

Proactive release of information under the *Government Information (Public Access) Act 2009* – Fact sheet

The *Government Information (Public Access) Act 2009* (GIPA Act) provides a process for giving the public access to government information and encouraging the proactive public release of information held by NSW public sector agencies. The GIPA Act authorises agencies to make government information available unless there is an overriding public interest against disclosure of the information.

What are the obligations of the Department?

The GIPA Act requires agencies to annually review and identify government information that is suitable for proactive release. Each division in the Department is required to consider whether information it holds is suitable for proactive release.

Why should the Department proactively release information?

Proactive release of information can reduce costs and resourcing needs by decreasing the number of formal access applications. Your division can strategically plan for the release of information rather than responding to unplanned applications for information.

What information is suitable for proactive release?

Any information considered to be of interest to the public should be made publicly available, unless there is an overriding public interest against disclosure. Examples include information that is regularly requested, statistics, data sets, policy documents, initiatives, developments and projects and information likely to attract significant public interest.

What is an Overriding Public Interest against disclosure?

An overriding public interest against disclosure occurs when the public interest considerations against disclosure outweigh the considerations in favour of release. The public interest considerations in the table in section 14 of the GIPA Act are the only considerations against disclosure that may be applied when weighing up if there is an overriding public interest against disclosure of government information. Some of the public interest considerations against disclosure of the information arise where release of the information could:

- Reveal an individual's personal information

- Prejudice the effective exercise of the Department of Justice's functions
- Prejudice the prevention, detection or investigation of the law
- Endanger or prejudice a system for protecting the life, health or safety of any person, place, property or vehicle
- Prejudice the security, discipline or good order of any correctional facility

The fact that disclosure of the information might cause embarrassment, be misinterpreted or misunderstood is irrelevant and cannot be taken into account.

How do I proactively release information that has been identified as being suitable for release?

The GIPA Act stipulates that the information should be made publicly available without imposing unreasonable additional costs on the agency. Publication via the Department's website is a cost effective way to proactively release information.

For more information

Visit the Open Government Information and Privacy Unit intranet page at:

<http://intranet.internal.justice.nsw.gov.au/Divisions/Pages/divisions/opod/ogc/ogip.aspx>