

## Role of Right to Information Officers \*

Right to Information Officers (RIOs) are those staff members who have been given specific authority and responsibility to meet some of their agency's day-to-day obligations under the *GIPA Act*. This includes dealing with formal applications for access to information, and such other responsibilities in relation to both the proactive and informal release of information as each RIO is directed to undertake.

It is very important that each agency's principal officer authorises as many staff as possible and necessary to make decisions about proactive and informal release of information. Such authorisation may be general (for example, within a position description), or specific in a particular case. Decisions about proactive and informal information release should not fall entirely on identified RIOs.

The range of tasks that **may** be assigned to a RIO include:

1. Processing and making decisions about formal information access applications
2. Assisting with the routine publication of open access information, including:
  - the contents and annual review of the agency's publication guide (ss.20 and 21 *GIPA Act*)
  - the agency's policy documents (s.23 *GIPA Act*)
  - the disclosure log (ss.25 and 26 *GIPA Act*)
  - the register of government contracts
  - proactively releasing as much information as possible, in as many ways as possible
  - the record of the open access information that is not made publicly available on the basis of an overriding public interest against disclosure (s.6(5) *GIPA Act*).
4. Working with relevant staff to provide training, support and advice to staff in relation to the proactive and informal release of information, including:
  - the type of information that should be released
  - how to apply the public interest test

- the manner in which such information should be released
- whether conditions should be imposed in response to an informal request for information
- reporting functions and obligations.

5. Working on the agency's response to reviews conducted by the Information Commissioner or the Administrative Decisions Tribunal, and
6. Facilitating agency compliance with the *GIPA Act* and *GIPA Regulation* reporting requirements

Note: Local authorities (that is, a local council or county council) will have additional obligations in relation to the publication of open access information, and this may add to the tasks undertaken by a RIO.

### Preparing your agency for the *GIPA Act*

This checklist will help RIOs, principal officers, senior executives, senior managers and other relevant staff prepare their agencies to comply with the *GIPA Act* and meet the objectives of the new Right to Information reforms. The checklist is designed with a whole-of-staff approach and requires collaboration of key staff within the agency.

- **Check whether the OIC has been notified of your agency's "right to information" contacts**

The OIC needs the following details:

- agency name and website
- the full names, position titles, postal address, direct telephone numbers and direct email addresses for any the Right to Information Officers and the responsible senior executive.

If not, please provide the OIC with these details as soon as possible by phoning 1800 194 210 or by email [ocinfo@oic.nsw.gov.au](mailto:ocinfo@oic.nsw.gov.au)

## Role of Right to Information Officers \*

### □ Identify your agency's mandatory open access information

Request staff members across your agency, including IT/webmaster, records management, communications, policy and legal, contract management, customer service and other agency-specific bodies or divisions to identify information:

- about the agency contained in any document tabled in parliament by or on behalf of the agency
- the agency's policy documents (defined in s.23, *GIPA Act*)
- the agency's register of government contacts (requirements set out in Div.5 of Pt.3, *GIPA Act*)

Arrangements should also be made for:

- the ongoing routine publication of open access information
- the annual review of the agency's publication guide.

Note: Agencies must notify the Information Commissioner before adopting or amending a Publication Guide.

### □ Publish your agency's mandatory open access information

- Publish the information identified as mandatory open access information
- Coordinate and publish the agency's disclosure log
- Coordinate and publish the record of open access information not made public due to an overriding public interest against publication (see s. 6(5) *GIPA Act*)
- Coordinate and publish a copy of your register of government contracts.

Note: The OIC is developing a model Publication Guide, and Disclosure Log which will be made available for use by agencies via the OIC website.

### □ Develop and maintain formal access application processes

An agency should ensure it has proper internal processes for dealing with every stage of a formal information access application, including internal and external reviews.

The OIC will have a suite of templates together with process instructions available via the OIC

website ([www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)) to assist agencies process formal applications as required by the *GIPA Act*.

Ensure that records of formal access applications meet the reporting requirements set out in the *GIPA Act*. The templates will also assist agencies in meeting these obligations.

### □ Identify information to be made available by proactive release

- Request the key personnel to: identify information to be released proactively, decide how the information will be made publicly available, and whether a cost will be charged to obtain access to the information (s.7(1) and s. 7(2), *GIPA Act*).
- Together with the senior executive, develop a policy about the proactive release of information on a day-to-day basis. The policy should set out:
  - that all staff are responsible for considering whether information should be released
  - how staff are to apply the public interest test
  - the manner in which staff should release information
  - whether conditions should be imposed in response to an informal request for information
  - whether specific content should be deleted from a copy of a record if its inclusion would otherwise result in there being an overriding public interest against disclosure of the record.

Note: The principal officer should authorise as many staff as possible and necessary to make decisions about proactive and informal release of information. Such authorisation may be general (for example, within a position description), or specific in a particular case. Decisions about proactive and informal information release should not fall entirely on identified RIOs.

### □ Make arrangements for the annual review of the agency's "proactive release of information" program (s.7(3), *GIPA Act*)

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## Role of Right to Information Officers \*

- Review contracts for terms providing for access rights
- Implement systems for data collection and reporting to facilitate agency compliance with the *GIPA Act* and *GIPA Regulation* reporting requirements
- Manage FOI applications during transitional period.

### Further information

- Go to [www.oic.nsw.gov.au](http://www.oic.nsw.gov.au)
- Email [oiinfo@oic.nsw.gov.au](mailto:oiinfo@oic.nsw.gov.au)
- Mail GPO Box 7011, Sydney NSW 2001
- Call **1800 194 210** between 9am to 5pm, Monday to Friday (excluding public holidays).

If you have a hearing or speech impairment, you can call us through the National Relay Service (NRS) on **133 677** or if you want to talk to us with the assistance of an interpreter, you can call us through the Translating and Interpreting Service (TIS) on **131 450**. NRS and TIS are free services.

### \* PLEASE NOTE:

*The new Right to Information system has not yet commenced. If you are seeking access to government information now, before the Government Information (Public Access) Act 2009 (GIPA Act) commences, please contact the agency holding the information, or visit the Freedom of Information website at [www.dpc.nsw.gov.au/about\\_us/freedom\\_of\\_information](http://www.dpc.nsw.gov.au/about_us/freedom_of_information) or contact the Premier's Department FOI Hotline on 02 9228 4441.*