



office of the  
information  
commissioner  
new south wales

# ***Government Information (Public Access) Act 2009 (NSW)***

## **Compliance checklist for agencies**

### **promoting open government**

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## Introduction

This document sets out the requirements that agencies must comply with under the *Government Information (Public Access) Act 2009* (the GIPA Act), and the circumstances in which those requirements apply. **It is not a replacement for reading and understanding the Act itself.** If you are unclear about how the GIPA Act will relate to your agency, call the Office of the Information Commissioner (OIC) for information. You may also want to consider getting independent legal advice.

The GIPA Act focuses on information sharing and a cultural change to a proactive approach to release of government information. To comply with the GIPA Act, you will need to consider how your agency approaches access to information. For example:

- **Commitment** – establish written policies and procedures that support your agency's right to information process, plus training for staff so they understand the process and can access and implement it easily.
- **Communication** – provide information for staff about the requirements of the GIPA Act, and communicating support for an approach that facilitates and encourages simple and straightforward access to government information.
- **Responsiveness** – deal with requests for information by responding quickly. Administrative burdens can be eased by releasing information informally rather than requiring a formal access application. Consistent with a good customer service focus, applicants should always be kept informed of where their application or request is up to.
- **Initiative** – the GIPA Act authorises the proactive release of information unless it is excluded information or there is an overriding public interest against disclosure. The Act thus provides an opportunity for your agency to proactively release information that will assist or inform the public about what your agency does and how it does it.

For guidance on how to comply with the GIPA Act, please see the OIC's Compliance Overview, which you can download from the OIC's website at [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au).

## Using the checklist as a self-assessment tool

This checklist can be used to assess your agency's compliance with the GIPA Act. You can choose to use the compliance codes below.

SELF-ASSESSMENT RATING	COMPLIANCE CODE
Not Applicable	NA
Not Compliant	NC
Compliant	C
Compliant Plus	C+

On completion, this checklist can be used to develop an action plan to ensure compliance with the requirements and objectives of the GIPA Act.

## Exercising discretions

The GIPA Act confers both obligations and discretionary powers on agencies. In this checklist mandatory requirements are identified by the letter 'M', discretionary requirements by the letter 'D'. Discretionary powers are also referred to throughout the checklist by the words: '*Applies its discretion to...*'

Discretionary powers should be applied in accordance with the objectives of the GIPA Act.

### Section 3(2) of the GIPA Act:

*It is the intention of Parliament:*

- (a) *that this Act be interpreted and applied so as to further the object of this Act, and*
- (b) *that the discretions conferred by this Act be exercised, as far as possible, so as to facilitate and encourage, promptly and at the lowest reasonable cost, access to government information.*

## Questions?

If you have any questions about how to use this resource or about how the GIPA Act applies to your agency, please contact us. Our details are below:

### The Office of the Information Commissioner

Level 11, 1 Castlereagh Street, Sydney  
9am to 5pm Monday to Friday  
(excluding public holidays)  
Website: [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)

GPO Box 7011, Sydney NSW 2001  
1800 INFOCOM (1800 463 626)  
Email: [oinfo@oic.nsw.gov.au](mailto:oinfo@oic.nsw.gov.au)

You can call us through the National Relay Service (for deaf people or people with a speech or hearing impairment on 133 677 or through the Translating and Interpreting Service (TIS) on 131 450.

## 1. Open access information

What is open access?					
1.1	Requirement		NA	NC	C C+
	<ul style="list-style-type: none"> <li>➤ <b>Open access information is publicly available</b></li> </ul>				
	<ul style="list-style-type: none"> <li>○ Free of charge.</li> </ul>	M			
	<ul style="list-style-type: none"> <li>○ On the agency's website and, at the agency's discretion, also available in other ways (eg hard copy, mail out, etc). <i>Note: open access information must be made publicly available on the agency's website unless this would impose unreasonable additional costs on the agency.</i></li> </ul>	M			
	<ul style="list-style-type: none"> <li>○ If relevant, the agency deletes matter that, if included, would result in an overriding public interest against disclosure.</li> </ul>	M			

Policy documents					
1.2	Requirement		NA	NC	C C+
1.2.1	<ul style="list-style-type: none"> <li>○ The agency has identified its policy documents, which are open access information. <i>Policy documents are documents which are used by the agency in connection with the exercise of its functions that affect/are likely to affect the rights, privileges or other benefits; or obligations, penalties or other detriments to which members of the public are/may become entitled, eligible, liable or subject.</i> <i>See section 23 of the GIPA Act.</i></li> </ul>				
1.2.2	<ul style="list-style-type: none"> <li>➤ <b>No prejudice if policy documents are not available</b></li> </ul>				
	<ul style="list-style-type: none"> <li>○ No one is subject to prejudice because of any provisions of the agency's policy document if, at the relevant time: <ul style="list-style-type: none"> <li>• the policy document is not publicly available as required by the GIPA Act</li> <li>• the person is not aware of those provisions</li> <li>• the person could lawfully have avoided the prejudice had the person been aware of those provisions.</li> </ul> <i>Note: This does not apply to any part of a policy document that is required by the GIPA Act to be deleted.</i> </li> </ul>	M			

Information access guide			NA	NC	C	C+
1.3	<b>Requirement</b>					
	<ul style="list-style-type: none"> <li>○ The agency has an up-to-date, publicly available agency information guide. <i>Suggestion: ensure the agency has a staff member responsible for maintaining its agency information guide</i></li> </ul>	M				
1.3.1	➤ <b>Content of the agency information guide</b>					
	<ul style="list-style-type: none"> <li>○ Describes: <ul style="list-style-type: none"> <li>• the agency's structure</li> <li>• the agency's functions</li> <li>• how the functions (including the decision-making functions) of the agency affect members of the public.</li> </ul> </li> </ul>	M				
	<ul style="list-style-type: none"> <li>○ Identifies: <ul style="list-style-type: none"> <li>• the various kinds of government information held by the agency</li> <li>• the kinds of government information the agency holds that it makes publicly available</li> <li>• the kinds of information that are publicly available for free</li> <li>• the kinds of information that are publicly available for a charge.</li> </ul> </li> </ul>	M				
	<ul style="list-style-type: none"> <li>○ Specifies: <ul style="list-style-type: none"> <li>• any arrangements that exist to enable the public to participate in forming the agency's policies</li> <li>• arrangements that enable the public to participate in the exercise of the agency's functions</li> <li>• how the agency makes government information publicly available.</li> </ul> </li> </ul>	M				
1.3.2	➤ <b>Adopting and reviewing the agency information guide</b>					
	<ul style="list-style-type: none"> <li>○ The agency information guide was (or will be) adopted before 1 January 2011.</li> </ul>	M				
	<ul style="list-style-type: none"> <li>○ The agency notified and, if requested, consulted with the Information Commissioner before adopting its agency information guide.</li> </ul>	M				
	<ul style="list-style-type: none"> <li>○ The agency reviews its agency information guide and adopts a new agency information guide at least once every 12 months. <i>The Information Commissioner has set the annual review date to be 31 July each year.</i></li> </ul>	M				

