



## Government Information (Public Access) Act Annual Report 1 July 2011 – 30 June 2012

<b>Agency Name</b>	Nepean Blue Mountains Local Health District
<b>Principal Department</b>	NSW Ministry of Health
<b>Reporting Period</b>	1 July 2011 – 30 June 2012

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

Under section 7 of the GIPA Act, agencies must review their programs for the release of government information to identify the kinds of information that can be made publicly available. This review must be undertaken at least once every 12 months.

Our agency's program for the proactive release of information involves a review of information requested via informal access and formal access channels, including repeat requests for information, and also liaison with Executive Directorates and their respective portfolios regarding identification of information that can be released proactively, and reviewing the agency disclosure log and websites of other agencies to see the type of information they release proactively.

During the reporting period, we reviewed this program by discussing proactive release with Executive Directors and Media and Communications and requesting that they give consideration to the release of information in an appropriate manner that they are frequently asked for. We looked at the disclosure log to review main types of information being requested, and also reviewed websites of other agencies to see the type of information they release proactively.

The most accessible way for the public to access such information is via the NBMLHD internet website. NBMLHD continues to develop its internet website to make information readily available to the public. In 2011-12 the following information has been released proactively on the website:

- Information on the redevelopment of Nepean Hospital including bed capacity
- NBMLHD Board information
- Public health information for General Practitioners/Immunisation Providers and for Community Members
- Employment information and positions being recruited to
- Topic news items for the public

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

During the reporting period, our agency received a total of ten new formal access applications (including withdrawn applications). Processing of one application was carried over from the previous reporting period and at the end of 2011-12 processing of two applications was still underway. A total of nine applications were decided in 2011-12.

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

During the reporting period, our agency refused a total of nil formal access applications because the information requested was information referred to in Schedule 1 to the GIPA Act.

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

Of the nine applications decided in 2011-12, four decisions were made to grant access to the information in part. One decision was made where the information was not held, one decision was made to refuse to deal with the application, and three applications were withdrawn.

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

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

\*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)	0
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	0
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	2
Law enforcement and security	0
Individual rights, judicial processes and natural justice	4
Business interests of agencies and other persons	0
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)	3
Decided after 35 days (by agreement with applicant)	1
Not decided within time (deemed refusal)	1
<b>Total</b>	<b>5</b>

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

	<b>Decision varied</b>	<b>Decision upheld</b>	<b>Total</b>
<b>Internal review</b>	0	0	0
<b>Review by Information Commissioner*</b>	0	0	0
<b>Internal review following recommendation under section 93 of Act</b>	0	0	0
<b>Review by ADT</b>	1	1	2
<b>Total</b>	1	1	2

\*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)**

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