

Friday 25th October 2024

Pages Total: (4) Four

Justice NSW

Att: Open Government Information & Privacy Unit

GPO Box 6

Sydney NSW 2001

E: infoandprivacy@justice.nsw.gov.au

Dear Sir / Madam

RE: FORMAL ACCESS APPLICATION UNDER THE GIPA ACT 2009

- **Ref – Review of GIPA Act 2009 Undertaken in 2014**
 - **UNEDITED COPY OF TRIM / EDRMS / HPRM8 (or other electronic data and record management system) FILE - All generated records (absent external Submissions) inclusive of internal records, memos, meeting notes, reports and recommendations, responses**
 - **Committee List Nominated for GIPA Review**

On 23rd December 2022 the IPC advised “*the GIPA Act does not prescribe the use of a form for the purposes of Section 41 in satisfying the requirements for making a valid access application.*”

On 13th February 2023 the NCAT agreed with the IPC, confirming the filling out of an Access Application is not a requirement under the legislation.

This formal access application seeks an unedited copy of the subject records.

I request the outcome of this valid request for information be published on the Department’s Disclosure Log as a matter of public interest.

The \$30.00 application fee has been made with the receipt attached to this Application.



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There are a number of valid issues that need to be highlighted with this valid access application:

1. It is now public knowledge senior Right to Information Officer(s) act to deliberately undermine the Access to Information process, providing false and misleading information about unsuspecting members of the public to the regulatory body the Office of the NSW Information & Privacy Commissioner (IPC), for the purpose of influencing key decision makers which is outside of the Act.
2. It is also public knowledge those false and misleading documents have been circulated to third party agencies and the NSW judiciary for the purposes of influencing key decision makers which is outside of the Act.
3. It is also now public knowledge senior Right to Information Officer(s) initiate and implement agreements with interested third parties to falsely apply public interest considerations against disclosure of open access information mandated for release, in particular falsely applying the GIPA Act 2009 Section 14 Table 3(f), for the purpose of concealing and protecting information and influencing key decision makers which is all outside of the Act.
4. The NCAT has settled the issue of when an application is deemed to be received by an agency.

- ***Zonneville v Department of Customer Service; Zonneville v Secretary, Department of Education [2021] NSWCATAD 35***

<https://www.caselaw.nsw.gov.au/decision/177ad67f78ddee31ae3fcf6f>

5. The IPC agrees.

<https://www.ipc.nsw.gov.au/zonneville-v-department-customer-service-zonneville-v-secretary-department-education-2021-nswcatad-35>

6. The IPC did make clear on 15th January 2024, how any Advance Deposit is to be calculated and charged, providing extensive supporting and educational material to a problematic agency, evidencing the Application Fee is to be included in any advance deposit fee calculation, that is not separately.
7. The IPC did on 08th August 2023 state, the likelihood an Access Applicant may disseminate released information should have little bearing on the application of Section 13. In this regard, the reference to dissemination is taken to include an Access Applicant operating a public website.



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8. It is now public knowledge NSW agencies actively trawl the internet and conduct background inquiries into Access Applicants for the specific purpose(s) of securing information to be used to withhold government information and obstruct the public's rights to access government information, inclusive of access to review processes, which is outside of the GIPA Act 2009 and not in the spirit of the legislation:

- ***Webb v Secretary, Department of Communities and Justice (2023) NSWCATAD 168***

<https://www.caselaw.nsw.gov.au/decision/188f9c7d79f70db2c6e48cf4>

9. It is also public knowledge NSW agencies unlawfully share the public's information between agencies, breaching the public's privacy:

- ***Webb v iCARE NSW (2023) NSWCATAD 230***

<https://www.caselaw.nsw.gov.au/decision/18a20aa406f9d05a11e32219>

- ***Palerang Council, Queanbeyan City Council & Goulburn Mulwaree Council v Powell (2015) NSWCATAD 44 (Paragraph 43)***

<https://www.caselaw.nsw.gov.au/decision/550644ade4b0b29802dc2cc7>

10. Agencies behave in the same manner to use public information to bully, threaten and intimidate valid access applicants, which is outside of the GIPA Act 2009 and legislated Codes of Conduct.

11. The NSW Dept of Communities & Justice did, on 29th August 2023, on behalf of the NSW Attorney General, clarify any reliance on the Chatham House Rules to covertly and unconscionably share the public's personal information is disqualified as 1) the Rule is not binding, and 2) the Rule does not override or have seniority over the PPIP Act or the Privacy Principles or any requirement of NSW legislation in any circumstances, and as such the Rule does nothing to extinguish agency legal obligations.

12. Right to Information Officers and / or those designated to process Access Applications are documented to use pseudonyms to sign-off on documentation, which may disqualify or invalidate an agency Notice of Decision.

13. The IPC GIPA Tool is currently leased to the IPC by Salesforce, a global marketing company, now evidenced to have ongoing unchecked access to the public's personal information which breaches the PPIP Act 1998.

14. As such and based on all of the above, I would very much appreciate the delegated officer taking note I do not give my permission / consent for my personal information or the details of my formal access application to be circulated or provided to any other person or organisation including the NSW Right to Information & Privacy Practitioners Network, NIPPN, without my prior consent.

15. I also advise I do not give permission for any information pertaining to my request for information being uploaded to the IPC GIPA Tool.

This request for information provides my personal information specifically concerning this request and this request only.

As such I reiterate my personal information and the details of my request are not to be used for **any** other purpose including any ad hoc training propaganda or personal denigration campaign NSW government agencies are now known to formulate and covertly share with secondary agencies.

I would also very much appreciate the delegated officer being open and honest and providing their true name in the Notice of Decision or any ensuring documentation associated with this valid access application which may require an administrative review and / or the issuing of a summons to appear.

This is a public document with no intention of confidentiality on the part of the Applicant.

Amount: \$30.00
Receipt#: N302547153525
To: dept of justice (032001 ***197)
Description: Gipa nswfoi
Date: 25 Oct 2024 04:35 PM

Telina Webb



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