## Open access information

Information in documents tabled in Parliament					
1.4	Requirement		NA	NC	C C+
	<ul style="list-style-type: none"> <li>○ Information about the agency in any document that has been tabled in Parliament by or on behalf of the agency (other than documents tabled by order of either House of Parliament) is publicly available.</li> </ul>				

Disclosure log of access applications					
1.5	Requirement		NA	NC	C C+
1.5.1	<ul style="list-style-type: none"> <li>○ The agency has an up to date disclosure log. <i>Note: Information about an application for personal information about the applicant or any other individual by an applicant (being an individual) is not required to be included in the disclosure log</i></li> </ul>	M			
1.5.2	<p>➤ <b>Content of the disclosure log</b></p> <ul style="list-style-type: none"> <li>○ The disclosure log contains: <ul style="list-style-type: none"> <li>• dates applications are decided</li> <li>• a description of the information provided</li> <li>• a statement about whether any of the information is now available from the agency to other members of the public and, if so, how such information can be accessed.</li> </ul> </li> </ul> <p><i>Note: there is a template disclosure log on the OIC's website</i></p>	M			

Open access information not made publicly available because of an overriding public interest against disclosure					
1.6	Requirement		NA	NC	C C+
	<p>➤ <b>Record of information that is not publicly available</b></p> <ul style="list-style-type: none"> <li>○ The agency has a record of open access information that is not made publicly available because of an overriding public interest against disclosure.</li> </ul>	M			
	<ul style="list-style-type: none"> <li>○ The record indicates the general nature of this information.</li> </ul>	M			

Government contracts register – class 1 contracts			
1.7	Requirement	NA	NC C C+
<p><i>Requirements for class 1 contracts only apply if the agency enters into class 1 contracts. A class 1 contract is a contract to which the agency is a party that has (or is likely to have) a value of \$150,000 or more.</i></p>			
	<p>➤ <b>Information in the contracts register</b></p>		
	<p>○ Information about class 1 contracts is entered in the register within 45 working days of the contract becoming effective.</p> <p><i>Note: a contract becomes effective when it is entered into by or on behalf of the agency, or when all conditions precedent are satisfied</i></p>	M	
	<p>○ The government contracts register contains all the required information (as applicable) for each class 1 contract.</p> <ul style="list-style-type: none"> <li>• name and business address of the contractor</li> <li>• particulars of any related body of the contractor, or any other private sector entity in which the contractor has an interest, that will be involved in the contractor's obligations or receive a benefit</li> <li>• date when the contract became effective</li> <li>• the duration of the contract</li> <li>• particulars of the project, goods or services or the real property</li> <li>• estimated amount payable to the contractor</li> <li>• description of any provisions under which the amount payable to the contractor may be varied</li> <li>• description of any provisions about renegotiating the contract</li> <li>• if there was a tendering process, the method of tendering and a summary of the criteria against which tenders were assessed</li> <li>• description of any provisions under which it is agreed that the contractor is to receive payment for providing operational or maintenance services.</li> </ul> <p><i>Note: this information is outlined in section 29 of the GIPA Act.</i></p>	M	

Government contracts register – class 2 contracts			
1.8	Requirement	NA	NC C C+
<p>Requirements for class 2 contracts only apply to class 2 and class 3 contracts. A class 2 contract is a contract to which the agency is a party that has (or is likely to have) a value of \$150,000 or more, AND one of the following applies:</p> <ul style="list-style-type: none"> <li>there has not been a tender process, the proposed contract has not been made publicly available and the terms and conditions of the contract have been negotiated directly with the contractor</li> <li>the proposed contract (whether or not made publicly available) has been the subject of a tendering process and the terms and conditions of the contract have been substantially negotiated with the successful tenderer</li> <li>the obligations to maintain or operate infrastructure or assets could continue for 10 years or more</li> <li>the contract involves a privately financed project as defined by guidelines published by the Treasury</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>the contract involves a transfer of a significant asset of the agency concerned to another party to the contract in exchange for the transfer of an asset to the agency.</li> </ul>			
	<ul style="list-style-type: none"> <li>For each class 2 contract, the government contracts register contains all the information required for a class 1 contract AND all the applicable information for a class 2 contract</li> </ul>	M	
	<ul style="list-style-type: none"> <li>future transfers of assets to the State at no cost, including the date</li> <li>future transfers of significant assets to the contractor, including the date</li> <li>any cost-benefit analysis</li> <li>components and quantum of the public sector comparator (if used)</li> <li>if relevant, a summary of information used in the contractor's full base case financial model</li> <li>if relevant, particulars of how risk during the construction and operational phases is to be apportioned between the parties</li> <li>particulars as to significant guarantees or undertakings between the parties</li> <li>other key elements</li> </ul> <p>Note: this information is outlined in section 30(2) of the GIPA Act.</p>		

Government contracts register – class 3 contracts			
1.9	Requirement	NA	NC C C+
<ul style="list-style-type: none"> <li>Requirements for class 3 contracts only apply to class 3 contracts. A class 3 contract is a class 2 contract which has (or is likely to have) a value of \$5 million or more.</li> </ul>			
	<p>➤ <b>Information for class 3 contracts</b></p> <ul style="list-style-type: none"> <li>A copy of all class 3 contracts are included in the government contracts register.</li> </ul>	M	

Other requirements – for class 1, 2 and 3 contracts					
1.10	Requirement		NA	NC	C C+
1.10.1	<p>➤ <b>The contracts register is available</b></p> <ul style="list-style-type: none"> <li>○ Information in the government contracts register is made publicly available for 20 working days, or (as applicable) until the project is complete, the goods and services concerned have been provided, the term of the lease has expired or the real property has been transferred</li> <li>○ A copy of the agency's government contracts register is published on the Government tenders website.</li> </ul>	M			
1.10.2	<p>➤ <b>Material variations to contracts</b></p> <ul style="list-style-type: none"> <li>○ Material variations to class 1 or class 2 contracts are reflected in the contracts register within 45 working days of the variation becoming effective.</li> <li>○ If there is a material variation to a class 3 contract, a copy of the variation is included in the government contracts register within 45 working days of the variation becoming effective.</li> </ul>	M			
1.10.3	<p>➤ <b>Disagreements about the contracts register</b></p> <ul style="list-style-type: none"> <li>○ If a person other than an officer of the agency (eg. a party to a government contract) disagrees with the way in which the agency has interpreted its obligations relating to the contracts register, the agency obtains the opinion of the Chairperson of the State Contracts Control Board.</li> </ul>	M			

