



Richmond Valley Council

GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 ANNUAL REPORT 2021/2022

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Introduction

In accordance with section 125(1) of the *Government Information (Public Access) Act 2009* (GIPA Act), Richmond Valley Council is required to report annually on its obligations under the GIPA Act. The GIPA Act creates rights to information that are designed to meet the community's expectations of more open and transparent government. It encourages the routine and proactive release of government information, including information held by providers of goods and services contracted by government agencies.

Under the GIPA Act there are four ways in which government information can be released.

1. Open Access Information

Open access information is published on Council's website and includes policies, meeting agendas and minutes, annual reports and various other categories of information.

2. Proactive Release

Section 7(3) of the GIPA Act requires Council to review its program for the release of government information to identify the kinds of information which can be made publicly available. This review must be undertaken at least once every twelve months. Richmond Valley Council's program for the proactive release of information includes:

1. providing information, which is not statutorily required to be provided, through extensive publication on Council's website;
2. maintaining and promoting to employees a practice of openness and accountability for information and decision making;
3. periodic consultation with staff throughout the year;
4. review of other council websites to assess the types of data being proactively released;
5. identifying information that is requested most often and that can be made available online without the need for an application to access information; and
6. planning and implementing open data initiatives, for example - the introduction of short videos published to Council's Facebook page and website to communicate key messages, such as Council meeting wrap ups and progress on key roadwork projects.

This year's review was conducted by reviewing Council's website to identify areas that required updates and to identify information whereby proactive release would benefit the community. Over the reporting period, revised Council policies were provided online, together with Council's Disclosure Log being updated and published.

Richmond Valley Council has effective communications and protocols, internally and externally, and is open to, and encourages feedback from the community and interested parties. Services are delivered professionally and effectively, responding quickly with a willingness to be flexible where necessary.

Richmond Valley Council ensures information on all key decisions, projects, events and issues is communicated through a mixture of online and traditional tools. The website is the primary source for providing information and engaging with internal and external stakeholders. Social media is used as a more timely and targeted communication with selected audiences. Council has also introduced a YouTube channel to engage with the younger demographic, with the Mayor presenting video wrap ups of Council meetings.

Media releases are the preferred communication directed at members of the news media (TV, radio, print and social). Richmond Valley Council continues to identify and explore emerging communication methods and channels in line with changing technology and community needs.

3. Informal Release of Information

Council encourages the public to request access to information either by email or in writing in order to meet the intent of the GIPA Act. There is no charge for this request however appropriate photocopying charges may be applicable in accordance with Council policies and procedures. Informal requests can be made online by visiting:

<https://richmondvalley.nsw.gov.au/contact/have-your-say/request-information/>

4. Formal Release of Information (Formal Access Application)

Where information is not accessible via the above methods, members of the public may submit a formal access application. A \$30 application fee is payable, and processing charges may be applied. Formal access applications can be made via the completion of an application form, available online:

<https://richmondvalley.nsw.gov.au/contact/have-your-say/request-information/>

Access Applications Received 2021/2022

Richmond Valley Council received nine (9) access applications from 1 July 2021 to 30 June 2022. Note that two applications were subject to Information and Privacy Commission NSW (IPC) review, with one of those reviews still underway. IPC advice indicates that a decision is due to Council by mid-November 2022. Schedule 2 of this Annual Report provides the statistical information required to be reported under the GIPA Act.

Schedule 1 Agency review & number of applications

Clause 8A: Details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review.

Review carried out by the agency	Information made publicly available by the agency
Yes	Yes

Clause 8B: The total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications).

Total number of applications received
9

Clause 8C: The total number of access applications received by the agency during the reporting year that the agency refused either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure).

