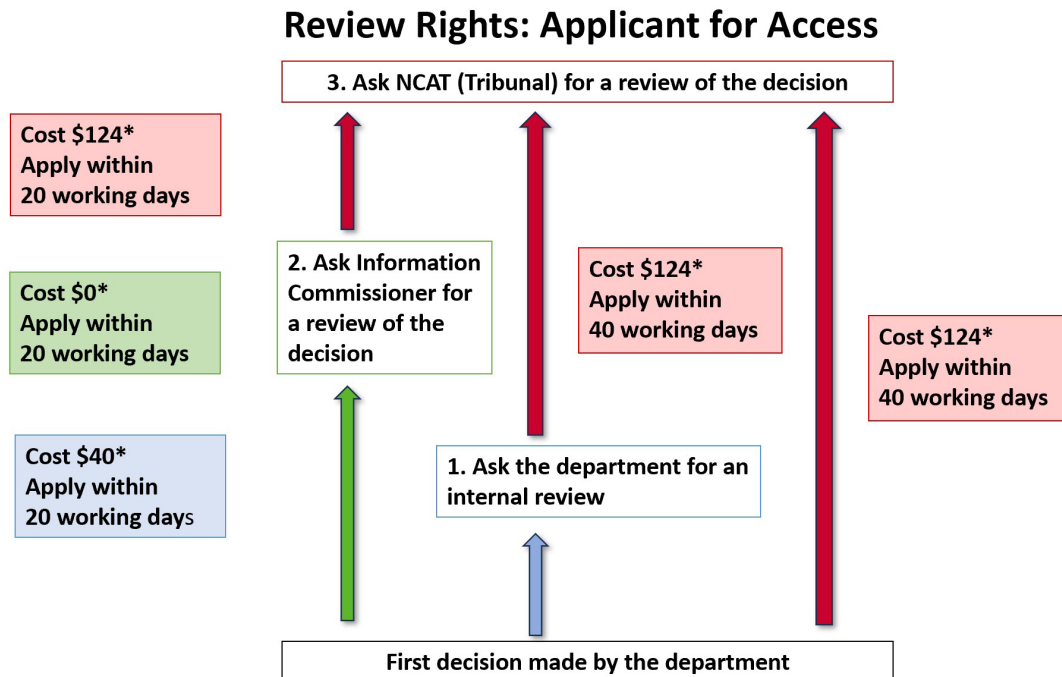


Your review rights under the *Government Information (Public Access) Act 2009*



NB: Cost* = application costs may vary from year to year. Please ensure you check current cost with the relevant agency.

You have a right to request a review of a decision regarding the release of information if you disagree with any of the following decisions under the *Government Information (Public Access) Act 2009* (GIPA Act):

- a) a decision that your application is not valid;
- b) a decision to transfer your access application to another agency;
- c) a decision to refuse to deal with your access application (including such a decision that is deemed to have been made);
- d) a decision to provide access or to refuse to provide access to information;
- e) a decision that government information is not held by the agency;
- f) a decision that information applied for is already available to you;
- g) a decision to refuse to confirm or deny that information is held by the agency;
- h) a decision to defer the provision of access to information in response to your access application;
- i) a decision to provide access to information in a particular way in response to your access application (or a decision not to provide access in the way requested by you);
- j) a decision to impose a processing charge or to require an advance deposit;
- k) a decision to refuse a reduction in a processing charge;
- l) a decision to refuse to deal further with an access application because you failed to pay an advance deposit within the time required for payment; and
- m) a decision to include information in a disclosure log despite an objection by you (or a decision that you were not entitled to object).

NSW Department of Education – Right to Access – Legal Services directorate

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You generally have **three options** to have a decision reviewed:

1. Internal review

You have 20 working days (4 weeks) after the notice of a decision has been sent to you to ask for an internal review.

If a Minister or the principal officer of an agency made the decision, you cannot ask for an internal review, but you can ask for an external review (see 2 and 3 below).

The review must be carried out by an officer no less senior than the person who made the original decision. The review decision must be made as if it was a fresh application.

There is a \$40 fee for an internal review application *except* if the decision is a 'deemed refusal' because the agency did not process your application in time. In this case, you are not charged any review fee.

The agency must acknowledge your application within five working days of receiving it. The agency must decide the internal review within 15 working days (this can be extended by 10 days if the agency has to consult with a third party or by agreement with you).

2. External review by the Information Commissioner

If you disagree with any of the decisions listed above, you can ask for a review by the Information Commissioner. (www.ipc.nsw.gov.au)

As you are the person applying for access to information, you do not need an internal review of the decision before asking the Information Commissioner to review it.

You have 40 working days (8 weeks) from being notified of the decision to ask for a review by the Information Commissioner.

On reviewing the decision, the Information Commissioner can make recommendations about the decision to the agency.

Note: You cannot ask the Information Commissioner to review a decision that has already been reviewed by the NSW Civil and Administrative Tribunal (NCAT).

3. External review by the NCAT

If you disagree with any of the decisions listed above, you can ask for a review by the NCAT (www.ncat.nsw.gov.au).

You do not have to have the decision reviewed internally, or by the Information Commissioner before applying for review by the NCAT.

You have 40 working days (8 weeks) from being notified of the decision to apply to the NCAT for review.

However, if you have applied for review by the Information Commissioner, you have 20 working days (4 weeks) from being notified of the Information Commission's review outcome, to apply to the NCAT.