Other information prescribed by the regulations					
1.11	Requirement		NA	NC	C C+
	<p>➤ <b>Regulations</b></p> <ul style="list-style-type: none"> <li>○ The agency makes publicly available any other government information prescribed by the regulations as open access information <i>Suggestion: include your right to information officer's contact details on the OIC mailing list so you are kept up to date if regulations prescribe new documents to be treated as open access.</i></li> </ul>	M			

## Proactive and informal release

## 2. Proactive and informal release of information

Proactive release of information						
2.1	Requirement		NA	NC	C	C+
2.1.1	<p>➤ <b>Principal officer's authority</b></p> <p>○ Proactively releases information by or with the authority of the principal officer.</p>	M				
2.1.2	<p>➤ <b>Powers to release information</b></p> <p>○ Applies its discretion to make information publicly available unless there is an overriding public interest against disclosure.</p> <p>○ Information is made publicly available in an appropriate manner, free of charge or at the lowest reasonable cost.</p> <p>○ The agency reviews its program for releasing government information at least once every 12 months.</p> <p><i>Note: As part of this review, the agency must identify the kinds of government information that should, in the public interest, be publicly available and that can be made publicly available without imposing unreasonably additional costs on the agency.</i></p> <p>○ Applies its discretion to facilitate public access to information by deleting matter if including the matter would otherwise result in there being an overriding public interest against disclosure.</p>	D M M D				

Informal release of information						
2.2	Requirement		NA	NC	C	C+
2.2.1	<p>➤ <b>Principal officer's authority</b></p> <p>○ Releases information in response to informal applications by or with the authority of the principal officer.</p>	M				
2.2.2	<p>➤ <b>Powers to release information</b></p> <p>○ Applies its discretion to release information in response to an informal request unless there is an overriding public interest against disclosure.</p> <p>○ Applies its discretion to release information in response to an informal request subject to reasonable conditions.</p> <p>○ Applies its discretion to delete content if including it would result in an overriding public interest against disclosure.</p>	D D D				

Assistance and oversight						
2.3	Requirement		NA	NC	C	C+

Proactive and informal release

Assistance and oversight			
2.3.1	➤	<b>General advice and assistance</b>	
	○	Provides advice and assistance to people who request or propose to request access to information, to help them access publicly available information.	M
2.3.2	➤	<b>Specific advice and assistance</b>	
	○	Provides advice about whether or not information is publicly available and (if it is) how it can be accessed.	M
	○	Provides advice about how to make an access application for information that is not publicly available but may be held by the agency.	M
	○	If the information is unlikely to be held by the agency, but appears likely to relate to the functions of some other agency, provides the contact details of the other agency.	M
	○	Provides the contact details of the OIC and advice on the availability of information published by the OIC that may be relevant.	M

### 3. Access applications

Releasing information informally			
3.1	Requirement		NA NC C C+
3.1.1	<p>➤ <b>Principal officer's authority</b></p> <p>○ Applies its discretion to release information proactively and/or informally, rather than making everyone who seeks information submit a formal access application.</p>	D	

Formal requirements of access applications			
3.2	Requirement		NA NC C C+
3.2.1	<p>➤ <b>Formal requirements of access applications</b></p> <p>○ The agency understands that access applications must:</p> <ul style="list-style-type: none"> <li>• be in writing sent to or lodged at an office of the agency</li> <li>• clearly indicate that it is an access application made under the GIPA Act</li> <li>• be accompanied by a fee of \$30 (unless waived, reduced or refunded)</li> <li>• state a postal address as the address for correspondence in connection with the application</li> <li>• include the information that is reasonably necessary to enable the government information applied for to be identified.</li> </ul> <p><i>Note: an access application may also include submissions by the applicant about any public interest considerations they think the agency should take into account, a request (and/or supporting information) for a discount on process charges or any other information they think may be relevant</i></p> <p><i>There is a template access application form on the OIC's website, <a href="http://www.oic.nsw.gov.au">www.oic.nsw.gov.au</a>.</i></p>	M	
3.2.2	<p>➤ <b>Excluded information</b></p> <p>○ The agency is aware of excluded information under schedule 2 of the GIPA Act that applies to the agency.</p>	M	
3.2.3	<p>➤ <b>Advice and assistance</b></p> <p>○ Provides advice and assistance to applicants who make invalid applications to assist them to make a valid access application.</p>	M	

Deciding if an access application is valid						
3.3	Requirement		NA	NC	C	C+
3.3.1	➤ <b>Initial decision of validity</b>					
	○ Assesses applications appropriately in accordance with section 41, 51A.	M				
	○ Assess applications promptly and, within five working days, notifies the applicant of whether or not the application is considered valid.	M				
	○ When acknowledging receipt of a valid application, the agency includes: <ul style="list-style-type: none"> <li>• the date when the application will be decided</li> <li>• a statement that the application will be deemed to have been refused if not decided by the above date</li> <li>• a statement that information about the application may be made public in the agency's disclosure log, and that the applicant may object to this</li> <li>• details of the applicant's rights of review connected to the access application, including reviews of the decision made about the application and about any decision by the agency to include information in the disclosure log despite an applicant's objection.</li> </ul>	M				
3.3.2	➤ <b>Subsequent decisions of invalidity</b>					
	○ If, after notifying the applicant that the access application is valid, the agency decides the application is not valid, it provides advice and assistance to assist the applicant to make a valid access application	M				

Invalid applications						
3.4	Requirement		NA	NC	C	C+
	➤ <b>Responding to invalid applications</b>					
	○ Provides advice and assistance to assist applicants who make invalid applications to make a valid access application.	M				
	○ When notifying an applicant that their application is invalid, the agency includes: <ul style="list-style-type: none"> <li>• a statement of the reason why the application is not valid (referring to the relevant provisions of the GIPA Act)</li> <li>• a notification of the applicant's rights of review under the Act if the reason is non-payment, an invitation to pay the fee</li> <li>• if the reason is failure to provide required information, an invitation to provide information.</li> </ul> <p><i>Note: There is a template notice on the OIC's website.</i></p>	M				

Searching for information						
3.5	Requirement		NA	NC	C	C+
	➤ <b>Searches for information held by the agency</b>					
	○ Undertakes reasonable and efficient searches for information held by the agency (as at the time the application was received).	M				
	○ If a record has been lost as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the <i>State Records Act 1998</i> or contrary to the agency's established record management procedures, the agency searches for the information in records in the electronic backup system/s.	M				
	○ Only applies its discretion to refuse to search for information if to do this search would require an unreasonable and substantial diversion of the agency's resources.	D				

Consultations						
3.6	Requirement		NA	NC	C	C+
	➤ <b>Consultations</b>					
	○ Takes reasonably practical steps to consult with a person before providing access to information relating to that person when the requested information: <ul style="list-style-type: none"> <li>• includes personal information about the person</li> <li>• concerns the person's business, commercial, professional or financial interests</li> <li>• concerns research that has been, is being, or is intended to be, carried out by or on behalf of the person</li> <li>• concerns the affairs of a government of the Commonwealth or another State (and the person is that government).</li> </ul>	M				
	○ If a required consultation concerns personal information about a deceased person, the agency consults with a close relative of the deceased.	M				

