



Government Information (Public Access) Guideline and Process

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Short description	A Guideline and Process for the management of applications for access to documents made under the Government Information (Public Access) Act 2009
Relevant to	All employees and students and members and contractors of the University
Responsible officer	University Ombudsman
Responsible office	Office of Planning and Audit
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Next scheduled review date	December 2013
Related University documents	Fraud, Corruption and Maladministration Policy and Reporting Procedure Charles Sturt University Enterprise Agreement 2005-2008 Charles Sturt University Handbook Academic Regulations Code of Conduct for Staff Code of Conduct for Users of Electronic Facilities Complaints Policy and associated Procedures
Related legislation	<u>Charles Sturt University Act 1989</u> <u>Charles Sturt University By Laws 1995</u> <u>Government Information (Public Access) 2009</u> <u>Health Records and Information Privacy Act 2002</u> <u>Protected Disclosures Act 1994</u> <u>Ombudsman Act 1974 (NSW)</u> <u>Ombudsman Regulations 1999 (NSW)</u> <u>Freedom of Information Act 1989 (NSW)</u> <u>State Records Act 1998 (NSW)</u> <u>Privacy and Personal Information Protection Act 1998 (NSW)</u>
Key words	Regulations, staff, policy, legal, information, privacy, exempt, access, freedom, public access, government

1. PURPOSE

The purpose of this Guideline and Process is to:

- 1.1 Ensure that the University meets its obligations under the Government Information (Public Access) Act 2009 (the GIPA Act);
- 1.2 Promote clear, honest and open communication;
- 1.3 Support the object of the Act to extend as far as possible the rights of the public to obtain access to information held by government agencies and public authorities;
- 1.4 Ensure applications for access to documents are handled by the appropriate officer and in accordance with the requirements of the GIPA Act; and
- 1.5 Provide an opportunity for individuals to ensure that personal information held by the University is not incomplete, out of date, incorrect or misleading.

2. SCOPE

- 2.1 The GIPA Act is one mechanism by which people may obtain documents held by the University. This Policy applies to all members of the University.
- 2.2 The University maintains various instruments that allow access to documents it holds. Students are able to access their student records, examination scripts and various other documents in accordance with the requirements of the *Administrative Manual* and the *Academic Manual* and the *Access to Student Records Policy*. Students are encouraged to access documents through the listed instruments in the first instance.
- 2.3 Staff are able to use the provisions of the *Access to Personal Files Policy* to access their files held by Human Resources.
- 2.4 This Guideline and Process relates only to existing documents and there is no obligation to create documents to meet the particular specifications of a request, however the University can create an aggregated document where parts of the requested information exist across a number of separate documents or electronic sources.
- 2.5 This Guideline and Process applies to University information, not information held by other entities such as joint research centres, and other agencies where the information is not under the control of the University.

3. GUIDELINE

- 3.1 The University is committed to the principles of openness and accountability that underpin the GIPA Act.
- 3.2 The University will assess and respond to all applications for access to documents made under the GIPA Act in accordance with the GIPA Act,

and after payment of the prescribed fees. The fees may vary from time to time and will be as determined by the NSW Government.

- 3.3 The University will provide ready access to information it holds, subject only to the need to protect public interests associated with the conduct of University affairs and the appropriate protection of other privacy and commercial interests.

4. RESPONSIBILITIES

- 4.1 The Vice-Chancellor has prime responsibility for the implementation of the GIPA Act and the University's overall management of GIPA matters.
- 4.2 The Vice-Chancellor has delegated these responsibilities to the University Ombudsman, and in his/her absence the University Secretary. In the absence of both the University Ombudsman and University Secretary the responsibilities will be delegated to another officer of the University.
- 4.3 Managers and supervisors are responsible for providing all documents requested by the Vice-Chancellor's delegate when responding to an application for access.
- 4.4 In every case should an internal review be requested, that review will not be conducted by the officer tasked with the original assessment.
- 4.5 The University Ombudsman or delegated determining officer will reach a decision on access or amendment on the basis of his/her judgement after consideration of all the University's statutory obligations under the GIPA Act and in consideration of the philosophy of the GIPA Act being to extend as far as possible the rights of the public to obtain access to information held by the University.

5. UNIVERSITY DOCUMENTS

- 5.1 Open Access documents are the University's policy documents, the University's disclosure log, the University's contracts register, the University's publications guide, any documents tabled on behalf of the University in Parliament and any other documents so designated under the Act from time to time.
- 5.2 Documents subject to the GIPA Act are documents held by the University or held by an officer of the University in that officer's official capacity.
- 5.3 While every effort should be made to allow a reasonable time for identification and collection of relevant records, the University Ombudsman, or other delegated determining officer, will require and must receive the cooperation of other officers to ensure that statutory deadlines are met. It is an offence to withhold documents from the assessing officer.

6. ACCOUNTABILITY AND PERFORMANCE MANAGEMENT

- 6.1 The University Ombudsman will provide the Annual Report details as required by the GIPA Act and regulations regarding the management of GIPA responsibilities and compliance.
- 6.2 The University Ombudsman will take initiatives to broaden awareness and understanding amongst University staff of the GIPA Act and this Guideline.

7. PROCESS

- 7.1 The University Ombudsman will maintain a Government Information (Public Access) web presence and include on that presence links to the Open Access documents of the University.
- 7.2 Any application for access to documents made under the Government Information (Public Access) Act 2009 received in Divisions or Faculties of the University will be promptly forwarded to the University Ombudsman for action.
- 7.3 The University Ombudsman will acknowledge receipt of the application and make a determination as to the validity of the application. The University Ombudsman may enter into discussions with the applicant regarding an informal release of University documents and shall make an interim determination as to the need to request an extension or extra charge for a formal release of documents.
- 7.4 The University Ombudsman will request the described documents from the relevant University officers. All documents requested will be forwarded promptly. A failure to provide documents requested is an offence under the Act.
- 7.5 The University Ombudsman will assess the level of access to be provided according to the requirements of the Act. The University Ombudsman will undertake third party contact as required under the Act.
- 7.6 Access to documents will be provided, and all access will be recorded, as per the requirements of the Act.

Table of amendments

Version number	Date	Short description of amendment