Number of applications refused	Wholly	Partly	Total
Number	0	0	0
% of total	0%	0%	0%

Schedule 2 Statistical information about access applications

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

	Access Granted in Full	Access Granted in Part	Access Refused in Full	Information not Held	Information Already Available	Refuse to Deal with Application	Refuse to Confirm/ Deny whether information is held	Application withdrawn	Total	% of Total
Media	0	0	0	0	0	0	0	0	0	0%
Members of Parliament	0	0	0	0	0	0	0	0	0	0%
Private Business Sector	0	0	0	0	0	0	0	0	0	0%
Not for profit organisations or community groups	0	0	0	0	0	0	0	0	0	0%
Members of the public (by legal representative)	1	0	0	0	0	0	0	0	1	11%
Members of the public (other)	3	4	1	0	0	0	0	0	8	89%
Total	4	4	1	0	0	0	0	0	9	
% of Total	44.5%	44.5%	11%	0%	0%	0%	0%	0%		100%

* More than one decision can be made in respect of a particular access application. If so, a recording must be made in relation to each such decision. This also applies to Table B.

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

	Access Granted in Full	Access Granted in Part	Access Refused in Full	Information not Held	Information Already Available	Refuse to Deal with Application	Refuse to Confirm/ Deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications*	0	3	0	0	0	0	0	0	3	33%
Access applications (other than personal information applications)	4	1	1	0	0	0	0	0	6	67%
Access applications that are partly personal information applications and partly other	0	0	0	0	0	0	0	0	0	0%
Total	4	4	1	0	0	0	0	0	9	
% of Total	44.5%	44.5%	11%	0%	0%	0%	0%	0%		100%

* A personal information application is an access application for personal information (as defined in clause 4 of Schedule 4 to the Act) about the applicant (the applicant being an individual).

Table C: Invalid applications

Reason for invalidity	No. of applications	% of Total
Application does not comply with formal requirements (section 41 of the Act)	0	0%
Application is for excluded information of the agency (section 43 of the Act)	0	0%
Application contravenes restraint order (section 110 of the Act)	0	0%
Total number of invalid applications received	0	0%
Invalid applications that subsequently became valid applications	0	0%
Total	0	0%

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

Consideration	Number of time consideration used*	% of Total
Overriding secrecy laws	0	0%
Cabinet information	0	0%
Executive Council information	0	0%
Contempt	0	0%
Legal professional privilege	0	0%
Excluded information	0	0%
Documents affecting law enforcement and public safety	0	0%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Privilege generally - Sch 1(5A)	0	0%
Information provided to High Risk Offenders Assessment Committee	0	0%
Total	0	0%

*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 table to section 14 of Act

Consideration	Number of times consideration used*	% of Total
Responsible and effective government	0	0%
Law enforcement and security	0	0%
Individual rights, judicial processes and natural justice	4	80%
Business interests of agencies and other persons	1	20%
Environment, culture, economy and general matters	0	0%
Secrecy provisions	0	0%
Exempt documents under interstate Freedom of Information legislations	0	0%
Total	5	100%

Table F: Timeliness

	Number of applications	% of Total
Decided within statutory timeframe (20 days plus any extensions)	9	100%
Decided after 35 days (by agreement with applicant)	0	0%
Not decided within time (deemed refusal)	0	0%
Total	9	100%

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

	Decision varied	Decision upheld	Total	% of Total
Internal review	0	0	0	0%
Review by Information Commissioner*	0	1	1	100%
Internal review following recommendation under section 93 of Act	0	0	0	0%
Review by NCAT	0	0	0	0%
Total	0	1	1	
% of Total	0%	100%		100%

Note: One application is currently under review by the IPC. Outcome expected to be provided to Council by mid-November 2022.

*The Information Commissioner does not have the authority to vary decisions but can make recommendations to the original decision-maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made.

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

	Total	% of Total
Applications by access applicants	1	50%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	1	50%
Total	2	100%

Table I: Applications transferred to other agencies

	Number of applications transferred	% of Total
Agency-Initiated Transfers	0	0%
Applicant-Initiated Transfers	0	0%
Total	0	