Objections to disclosure						
3.7	Requirement		NA	NC	C	C+
	➤ <b>Objections to disclosure</b>					
	○ Takes into account any objection to disclosure when deciding whether there is an overriding public interest against disclosure.	M				
	○ If the agency receives an objection to disclosure of information from a consultation, but decides to provide access anyway, it gives notice to the objector of its decision and of the right to have that decision reviewed (before providing the information).	M				

Disclosure log						
3.8	Requirement		NA	NC	C	C+
	➤ <b>Notifies authorised objector of right to object to inclusion in disclosure log</b>					
	○ Informs authorised objector that: <ul style="list-style-type: none"> <li>a) information concerning the application will be included in the agency's disclosure log and that the authorised objector can object to this, and</li> <li>b) the authorised objector has a right of review under Part 5 of the GIPA Act of a decision by the agency to include information in its disclosure log despite the applicant's objection.</li> </ul>	M				
	○ If authorised objector is the access applicant, agency issues notice as part of acknowledgement of receipt of access application within 5 working days of receipt of access application.	M				
	○ If authorised objector is person agency required to consult under section 54 of Act, agency issues notice as soon as possible after determining that the agency is likely to include information about a consulted party in their disclosure log.	M				
	➤ <b>If no objection received to inclusion in disclosure log</b>					
	○ If no objection is made under section 56 to the inclusion of information in the disclosure log before the access decision is made, agency appropriately records information in its disclosure log as soon as possible after application has been decided.	M				
	➤ <b>If an authorised objector objects to inclusion in disclosure log</b>					
	○ If an authorised objector objects to the agency's decision to include information about its decision in its disclosure log, the agency notifies the authorised objector of: <ul style="list-style-type: none"> <li>• whether the authorised objector was entitled to object</li> <li>• whether the agency will include the information in its disclosure log (if the authorised objector was entitled to object).</li> </ul>	M				

Disclosure log			
	<ul style="list-style-type: none"> <li>If the agency decides an authorised objector is not entitled to object to the inclusion of information, it appropriately exercises its discretion to immediately include the information in the disclosure log</li> </ul>	D	
	<ul style="list-style-type: none"> <li>If the agency decides an authorised objector is entitled to object to the inclusion of information but decides to include the information despite the objection, it excludes the information from the log to allow the authorised objector to apply for a review of the agency's decision and while any review is in process.</li> </ul>	M	

Time frames for deciding access applications						
3.9	Requirement		NA	NC	C	C+
	<ul style="list-style-type: none"> <li><b>Time frames</b></li> </ul>					
	<ul style="list-style-type: none"> <li>Decides access applications and gives applicants notice of the decision within 20 working days.</li> </ul>	M				
	<ul style="list-style-type: none"> <li>If the agency extends the time frame (by up to 10 working days) for either or both of the following reasons:                             <ul style="list-style-type: none"> <li>consultation with another person is required</li> <li>records are required to be retrieved from archive</li> </ul>                             then the agency exceeds the time frame by no more than 15 working days for any particular access application                         </li> </ul>	M				
	<ul style="list-style-type: none"> <li>Applies its discretion to agree with an applicant to extend (and further extend) the decision period.</li> </ul>	D				
	<ul style="list-style-type: none"> <li>If the agency extends the decision period for any reason, it notifies the applicant of the extension and indicates the date on which the extended decision period will end as soon as practicable (and within 5 working days after it is extended).</li> </ul>	M				

Deciding access applications						
3.10	Requirement		NA	NC	C	C+
	<ul style="list-style-type: none"> <li><b>How applications are decided</b></li> </ul>					
	<ul style="list-style-type: none"> <li>Agency decides access applications by deciding:                             <ul style="list-style-type: none"> <li>to provide access to the information</li> <li>that the information is not held by the agency</li> <li>that the information is already available to the applicant</li> <li>to refuse to provide access to the information because there is an overriding public interest against disclosure of the information</li> <li>to refuse to deal with the application</li> <li>to refuse to confirm or deny that information is held by the agency because there is an overriding public interest against disclosure of</li> </ul> </li> </ul>	M				

Deciding access applications			
	information confirming or denying that fact.		
	<ul style="list-style-type: none"> <li>Applies its discretion to make more than one decision in order to deal with various items of information applied for</li> </ul>	D	
	<ul style="list-style-type: none"> <li>Applies its discretion to replace or supplement its original decision/s (even if the period within which the application should be decided has expired) if it finds it holds information or additional information after an original decision</li> </ul>	D	

Refusing access			
3.11	Requirement		NA NC C C+
3.11.1	<ul style="list-style-type: none"> <li><b>The information is already available to applicant</b></li> </ul>		
	<ul style="list-style-type: none"> <li>Applies its discretion to decide information is available to the applicant if it is already publicly available.</li> </ul>	D	
	<ul style="list-style-type: none"> <li>If so, notifies the applicant of how the information can be accessed.</li> </ul>	M	
3.11.2	<ul style="list-style-type: none"> <li><b>Refusing to deal with application</b></li> </ul>		
	<ul style="list-style-type: none"> <li>Applies its discretion to refuse to deal with an access application only if:                             <ul style="list-style-type: none"> <li>dealing with the application would require an unreasonable and substantial diversion of the agency's resources</li> <li>the agency has already decided a previous application for the same information (or information that is substantially the same as that information) made by the applicant and there are no reasonable grounds for believing that the agency would make a different decision on this application</li> <li>the applicant has previously been provided with access to the information concerned under this Act or the <i>Freedom of Information Act 1989</i></li> <li>the applicant has failed to pay a required advance deposit</li> </ul>                             or                             <ul style="list-style-type: none"> <li>the information is or has been the subject of subpoena or order of a court for the production of documents and is available to the applicant as a result of having been produced in compliance with the subpoena or other order.</li> </ul> </li> </ul>	D	
	<ul style="list-style-type: none"> <li>Applies its discretion, when deciding whether an application requires an unreasonable and substantial diversion of resources, to:                             <ul style="list-style-type: none"> <li>extend the time frame for deciding the application by agreement with the applicant</li> <li>treat two or more applications as the one application because they are related and made by the same applicant (or by persons acting in connection with the applications).</li> </ul> </li> </ul>	D	
	<ul style="list-style-type: none"> <li>Gives applicants reasonable opportunity to amend applications before refusing to deal with an application</li> </ul>	M	
	<ul style="list-style-type: none"> <li>Gives reasons if it refuses to deal with an access application</li> </ul>	M	

