 15 working days where consultation with a third party is required or if Council needs to retrieve a record from the Archives.

If Council defers access, we will advise the applicant of the reason for deferral and the date the information will be available. A decision to defer access is reviewable.

### RIGHT OF REVIEW AND APPEAL

If Council does not make a decision within the above timeframes we are deemed to have refused the application. Council will refund the fee and the applicant may seek an internal or external review of this refusal. This will not apply if an extension of time has been arranged or payment of advanced deposit for processing fee is pending.

Where an applicant is refused access under a formal application, Council will provide them with details of the reason/s for refusal in writing. An applicant has three options of review:

#### 1. Apply for review by Council

This is a review conducted by Council's Public Officer who is independent of the original determination. You have 20 working days from receiving notice of a decision to ask Council for this review and it attracts a \$40 fee.

#### 2. Apply for a review by the Information Commissioner

If you are not satisfied with the internal review, or do not want one, you can apply to the Information Commissioner. You have 40 working days from being notified of a decision to apply for this review.

#### 3. Apply to the NSW Civil and Administrative Tribunal (NCAT).

If you have already had a review by the Information Commissioner you have 20 working days from notification of the decision to apply to NCAT. If you go directly to NCAT you have 40 working days from the notification of the original decision to make this application.

**For more information on this topic phone Council's Right to Information Officer on 4732 7732.**