

**Item No:** C0818(1) Item 5

**Subject:** **REVISED PUBLIC ACCESS TO INFORMATION HELD BY COUNCIL POLICY**

Council at its meeting on 24 July 2018 deferred this item to the meeting to be held on 14 August 2018.

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### **SUMMARY**

Under Part 3 Division 2 of the Government Information (Public Access) Act 2009 (GIPA Act), all agencies (other than a Minister) must have an agency information guide (AIG). Further, agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months.

Council's AIG and *Public Access to Information held by Council Policy* were recently reviewed.

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### **RECOMMENDATION**

#### **THAT:**

1. Council receives and notes the revised Inner West Council Agency Information Guide (Attachment 1) and Council determines whether to place the revised *Public Access to Information held by Council Policy* (Attachment 2) on public exhibition and if so, determines the duration of the exhibition period;

#### **OR**

2. Council receives and notes the revised Inner West Council Agency Information Guide (Attachment 1) and Council adopts the revised *Public Access to Information held by Council Policy* (Attachment 2).

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### **BACKGROUND**

Under Part 3 Division 2 of the Government Information (Public Access) Act 2009 (GIPA Act), all agencies (other than a Minister) must have an agency information guide (AIG). Further, agencies must review their AIG and adopt a new AIG at intervals of not more than 12 months. The *Inner West Council Agency Information Guide* was recently reviewed and updated as part of the annual review (refer to Attachment 1).

Council's *Public Access to Information held by Council Policy* was recently revised and updated with the following changes (refer to Attachment 2):

- inclusion of an "objectives" section as part of the new IWC policy template
- detailed explanation of how Council information can be accessed ie through mandatory proactive release, authorised proactive release, informal or formal release
- change to the service standard for informal access to information requests from 7 to 20 business days

**Proposed Change to the Service Standard for Informal Requests:**

The *Public Access to Information held by Council Policy* is based on the legislative requirements of the *Government Information (Public Access) Act 2009* (the GIPA Act). The service standard for formal public access to information requests is regulated at 20 business days. The service standard for informal requests is discretionary, as follows:

S8(2) of the *NSW Government Information (Public Access) Act 2009* states “an agency can release government information in response to an informal request subject to any reasonable conditions that the agency thinks fit to impose.”

Prior to amalgamation, the service standard for responding to informal GIPA requests by the three legacy councils is as follows:

Ashfield:	up to 20 business days
Leichhardt:	up to 20 business days
Marrickville:	up to 7 business days

Benchmarking the informal GIPA request service standard with 6 neighbouring Councils indicates that most Councils provide a service standard of greater than 3 weeks, with the majority of Councils providing a service standard of “up to 20 business days”.

Individual service standards of the benchmarked Councils are as follows:

Council	Service Standard
Bayside	“up to <b>20 business days</b> ”
Burwood	“ <b>20 working days</b> ”
Canada Bay	“up to <b>20 business days</b> ”
Canterbury-Bankstown	“may take <b>approximately 21 days</b> ”
City of Sydney	“We aim to respond to requests <b>within 10 working days</b> . However, response times will vary depending on the current levels of demand on our services and the type of information being requested.”
Georges River	“Requests will be processed in a <b>timely manner and as soon as practical</b> . Turnaround times will also depend on the volume of information sought and whether documents need to be retrieved from archives.”

Benchmarking more broadly with other Councils provides the following service standards:

Council	Service Standard
Blacktown	“within <b>20 working days</b> ”
Camden	“applications generally take <b>20 working days</b> to finalise”
Campbelltown	“a <b>minimum of 20 working days</b> from receipt of a completed form for a response. This time frame is dependent on current workload and accessibility of the information being sought.”
Central Coast	Current processing time is “ <b>minimum of 4 weeks</b> ”
City of Parramatta	“This process may take <b>up to 4 weeks</b> to obtain certain documents under informal access. Some of the documents listed on the form are available within a week while others are stored offsite and may take longer to access.”
Cumberland	<b>Within 20 working days</b> after receipt of the application
Lane Cove	“ <b>within 7 days</b> of receipt”
Liverpool	“ <b>up to 20 working days</b> to complete”
Penrith	“ <b>up to 20 business days</b> ”
Randwick Council	“requests are generally processed <b>within five (5) working days</b> , however,

Council	Service Standard
	depending upon the availability and/or location of the information requested, some requests may take longer
Strathfield	website states applicants will be <b>"notified within 15 working days"</b> ie what information will be available to the applicant upon retrieval of the requested files
Sutherland	<b>"20 business days"</b>
Waverley	<b>"up to 20 business days"</b>
Wollongong	<b>"up to 10 working days"</b>
Woollahra	Will <b>"respond within 10 working days"</b> to acknowledge the request and to advise action taken to date in response to the request

The "up to 20 business days" service standard can be attributed to the large volume of informal access to information requests that Councils receive seeking access to hardcopy files relating to past development matters. Based on the number of access to information applications processed by Council during the 2017/18 year (2493 applications), the ratio of informal to formal access to information requests is approximately 24:1. In May 2018, Council received 240 Informal access requests, of which approximately 50% related to past development applications requiring Council to retrieve physical files from its eight records repositories. 40% of requests relate to development information which is available in digital format. The remaining 10% of requests are not property-specific and relate to information about Council policies, financial reporting, traffic and parking matters etc.

Further, some request types are quicker to fulfil, and if there is a demonstrated urgency Council endeavours to assist with these requests immediately. For example, requests for property ownership details relating to planned installation of public infrastructure (Telstra, nbn, Sydney Water, Sydney Metro, Department of Planning); requests for ownership details of neighbouring properties for impacting 'dividing fence' matters; requests for copies of approved DA plans, where these have already been stored electronically; unsuccessful applicants requesting a copy of the assessing officer's report (to determine the reasons for refusal); neighbours requesting a copy of the DA approval (to determine the conditions of consent and construction); copies of submissions (redacted for privacy) if we have received 5 or less; assistance with locating Council information such as policies or Council's progress with major projects.

The *Inner West Council Agency Information Guide* and the *Public Access to Information held by Council Policy* will next be reviewed in June 2019. The service standard for informal access to information applications will be assessed with the view to reducing the response time if there is an opportunity to respond most applications more quickly. It is anticipated that the implementation of unified business solutions and the rationalisation and relocation of physical record collections may present this opportunity.

## **FINANCIAL IMPLICATIONS**

Not applicable.

## **OTHER STAFF COMMENTS**

Not applicable.

## **PUBLIC CONSULTATION**

If resolved by Council, the *Public Access to Information held by Council Policy* will be publicly exhibited for the period resolved by Council.

**ATTACHMENTS**

1. [↓](#) IWC Agency Information Guide
2. [↓](#) Revised Public Access to Information held by Council Policy