Refusing access			
3.11.3	➤ <b>Notice of decision to refuse to provide access</b>		
	<ul style="list-style-type: none"> <li>○ If the agency refuses to provide access to information (because of an overriding public interest against disclosure), the agency notifies the applicant of:                             <ul style="list-style-type: none"> <li>• the agency's reasons for decision</li> <li>• findings on any material questions of fact underlying these reasons, together with a reference to the sources of information on which those findings are based</li> <li>• the general nature and the format of records held by the agency that contains the information concerned.</li> </ul> </li> </ul>	M	

Providing access			
3.12	Requirement		NA NC C C+
3.12.1	➤ <b>Forms of access</b>		
	<ul style="list-style-type: none"> <li>○ Applies its discretion to provide access to government information in response to an application by providing:                             <ul style="list-style-type: none"> <li>• a reasonable opportunity to inspect a record containing the information</li> <li>• a copy of a record containing the information</li> <li>• access to a record containing the information, together with such facilities as may be necessary to enable the information to be read, viewed or listened to (as appropriate to the kind or record concerned)</li> <li>• a written transcript of the information in the case of information recorded in an audio record or recorded in shorthand or other encoded format.</li> </ul> </li> </ul>	D	
	<ul style="list-style-type: none"> <li>○ Provides access to information in the way requested by the applicant, unless to do so would:                             <ul style="list-style-type: none"> <li>• interfere unreasonably with the operations of the agency or result in the agency incurring unreasonable additional costs</li> <li>• be detrimental to the proper preservation of the record</li> <li>• involve an infringement of copyright, or</li> <li>• create an overriding public interest against disclosure of the information because of the way it would be provided.</li> </ul> </li> </ul>	M	
3.12.2	➤ <b>Access is unconditional</b>		
	<ul style="list-style-type: none"> <li>○ Does not impose any conditions on the use or disclosure of information when providing access to information in response to an access application.</li> </ul>	M	
	<ul style="list-style-type: none"> <li>○ Applies its discretion to impose how a right of access may be exercised (but only to avoid there being an overriding public interest against disclosure).</li> </ul>	D	
	<ul style="list-style-type: none"> <li>○ Applies its discretion to impose a condition that access to medical or psychiatric information will only be provided to a medical practitioner nominated by the applicant (and not to the applicant personally).</li> </ul>	D	
3.12.3	➤ <b>Deleting information from a record</b>		

Providing access			
	<ul style="list-style-type: none"> <li>Applies its discretion to delete information from a copy of a record to which access is provided, because the deleted information is not relevant or because the agency has decided to refuse to provide access to that information because of an overriding public interest against disclosure.</li> </ul>	D	
3.12.4	<ul style="list-style-type: none"> <li><b>Providing access by creating new record</b></li> </ul>		
	<ul style="list-style-type: none"> <li>Applies its discretion to provide information by making and creating a new record of that information.</li> </ul>	D	
3.12.5	<ul style="list-style-type: none"> <li><b>Providing information not applied for</b></li> </ul>		
	<ul style="list-style-type: none"> <li>Applies its discretion to provide access to additional information (unless there is an overriding public interest against disclosure).</li> </ul>	D	
3.12.6	<ul style="list-style-type: none"> <li><b>Time frame within which access rights must be exercised</b></li> </ul>		
	<ul style="list-style-type: none"> <li>Provides applicants with six months to access the information (the access period), starting from the point when notice of the decision to grant access was given to the applicant (even if access is conditional on payment of any processing charges).</li> </ul>	M	
	<ul style="list-style-type: none"> <li>If the agency extends the access period, the agency notifies the applicant of the extension.</li> </ul>	M	

Deferring access			
3.13	Requirement		NA NC C C+
3.13.1	<ul style="list-style-type: none"> <li><b>Deferring access</b></li> </ul>		
	<ul style="list-style-type: none"> <li>Applies its discretion to defer providing access if the information is contained in a record (or a draft of or extract from a record) that:                             <ul style="list-style-type: none"> <li>by or under this Act or some other legislative instrument, is required to be published but is yet to be published</li> <li>has been prepared for presentation to Parliament, or has been designated by the responsible Minister for the agency as appropriate for presentation to Parliament, but is yet to be presented</li> <li>has been prepared for submission to a particular person or body, or has been designated by the responsible Minister for the agency as appropriate for submission to a particular person or body, but is yet to be submitted.</li> </ul> </li> </ul>	D	
	<ul style="list-style-type: none"> <li>Only defers access until a record has been published, presented or submitted.</li> </ul>	M	
	<ul style="list-style-type: none"> <li>When deciding whether to defer access, the agency notifies the applicant of the decision to defer and includes the date on which access will be provided or (if that date is not known) describes the event following which access will be provided and the expected date of that event.</li> </ul>	M	
	<ul style="list-style-type: none"> <li>The agency does not defer access to a second access application for the same information by the same applicant 12 months after the first application.</li> </ul>	M	

## Access applications

Subpoenas						
3.14	Requirement		NA	NC	C	C+
3.14.1	<ul style="list-style-type: none"> <li>➤ <b>Providing information that is subject to a subpoena</b></li> </ul>					
	<ul style="list-style-type: none"> <li>○ Applies its discretion to not comply with a subpoena or other order of a court if the agency has provided the information to the person who requested the issue of the subpoena or applied for the order in response to an access application made by the person (unless the subpoena specifically orders the contrary).</li> </ul>	D				

Amending access applications						
3.15	Requirement		NA	NC	C	C+
3.15.1	<ul style="list-style-type: none"> <li>➤ <b>Amending access applications</b></li> </ul>					
	<ul style="list-style-type: none"> <li>○ If an applicant amends their access application, the agency notifies the applicant to confirm the amendment and the date on which it was amended.</li> </ul>	M				
	<ul style="list-style-type: none"> <li>○ Applies its discretion when imposing a processing charge to any aspect of the application that an amendment makes unnecessary before the applicant amended (reduced) the scope of the application.</li> </ul>	D				
	<ul style="list-style-type: none"> <li>○ Decides applications within the required time (despite any amendment made by the applicant).</li> </ul>	M				
	<ul style="list-style-type: none"> <li>○ Applies its discretion to refund or reduce any application fee or advance deposit already paid when applicants amend their applications.</li> </ul>	D				

Withdrawing access applications						
3.16	Requirement		NA	NC	C	C+
3.16.1	<ul style="list-style-type: none"> <li>➤ <b>Withdrawing access applications</b></li> </ul>					
	<ul style="list-style-type: none"> <li>○ Applies its discretion to refund any application fee or advance deposit if applicants withdraw their applications.</li> </ul>	D				
	<ul style="list-style-type: none"> <li>○ Notifies applicants confirming withdrawn applications and the date when it was withdrawn (if the withdrawal was not made by the applicant in writing).</li> </ul>	M				

