

## Appendix 7 Right to information

### Obligations under the *Government Information (Public Access) Act 2009 (NSW)*

Under section 7 of the *Government Information (Public Access) Act 2009 (NSW)*, agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

Our agency's program for proactively releasing information involves providing information on the Legal Aid NSW website. During the reporting period, we uploaded additional documents to the site and will continue to update the site regularly.

### Number of access applications received

During the reporting period, our agency received a total of 56 formal access applications. This number includes withdrawn and invalid applications.

### Number of refused applications for Schedule 1 information

During the reporting period, our agency refused seven formal access applications (either wholly or partly) because the information requested was information referred to in Schedule 1 of the *Government Information (Public Access) Act 2009 (NSW)*.

**Table A: Number of applications by type of applicant and outcome\***

	Access granted in full	Access granted in part	Access refused in full	Application withdrawn	Information not held	Refuse to deal with application	Grand total
Member of the public (other)		14		1	2	3	20
Members of the public (by legal representative)	4	2		1	14	6	27
Private sector business			1				1
<b>Total</b>	<b>4</b>	<b>16</b>	<b>1</b>	<b>2</b>	<b>16</b>	<b>9</b>	<b>48</b>

\*Excludes eight invalid records. This also applies to Table B.

**Table B: Number of applications by type of application and outcome**

	Access granted in full	Access granted in part	Access refused in full	Application withdrawn	Information not held	Refuse to deal with application	Grand total
Access application (other than personal information application)		1					1
Partly personal information application and partly other		5				1	6
Personal information application	4	10	1	2	16	8	41
<b>Total</b>	<b>4</b>	<b>16</b>	<b>1</b>	<b>2</b>	<b>16</b>	<b>9</b>	<b>48</b>

**Table C: Invalid applications**

Reason for invalidity	Number of applications
Not comply with formal requirements (s41 GIPA)	7
For excluded information of the agency (s43 GIPA)	0
Application contravenes restraint order (s110 of the Act)	0
Total number of invalid applications received	7
Number of invalid applications that subsequently became valid applications	2

**Table D: Conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to the Act**

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	1
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	0
<b>Total</b>	<b>1</b>

\* More than one public interest consideration may apply in relation to a particular access application and if so, each such consideration is to be recorded (but only once per application). This also applies in relation to Table E.

**Table E: Other public interest considerations against disclosure: matters listed in the table to section 14 of the Act** **Number of occasions when the application was not successful**

Responsible and effective government	0
Law enforcement and security	0
Individual rights, judicial processes and natural justice	0
Business interests of agencies and other persons	0
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0
<b>Total</b>	<b>0</b>

**Table F: Timeliness**

Decided within the statutory timeframe (20 days plus any extensions)	48
Decided after 35 days (by agreement with the applicant)	2
<b>Total</b>	<b>50</b>

**Table G: Number of applications reviewed under Part 5 of the Act (by type of review and outcome)**

	Number received	Decision varied	Decision upheld	Total
Internal review	2	0	2	2
Review by Information Commissioner*	0	0	0	0
Internal review following recommendation under section 93 of the Act	1	1	0	1
Review by NCAT	0	0	0	0
<b>Total</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>3</b>

**Table H: Applications for review under Part 5 of the Act (by type of applicant)** **Number of applications for review**

Applications by access applicants	2
Applications by persons to whom information the subject of access application relates (section 54 of the Act)	0
<b>Total</b>	<b>2</b>

**Table I: Applications transferred to other agencies under Division 2 of Part 4 of the Act (by type of transfer)** **Number of applications transferred**

Agency-initiated transfers	0
Application-initiated transfers	0
<b>Total</b>	<b>0</b>