

# Accessing information held by Council

Under the *Government Information (Public Access) Act 2009* (GIPA Act), Rous County Council (Council) and all other NSW government agencies are required to publish a range of open access information.

This information includes a disclosure log, policy documents, agency information guide and a register of government contracts.

Council generates and retains a range of documents to facilitate its daily operations. This information sheet provides details of how to access public information in accordance with the GIPA Act.

## Public interest

The principles Council follows in providing the public with access to the information it holds is guided by the following:

- Open and transparent government.
- A presumption in favour of disclosure, unless there is an overriding public interest against disclosure.
- A proactive approach to disclosure and dissemination of information.
- Timely, equitable and impartial processing of reasonable requests for information within relevant legislative and business frameworks, at the lowest reasonable cost.
- Respect for the privacy of individuals.

The majority of access requests have no associated costs. All charges that may be incurred are listed in Council's 'Schedule of Fees and Charges', available on our website: [rous.nsw.gov.au](https://rous.nsw.gov.au).

## Accessing information

Any member of the public has a legal right to make application to Council for access to information held. Council also publishes a wide range of information that is freely available on its website.

## Open access information and proactive disclosure

Council generates and retains a range of documents to facilitate its daily operations including:

- legal, corporate governance, financial, commercial and administrative documents;
- operational documents;
- human resources documents;
- information technology documents;
- General Manager documents.

Council must make its 'open access information' publicly available in accordance with the GIPA Act. Part 3 of the GIPA Act and Schedule 1 of the GIPA Regulation list the information that is 'open access information'. Council seeks to identify information to disclose proactively and encourages staff to regularly consider opportunities to do so.

## Informal access to information

A request for informal access to information can be made either in person or by email.

Access to information is permitted unless there is an overriding public interest against disclosure as assessed and determined in accordance with the GIPA Act. There is no fee required for an informal access request, but a photocopying fee may be payable in accordance with Council's 'Schedule of Fees and Charges'.

Informal access applications will be processed as soon as practicable, generally within 10 working days. An applicant who is not given information in response to an Informal Access to Information Application will be informed of their right to make a formal Access to Information Application under the GIPA Act.

## Formal access to information

Wherever possible, Council will deal with access requests informally. However, if information cannot be accessed through an informal request, a formal access application may be necessary. It may also be necessary if:

- a large volume of information is sought;
- providing access would involve an extensive search;
- the information sought involves personal or business information about third parties who must be consulted before the information can be released.

## Accessing information held by Council

Applications must be in writing and accompanied by the fee prescribed in Council's 'Schedule of Fees and Charges'.

Processing charges, limited by the GIPA Act, may also be levied, depending on the type and amount of information sought.

A written acknowledgement of the receipt of a formal application will be provided within 5 working days.

Formal requests will be processed within 20 working days and may be extended by up to 15 working days where consultation with a third party is required or if records need to be retrieved. The applicant will be notified of Council's decision in writing. Any decision to refuse access will include reasons for the decision. If charges are payable, access will be given to the information only when the payment has been received.

### Review and appeal rights

There are a number of review rights under the GIPA Act outlined in Part 5.

If someone is refused access to information, they have a number of options including:

- seeking an internal review by Council;
- seeking a review of Council's decision by the Information and Privacy Commission;
- seeking a review of Council's decision by the NSW Civil and Administrative Tribunal (NCAT).

Applications for internal review must be made within 20 working days of the notice of the decision being given to the applicant and must be accompanied by an Application for Internal Review and the fee as set out in Council's 'Schedule of Fees and Charges'.

The review will be undertaken by an officer who was not involved in making the original decision and the determination will be issued within 15 working days. This may be extended by up to 10 working days where there is a need to consult with new third parties.

Alternatively, an applicant can appeal directly to the Information and Privacy Commission (IPC) or NCAT.

Applicants have 40 working days from the date of the original decision being given to them to ask for this review.

If the applicant has already had a review by the IPC, they have 20 working days from the date that the decision was given to them to make an application to NCAT.

### Access to information by councillors

Councillors may request access to information by providing a written request to the General Manager. Councillors may also apply for information by making a Formal Access to Information Application with payment of the associated fees and charges.

Councillors have a right to access Council information that is reasonably necessary for exercising their functions of their civic office, including roles that extend beyond decision making at formal meetings.

Given that a councillor may need the information to perform their public duty, if a request is to be denied, reasons for the refusal must be identified. Any information that is given to a particular councillor in the pursuit of their civic duties should also be made available to any other councillor who requests it.

### Copyright

The intellectual property of a large amount of information available for public access belongs to third parties, and is the subject of copyright. Copyright laws apply to this information and applicants are advised to seek the consent of the copyright owner before reproducing the information in any way.

### For more information

More detail regarding the GIPA Act and access to information generally is available on the Information and Privacy Commission NSW website:

<https://www.ipc.nsw.gov.au/>

#### For further information contact:

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