Transferring access applications			
3.17	Requirement		NA NC C C+
3.17.1	<p>➤ <b>Agency-initiated transfers</b></p> <ul style="list-style-type: none"> <li>○ When transferring access applications to another agency, the transferring agency gets the consent of the other agency and:                             <ul style="list-style-type: none"> <li>• confirms that the other agency is known to hold the information applied for and information relates more closely to functions of that other agency</li> <li>or</li> <li>• decides that it does not hold the information and the other agency is known or reasonably expected to hold the information</li> </ul> </li> </ul>	M	
	<ul style="list-style-type: none"> <li>○ Transfers applications within 10 working days from when the application was received.</li> </ul>	M	
3.17.2	<p>➤ <b>Applicant-initiated transfer</b></p> <ul style="list-style-type: none"> <li>○ If an applicant asks to transfer an access application to another agency, and the agency agrees that application should be transferred because the information relates more closely to the functions of the other agency, the agency is aware that it does not need to obtain the consent of other agency before making the transfer.</li> </ul>		
3.17.3	<p>➤ <b>Notice of transfer of application</b></p> <ul style="list-style-type: none"> <li>○ When transferring access applications to another agency, the agency provides notice of the transfer to the applicant, noting the date of transfer and the agency to which it was sent.</li> </ul>	M	
3.17.4	<p>➤ <b>Effect of transfer of application</b></p> <ul style="list-style-type: none"> <li>○ When transferring access applications to another agency, the agency applies its discretion to refund the application fee or transfer the application fee to the other agency.</li> <li>○ If the agency receives a transferred application, the agency does not charge an application fee for the application.</li> <li>○ If the agency receives a transferred application, it applies its discretion in relation to processing charges.</li> </ul>	D M D	

Processing charges						
3.18	Requirement		NA	NC	C	C+
3.18.1	<p>➤ <b>Notice of processing charges</b></p> <ul style="list-style-type: none"> <li>○ The agency gives notice of whether processing charges will be payable for access to information, and indicates how those charges have been calculated.</li> </ul>	M				
3.18.2	<p>➤ <b>Processing charges for dealing with access applications</b></p> <ul style="list-style-type: none"> <li>○ Applies its discretion to charge a \$30 per hour processing charge for dealing with an access application.</li> <li>○ Calculates processing time for an application as total amount of time necessary to be spent by any officer in:                             <ul style="list-style-type: none"> <li>• dealing efficiently with the application (including consideration of the application, searching for records, consultation, decision-making and any other function exercised in connection with deciding the application)</li> <li>• providing access in response to the application.</li> </ul> </li> <li>○ Counts the \$30 application fee as payment towards any processing charge payable by the applicant.</li> <li>○ Applies its discretion to make access to the information conditional on payment of a processing charge.</li> </ul>	D M M D				
3.18.3	<p>➤ <b>Late decisions</b></p> <ul style="list-style-type: none"> <li>○ Refunds applications fees paid by an applicant if an application is not decided within time, even if the agency continues to deal with the application and subsequently decides on the application, giving notice of its decision.</li> <li>○ Waives processing charges for dealing with an access application if it is not decided within time.</li> </ul>	M M				

Discounted processing charges						
3.19	Requirement		NA	NC	C	C+
	<ul style="list-style-type: none"> <li>○ Applies its discretion to reduce an applicant's processing charge by 50% if:                             <ul style="list-style-type: none"> <li>• the applicant is suffering financial hardship</li> <li>• the information is of special benefit to the public.</li> </ul> </li> </ul>	D				
	<ul style="list-style-type: none"> <li>○ If so, the agency credits the application fee as the first two hours of processing time (not just the first hour).</li> </ul>	M				
	<ul style="list-style-type: none"> <li>○ Applies its discretion to refuse a discount if the applicant is making the application to obtain a discount for someone else.</li> </ul>	D				

Waiving processing charges						
3.20	Requirement		NA	NC	C	C+
3.20.1	<p>➤ <b>Public information</b></p> <ul style="list-style-type: none"> <li>○ Provides a full waiver if the information applied for is made publicly available within three working days of providing access.</li> </ul>	M				
3.20.2	<p>➤ <b>Personal information</b></p> <ul style="list-style-type: none"> <li>○ Waives the first 20 hours of processing charges for access to personal information about the applicant (where the applicant is an individual).</li> </ul>	M				

Advance deposits						
3.21	Requirement		NA	NC	C	C+
3.21.1	<p>➤ <b>Advance deposits for payment of processing charges</b></p> <ul style="list-style-type: none"> <li>○ Notifies the applicant if the agency exercises its discretion to request an advance deposit</li> <li>○ When providing notice to an applicant that the agency requires an advance deposit, the agency:                             <ul style="list-style-type: none"> <li>• includes the processing charges for work already undertaken by the agency in dealing with the application</li> <li>• includes the estimated processing charges for work expected to be undertaken by the agency in dealing with the application</li> <li>• specifies a date by which the advance deposit must be paid (at least 20 working days after the date the notice is given)</li> <li>• states that if the advance deposit is not paid by the due date the agency may refuse to deal further with the application, which will result in any fee and/or deposit already paid being forfeited.</li> </ul> </li> <li>○ Applies its discretion to extend the date by which an advance deposit must be paid.</li> <li>○ If the agency exercises its discretion to extend the date by which an advance deposit must be paid, it gives notice to the applicant of the extension (indicating the new date by which the advance deposit must be paid).</li> </ul>	M				
		M				
		D				
		M				
3.21.2	<p>➤ <b>Maximum advance deposit</b></p> <ul style="list-style-type: none"> <li>○ If the agency charges an advance deposit, it only charges 50% or less of the estimated total processing charge.</li> <li>○ If the agency charges more than one advance deposit, it only charges, as a total of all the advance deposits, 50% or less of the estimated total processing charge.</li> </ul>	M				
		M				

Access applications

3.21.3	➤ <b>Result of failing to pay advance deposit</b>		
	○ Applies its discretion to refuse to deal with an application if an applicant fails to pay an advance deposit.	D	
	○ If so, the agency gives notice to the applicant of its decision to refuse to deal further with the application.	M	
3.21.4	➤ <b>Refund of advance deposit</b>		
	○ Refunds any advance deposit(s) paid by the applicant to the extent that the amount(s) paid exceed the total processing charges for dealing with the application.	M	
	○ Refunds any advance deposit paid if the agency does not decide an application within time.	M	

## Internal review of access application decisions

## 4. Internal review of access application decisions

Reviewable decisions						
4.1	Requirement		NA	NC	C	C+
	<p>➤ <b>Understanding reviewable decisions</b></p>					
	<p>○ Aware which of its decisions in respect of an access application are reviewable decisions for the purposes of the GIPA Act.</p> <p><i>Note: The list of reviewable decisions can be found in section 80 of the GIPA Act. Internal review can be limited to a particular aspect of a reviewable decision (s82(3)).</i></p> <p><i>An internal review is not available if the decision is made by the principal officer of the agency or if the agency is a minister (s82(2)).</i></p>	M				

