

Government Information (Public Access) Act Annual Report 1 July 2018 – 30 June 2019

Agency Name	Nepean Blue Mountains Local Health District
Principal Department	NSW Ministry of Health
Reporting Period	1 July 2018– 30 June 2019

Under the *Government Information (Public Access) Act 2009* (GIPA Act), there is a presumption in favour of the disclosure of Government information unless there is an overriding public interest against disclosure.

1. Review of proactive release program - Clause 7(a)

Nepean Blue Mountains Local Health District undertakes reviews of its information on a regular basis, including information requested via informal access and formal access channels. Liaison also occurs with Executive Directorates and their respective portfolios regarding identification of information that can be released proactively. Review of the Nepean Blue Mountains Local Health District disclosure log and websites of other agencies to see the type of information they release proactively, is also undertaken.

The most accessible way for the public to access such information is via the Nepean Blue Mountains Local Health District internet website, as it is continually developed to make information readily available to the public. During 2018/19 the following information has been released proactively on the website:

- NBMLHD Board information including board member details, Board sub-committees and Board minutes
- Strategic plans, business plans, reports, action plans, audited financial statements and annual reports, including Year in Review) NBMLHD Vision, Values and Goals, Executive Team information and organisational chart
- NBMLHD Service Agreement and budget allocations for facilities and services
- Hospital and Community Health Centre contact information, maps, parking and transport information, disability and access information, services provided, visitor information, key news items and information for GPs
- NBMLHD Outpatient Clinic Service Directory
- Health consumer information, including patient information , consumer representative and engagement information, and transport services
- Public health information including immunisation, infectious disease management, environmental health, and current public health alerts
- Employment and career information, positions being recruited to, workforce diversity, careers information, work experience and volunteer opportunities, and the NBMLHD Reward and Recognition Program
- Media information, including news stories, videos, NBM News and topical news items for the public

In addition to the website, NBMLHD actively uses social media such as Facebook, Twitter and YouTube to immediately share topical information.

2. Number of access applications received - Clause 7(b)

During 2018-19, Nepean Blue Mountains Local Health District received eleven valid formal access applications under the *GIPA Act*. 10 applications were decided, and as at 30 June 2019, one application was still to be decided and will be carried forward into the 2019/20 reporting period.

3. Number of refused applications for Schedule 1 information - Clause 7(c)

During the reporting period, there were no applications for information subject to Schedule 1 of the Act.

4. Application for Internal Review

As at 30 June 2019, one decision regarding an access application (decided in May 2019) has been the subject of an internal review at the request of the applicant. The Internal Review remains outstanding as 30 June 2019 and will be carried forward into the 2019/20 reporting period.

One internal review of an access application requested in June 2018 was carried forward into this reporting period and was decided in July 2018. That outcome is accounted for in Table G of this report.

5. Statistical information about access applications - Clause 7(d) and Schedule 2

The following tables (A-I) outline statistical information about access applications – Clause 7(d) and Schedule 2.

In summary, of the ten access applications decided in 2018-19, 19 decisions were made regarding access. Eight decisions were made to grant access to the information in full and three decisions were made grant access in part. Access was refused in full in three decisions. One decision was made that information was not held, while two decisions were made that information was already available. Two decisions were made to refuse to deal with all or part of an application under sections 60(1b) and 60(1c) of the GIPA Act.

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
Media	2	1	1	0	0	0	0	0
Members of Parliament	0	0	0	0	0	1	0	0
Private sector business	0	0	0	0	0	0	0	0
Not for profit organisations or community groups	1	0	0	0	0	0	0	0
Members of the public (applied for by legal representative)	4	2	2	1	2	1	0	0
Members of the public (other)	1	0	0	0	0	0	0	0

*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 application 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
Personal information applications*	4	2	2	0	2	1	0	0
Access applications (other than personal information applications)	4	1	1	1	0	1	0	0
Access applications that are partly personal	0	0	0	0	0	0	0	0

information
applications & partly
other

*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).

The total number of decisions in Table B should be the same as Table A.

Table C: Invalid applications

Reason for invalidity	Number of applications
Application does not comply with formal requirements (section 41 of the Act)	2
Application is for excluded information of the agency (section 43 of the Act)	0
Application contravenes restraint order (section 110 of the Act)	0
Total number of invalid applications received	2
Invalid applications that subsequently became valid applications	0

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

	Number of times consideration used*
Overriding secrecy laws	0
Cabinet information	0
Executive Council information	0
Contempt	0
Legal professional privilege	0
Excluded information	0
Documents affecting law enforcement and public safety	0
Transport safety	0
Adoption	0
Care and protection of children	0
Ministerial code of conduct	0
Aboriginal and environmental heritage	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 the Act**

	Number of occasions when application not successful
Responsible and effective government	4
Law enforcement and security	1
Individual rights, judicial processes and natural justice	3
Business interests of agencies and other persons	1
Environment, culture, economy and general matters	0
Secrecy provisions	0
Exempt documents under interstate Freedom of Information legislation	0

Table F: Timeliness

	Number of applications
Decided within the statutory timeframe (20 days plus any extensions)	9
Decided after 35 days (by agreement with applicant)	1
Not decided within time (deemed refusal)	0
Total	10

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

	Decision varied	Decision upheld	Total
Internal review	0	1	1
Review by Information Commissioner*	0	0	0
Internal review following recommendation under section 93 of Act	0	1	1
Review by NCAT	0	0	0
Total	0	2	2

Note: As at 30 June 2019 one decision regarding an access application (decided in May 2019) has been the subject of an internal review at the request of the applicant. The Internal Review remains outstanding as 30 June 2019 and will be carried forward into the 2019/20 report. That decision is not accounted for in table G. Table G accounts for one request for internal review from May 2018, decided in July 2019, and one request for external review by IPC resulting in recommendation for reconsideration, which was completed in December 2018.

*The Information Commissioner does not have the authority to vary decisions, but can make recommendation 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)

	Number of applications for review
Applications by access applicants	2
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0

Note: As at 30 June 2019 one decision regarding an access application (decided in May 2019) has been the subject of an internal review at the request of the applicant. The Internal Review remains outstanding as 30 June 2019 and will be carried forward into the next reporting period, however the application for review is noted in table H. Also in table H is a request by an access applicant for external review by IPC for an application decided in Sept 2018.

Table I: Applications transferred to other agencies

	Number of applications transferred
Agency – Initiated Transfers	0
Applicant – Initiated Transfers	0