

# Public Access to Information

## Government Information (Public Access) Act 2009

The [Government Information \(Public Access\) Act 2009](#) replaced the *Freedom of Information Act 1989 (NSW)* and Chapter 4, Part 2 (Sections 12, 12A, 12B and 13) of the [Local Government Act 1993](#).

Under the GIPA Act there are four ways that government information will be released:

### 1. Mandatory Release

The Tamworth Regional Council is required to publish specific open access information on our website, free of charge. For example, these include a register of government contracts, disclosure log, policies and Publication Guide.

### 2. Proactive Release

In addition to the mandatory release of certain government information, the Tamworth Regional Council is authorised under section 7(1) of the GIPA Act to make any government information held by the agency publicly available unless there is an overriding public interest against public disclosure of the information.

At intervals of not more than 12 months the Tamworth Regional Council must review its program for the release of government information in accordance with section 7(3) of the GIPA Act.

### 3. Informal Release

The Tamworth Regional Council is also authorised to release government information held by it to a person in response to an informal request by the person unless there is an overriding public interest against public disclosure of the information under section 8 of the GIPA Act.

Authorised staff may release information following an informal request, that is, a request that is not a formal access application. To make an informal application for Council Information please complete the Request for Access (Informal) form located on our website.

### 4. Formal Release

The Tamworth Regional Council may release information in response to a formal access application. A formal request for access to documents may be made by:

- completing a Request for Access (Formal) Application Form. These forms are available on our website, or at any Tamworth Regional Council office. You may also apply in writing supplying all the details required under section 41 of the GIPA Act. Section 41 provides for the application to:
  - be in writing
  - state that it is made under the Government Information (Public Access) Act 2009 (NSW)
  - have an Australian postal address for return correspondence
  - provide enough details to help the agency identify the information you want and
  - enclose the application fee of \$30

- presenting the form or letter, the appropriate fee and, where necessary, identification to any Tamworth Regional Council office.

If you wish to submit your application by mail, post it, together with the appropriate fee, where required, to the:

General Manager  
Tamworth Regional Council  
PO Box 555  
Tamworth NSW 2340

Tamworth Regional Council will determine an access application and give the applicant notice of the decision within 20 working days after Council receives the application.

### **Local Government Act 1993**

There is a general right of access under of the [Local Government Act 1993](#) to documents held by Council subject to certain restrictions outlined in section 12(A) of the Act. Where practicable Council will deal with requests to inspect documents in accordance with the Act free of charge but a reasonable photocopying fee may be payable if you require to take a copy of the document.

The main purpose of [section 12](#) of the [NSW Local Government Act 1993](#) is to provide the public with access to as much documentation and information held by local government agencies as is possible depending on the circumstances of each application. This section of the Act helps to ensure that NSW Government agencies operate in an open, transparent and accountable manner.

### **Privacy and Personal Information Protection Act 1998**

[The Privacy and Personal Information Protection Act 1998](#) commenced on 1 July 2000. The legislation provides for the protection of personal information and for the protection of the privacy of individuals.

The legal obligations for Local Government Councils are:

- to comply with, adopt and implement the information protection principles as modified by relevant exemptions or privacy codes of practice
- to prepare, adopt, review and report on privacy management plans
- to comply with public register provisions
- when necessary to conduct internal reviews of conduct
- Council employees are not to disclose personal information to which they have access otherwise than in accordance with their official duties and accordance with the law

### **RELATED DOCUMENTS AND LINKS**

- [GIPA Annual Report 2010/2011](#)
- [Disclosure Log](#)
- [Information Guide](#)
- [Register of Contracts](#)
- [Register of Contracts 2016 to date](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Tamworth Regional Council Privacy Management Plan](#)
- [Local Government Act 1993](#)
- [Privacy and Personal Information Protection Act 1998](#)