Time limits						
4.2	Requirement		NA	NC	C	C+
	<p>➤ <b>Time limit for applying for internal review</b></p>					
	<p>○ Aware that an applicant can apply for an internal review for 20 working days after the notice of the decision is given to the applicant (or 20 working days after a deemed refusal), and that the agency can agree to accept an application for internal review out of time.</p>	M				

Fees and charges						
4.3	Requirement		NA	NC	C	C+
4.3.1	<p>➤ <b>Fees for internal reviews</b></p>					
	<p>○ Aware that the fee payable by the applicant for an internal review is \$40.</p>	M				
	<p>○ Aware that no fee is payable for an internal review:</p> <ul style="list-style-type: none"> <li>• of a decision to refuse to deal with an access application if the decision arises because the agency did not decide the access application within time (and as a result is deemed to have refused to deal with the application), or</li> <li>• when it is reconsidering a decision pursuant to a recommendation of the Information Commissioner under section 93 of the GIPA Act.</li> </ul>	M				
4.3.2	<p>➤ <b>Processing charges for internal reviews</b></p>					
	<p>○ Aware that it is not entitled to impose any processing charges for work done in connection with an internal review.</p>	M				

## Internal review of access application decisions

Internal review process				NA	NC	C	C+
4.4	<b>Requirement</b>						
4.4.1	➤ <b>Acknowledging receipt</b>						
	○ Acknowledges receipt of applications for internal review by notice to the applicant as soon as practicable after receiving the application and in any event within five working days after the application is received.	M					
4.4.2	➤ <b>Conducting internal reviews</b>						
	○ Internal reviews are conducted by making a new decision, as if it were made at the time the application was originally received and as if the original decision had not been made.	M					
	○ Internal reviews are always conducted by someone who is not the original decision maker and not less senior than the original decision maker.	M					
4.4.3	➤ <b>Determining internal reviews</b>						
	○ Makes its decision on internal reviews and gives the applicant notice of that decision within 15 working days after receiving the application for internal review.  <i>Note: The review period can be extended by up to 10 working days if consultation is required with another person with whom the agency has not previously consulted in relation to the application. The agency must give the applicant notice of any extension of the review period (before the review period ends) and indicate the date on which the extended review period will end. The review period can also be extended by agreement with the applicant.</i>	M					
	○ If a decision on the internal review is not made within the review period the agency notifies the applicant that the agency is deemed to have made the original decision again and refunds any fees paid to the agency for the review.	M					
4.4.4	➤ <b>Extending review periods</b>						
	○ If more than one reviewable decision is made in respect of a particular access application, the agency extends the review period to the end of the review period for the last of those decisions.	M					

## 5. Private sector contractors

Contracts with private sector contractors						
5.1	Requirement		NA	NC	C	C+
	<p>➤ <b>Access to information</b></p>					
	<p>○ If the agency enters into contracts with a private sector entity (the <b>contractor</b>) under which the contractor is to provide services to the public on behalf of the agency, the agency ensures that the contract provides for the agency to have an immediate right of access to information that</p> <ul style="list-style-type: none"> <li>• relates directly to the performance of the services by that contractor</li> <li>• is collected by the contractor from members of the public to whom it provides, or offers to provide, the services</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>• is received by the contractor from the agency to enable it to provide the services.</li> </ul> <p><i>Note: A reference in the GIPA Act to government information held by an agency includes information held by a private sector entity to which the agency has an immediate right of access. This means that an informal application or an access application can be made to the agency for that information.</i></p>	M				

## Public interest considerations

## 6. Public interest considerations

Public interest test				NA	NC	C	C+
6.1	Requirement						
6.1.1	<p>➤ <b>Public interest test</b></p> <ul style="list-style-type: none"> <li>○ Applies the public interest test when considering whether or not to release government information. <i>Note: This test applies to information released both formally and informally. The public interest test is found in section 13 of the GIPA Act.</i></li> <li>○ Under the GIPA Act, there are a limited number of public interest considerations against disclosure. These are the only considerations that may be taken into account under the GIPA Act for the purpose of deciding whether there is an overriding public interest against disclosing government information.</li> </ul>	M					
	<p>Right to information officers and other relevant people in the agency know what these considerations are and where to find them. <i>Note: They are listed in schedule 1 and in section 14 of the GIPA Act.</i></p>	M					
6.1.2	<p>➤ <b>Applying the public interest test</b></p> <ul style="list-style-type: none"> <li>○ Knows the objects of the GIPA Act. <i>Note: See section 3 of the GIPA Act</i></li> <li>○ Exercises its functions so as to promote the objects of the GIPA Act.</li> <li>○ When applying the public interest test, has regard to all relevant guidelines issued by the Information Commissioner.</li> <li>○ Disregards as irrelevant the fact that disclosure of information might cause embarrassment to, or a loss of confidence in, the Government when applying the public interest test.</li> <li>○ Disregards as irrelevant whether disclosure of information might be misinterpreted or misunderstood by any person.</li> <li>○ Applies its discretion to consider that disclosure cannot be made subject to any conditions on the use or disclosure of information.</li> </ul>	M					
		M					
		M					
		M					
		M					
		D					

Public interest considerations

Considering personal factors when applying the public interest test						
6.2	Requirement		NA	NC	C	C+
	➤ <b>Personal factors of the applicant</b>					
	<ul style="list-style-type: none"> <li>○ Applies its discretion to consider the personal factors of the applicant when deciding whether there is an overriding public interest against disclosure of information, including:                             <ul style="list-style-type: none"> <li>• the applicant’s identity and relationship with any other person</li> <li>• the applicant’s motives for making the access application</li> <li>• any other factors particular to the applicant.</li> </ul> </li> </ul>	D				
	<ul style="list-style-type: none"> <li>○ Applies its discretion to take into account personal factors of the applicant as factors in deciding whether to provide the applicant with access to the information</li> </ul>	D				
	<ul style="list-style-type: none"> <li>○ Applies its discretion to request an applicant to provide evidence about their personal factors (relevant to a decision by the agency) to demonstrate that there is no overriding public interest against disclosure, and, for that purpose, require the applicant to provide proof of his or her identity.</li> </ul>	D				
	<ul style="list-style-type: none"> <li>○ Applies its discretion to inquire into or verify claims made by an access applicant.</li> </ul>	D				

