

RIGHT TO INFORMATION

Government Information (Public Access) Act 2009 (GIPA Act)



WHAT DOES THE GIPA ACT SAY:

The GIPA Act provides for a regime of open government information. There are 4 pathways for providing information under the *GIPA Act*:

1. Mandatory disclosure

We must publish specified information about Legal Aid NSW on our website.

2. Proactive release

We are encouraged to release as much information as possible, in an appropriate manner & free of charge.

3. Informal release

We are encouraged to release information without the need for a formal application.

4. Formal access application

In limited circumstances, access to information will require a formal access application. Formal access applications should be referred to the Legal Policy Branch to respond to the application.

We may also be consulted by another agency about an access request received by them.

Any such request should be referred to the Legal Policy Branch to respond.

What about section 26 of the Legal Aid Commission Act 1979?

A staff member is prohibited from disclosing non-routine information obtained in connection with legal aid.

Such non-routine information can only be disclosed if a staff member has been authorised to do so under the GIPA Act or as part of their normal duties.

When can we disclose information?

We can disclose the information requested if the information is already available, or routinely provided.

Information relating to the applicant can be provided to the applicant unless there is or may be an overriding public interest against disclosure.

When must information not be disclosed?

Sometimes there is an overriding public interest against disclosing certain information based on the factors listed in the GIPA Act.

The **Guidelines for Staff** lists the officers **authorised** to make decisions about the disclosure of such information.

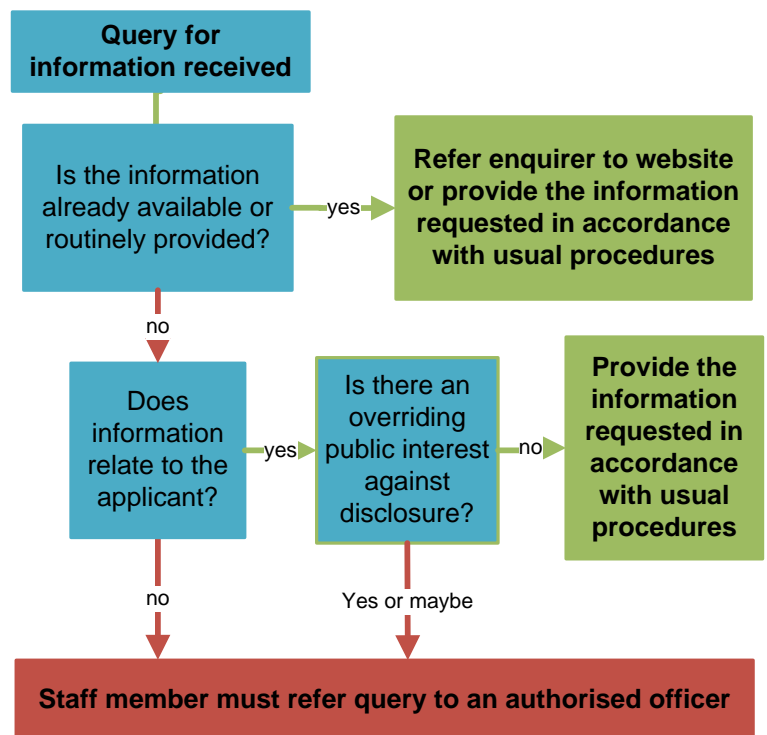
What about legal professional privilege?

Any information subject to legal professional privilege will not be disclosed, except if it relates to the applicant.

What about privacy and personal information?

Legal Aid NSW **will not disclose** personal information about any person unless there is an overriding public interest in favour of disclosure **and** the person has been consulted.

HOW TO DEAL WITH QUERIES FOR INFORMATION



Staff members may seek guidance from the Legal Policy Branch in assessing if there is an overriding public interest against disclosure.

Further information on the GIPA Act can be found on the [Legal Aid website](#)

Guidelines for Staff July 2010 (Includes a list of Authorised Officers)

For more information contact Legal Policy on (02) 92 19 5707.