## 7. Reporting

Agencies' requirements						
7.1	Requirement		NA	NC	C	C+
7.1.1	<p>➤ <b>Annual reports prepared and provided</b></p> <ul style="list-style-type: none"> <li>○ Prepares an annual report within four months of the end of the reporting year and submit the report to the agency's Minister.</li> <li>○ Provides a copy of the annual report to the Information Commissioner within four months of the end of the reporting year.</li> </ul> <p><i>Note: Reporting year is the financial year of the agency for the purposes of the Annual Reports (Departments) Act 1985 or the Annual Reports (Statutory Bodies) Act 1984, or if the agency does not have a financial year for the purposes of either of those Acts, the year ending 30 June.</i></p>	M				
7.1.2	<p>➤ <b>Content of annual reports</b></p> <ul style="list-style-type: none"> <li>○ Annual reports fulfil all requirements under the regulations.</li> </ul> <p><i>Note: These requirements are in the regulations to the GIPA Act.</i></p>	M				

Ministers' requirements						
7.2	Requirement		NA	NC	C	C+
7.2.1	<ul style="list-style-type: none"> <li>○ The Minister furnishes the Minister administering the GIPA Act with such information as the Minister administering the GIPA Act may require, on or before 31 August each year.</li> </ul>	M				
7.2.2	<ul style="list-style-type: none"> <li>○ Tables annual reports under the GIPA Act in each House of Parliament as soon as practicable after it is prepared unless it is included in an annual report prepared for the purposes of the <i>Annual Reports (Departments) Act 1985</i> or the <i>Annual Reports (Statutory Bodies) Act 1984</i>.</li> </ul>	M				

## 8. Notices

Form of notices		NA	NC	C	C+
8.1	<b>Requirement</b>				
8.1.1	➤ <b>Notices</b>				
	○ Given in writing. This notice may be given by posting the notice to the person at the postal address provided for correspondence relating to the application, or by another method by agreement between the agency and the person (such as by email).			M	
	○ Include the date of the decision or other action of the agency with which the notice or notification is concerned.			M	
	○ Include a statement that gives details of any right of review provided by the GIPA Act in respect of any decision of the agency with which the notice or notification is concerned (including details of the period within which any such right of review must be exercised).			M	
	○ Include the contact details of an officer of the agency to whom inquiries can be directed in connection with the decision or other action of the agency with which the notice or notification is concerned.			M	
	○ Notices or notifications given under the GIPA Act do not disclose any information for which there is an overriding public interest against disclosure.			M	

## Excluded information and conclusive overriding public interests against disclosure

## 9. Excluded information and conclusive overriding public interests against disclosure

Excluded information						
9.1	Requirement		NA	NC	C	C+
9.1.1	<ul style="list-style-type: none"> <li>➤ <b>Understanding excluded information</b></li> </ul>					
	<ul style="list-style-type: none"> <li>○ Aware of all excluded information that applies to it. <i>Note: Excluded information is listed in schedule 2 of the GIPA Act.</i></li> </ul>	M				
9.1.2	<ul style="list-style-type: none"> <li>➤ <b>Excluded information of other agencies</b></li> </ul>					
	<ul style="list-style-type: none"> <li>○ If the agency receives an access application for information that it believes to be the excluded information of another agency, it asks the other agency whether it consents to disclosure of the information before deciding the access application.</li> </ul>	M				

Conclusive presumptions of overriding public interest against disclosure						
9.2	Requirement		NA	NC	C	C+
	<ul style="list-style-type: none"> <li>➤ <b>Conclusive presumption of overriding public interest against disclosure</b></li> </ul>					
	<ul style="list-style-type: none"> <li>○ Aware of all (if any) conclusive presumptions of overriding public interest against disclosure that apply to information held by that agency. <i>Note: Conclusive presumptions of overriding public interests against disclosure can be found in schedule 1 of the GIPA Act.</i></li> </ul>	M				

## Transitional arrangements

## 10. Transitional arrangements

Freedom of information applications			
10.1	Requirement		NA NC C C+
10.1.1	<ul style="list-style-type: none"> <li>➤ <b>Applications made before 1 July 2010</b> <ul style="list-style-type: none"> <li>○ Applies the <i>Freedom of Information Act 1989 (FOI Act)</i> in respect of all applications under that Act, and determinations made in respect of such applications, for access to the agency's documents or a Minister's documents that were made or determined before <b>1 July 2010</b>.</li> </ul> </li> </ul>	M	
10.1.2	<ul style="list-style-type: none"> <li>➤ <b>Applications made 1 July 2010 to 1 July 2011</b> <ul style="list-style-type: none"> <li>○ Deals with all applications for access to government information made between <b>1 July 2010</b> and <b>1 July 2011</b> apparently made under or for the purpose of the FOI Act as deemed to state that they are made under the GIPA Act.</li> </ul> </li> </ul>	M	
10.1.3	<ul style="list-style-type: none"> <li>➤ <b>FOI amendment of records applications</b> <ul style="list-style-type: none"> <li>○ Applies the FOI Act (as if it had not been repealed) to and in respect of all applications under that Act for amendment of the agency's records that were made or determined before the repeal of that Act.</li> <li>○ Applies the FOI Act (as if it had not been repealed) to and in respect of all determinations made in respect of any such application (whether made before or after the repeal of that Act).</li> <li>○ Applications to the agency for amendments of the agency's records that are made between <b>1 July 2010</b> and <b>1 July 2011</b> that state the application is made under or for the purpose of the FOI Act (or Part 4 of that Act) treated as though the applications state that they were made under Part 6A of the <i>Privacy and Personal Information Protection Act 1998</i> and dealt with accordingly.</li> </ul> </li> </ul>	M M M	

Register of government contracts			
10.2	Requirement		NA NC C C+
	<ul style="list-style-type: none"> <li>○ Aware that requirements under the GIPA Act concerning government contracts with the private sector do not apply to government contracts entered into by or on behalf of the agency before <b>1 January 2007</b>.</li> <li>○ Aware that the open access requirements of the GIPA Act do not apply to government contracts entered into by a state owned corporation or local authority before <b>1 July 2010</b>.</li> </ul>	M M	

## 11. Local council specific requirements

Additional open access information						
11.1	Requirement		NA	NC	C	C+
	<ul style="list-style-type: none"> <li>Aware of and complies with the additional open access information requirements for local authorities.</li> </ul> <p><i>Note: additional open access requirements for local authorities can be found in schedule 1 to the Government Information (Public Access) Regulation 2009, which can be found in schedule 5 to the GIPA Act</i></p>	M				

Availability of open access information						
11.2	Requirement		NA	NC	C	C+
	<ul style="list-style-type: none"> <li>Makes its open access information publicly available for inspection free of charge to any person at the office of the council during ordinary office hours.</li> </ul>	M				
	<ul style="list-style-type: none"> <li>Makes its open access information publicly available by providing a copy of a record containing the information (or providing the facilities for making a copy of a record containing the information) to any person either free of charge or for a charge not more than the reasonable cost of photocopying.</li> </ul>	M				

## Agency details

**Agency name:** .....

**Website:** .....

**Address:** .....

**Right to information officer's name:** .....

**Phone number:** .....

**Email address:** .....

**Right to information officer's signature:** .....

**Date checklist was completed:** .....