



## Information

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## GIPA Review Process

If you have formally applied for information held by Sydney Local Health District (SLHD) under the GIPA Act 2009, and you are dissatisfied with the decision of your application, you can ask for a review.

### What can be reviewed?

The following decisions can be reviewed by the agency involved, the Information and Privacy Commission NSW (IPC) (<http://www.ipc.nsw.gov.au/gipa-reviews>), or the NSW Civil and Administrative Tribunal (NCAT) (<http://www.ncat.nsw.gov.au/>).

Reviews can be requested on a decision:

- that your application is not valid
- to transfer your access application to another agency, as an agency initiated transfer
- to refuse to deal with your access application (including such a decision that is deemed to have been made)
- to provide access or to refuse to provide access to information in response to your access application
- that government information is not held by the SLHD
- that information applied for is already available to you
- to refuse to confirm or deny that information is held by the SLHD
- to defer the provision of access to information in response to your access application
- 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)
- to impose a processing charge or to require an advance deposit
- to refuse a reduction in a processing charge
- to refuse to deal further with your access application because you have failed to pay an advance deposit within the time required for payment
- to include information in a disclosure log despite your objection (or a decision that you were not entitled to object).

### Who do I ask for a review?

If you are dissatisfied with the decision, you have a number of options. You can:

- seek an internal review through us, the SLHD

- approach the Information & Privacy Commission NSW for an external review of SLHD's decision
- request a review through NSW Civil and Administrative Tribunal

Type of review	Days to request a review from when you were given the decision	Is there a fee involved?
Internal review by SLHD	20 working days	Yes - \$40*
Review by NSW Information Commissioner	40 working days	No
NCAT	20 working days from review by Information Commissioner;	Yes
	40 working days from review by agency	See the NCAT website ( <a href="http://www.ncat.nsw.gov.au/">http://www.ncat.nsw.gov.au/</a> ) for more information

\*No fee applies for an internal review if the decision is a 'deemed refusal' because the SLHD did not process your application in time, or the internal review is conducted because the Information Commissioner has recommended the SLHD to reconsider its decision.

### Decisions by a principal officer

If the principal officer (Chief Executive) of the SLHD has made the decision, then you can only ask for a review with the IPC or NCAT.

### What if I am a third party?

If you are not the person who initially applied for the information (i.e. a third party); you must seek an internal review (unless that option is not available to you), before applying for an external review by the NSW Information Commissioner.

## SLHD Internal Review

An internal review is conducted by someone who is not less senior than the person who made the decision and who was not involved in the original decision. The reviewer will make a new decision as if the original decision had never been made.

You can apply for an internal review within 20 working days of a decision (or, if we don't decide your application in time, within 20 working days of the date it should have been decided which is the date of deemed refusal).

To apply, complete the SLHD Internal Review Application Form ([/RightToInformation/pdf/GIPA\\_InternalReviewApplication.pdf](#)) or send us a letter putting forward your reasons why the decision should be changed.

A \$40 application fee is payable via cheque / money order or by credit card using our online payment portal (<https://www.slhd.nsw.gov.au/events/syd-gipa/>). If payment is made using the payment portal you can upload your Internal Review application form as an attachment or email to [SLHD-GIPA@health.nsw.gov.au](mailto:SLHD-GIPA@health.nsw.gov.au)

(mailto:SLHD-GIPA@health.nsw.gov.au). If paying by cheque / money order please forward the Internal Review application form along with the \$40 application fee via post to:

**Right to Information Coordinator  
Clinical Governance Unit  
Sydney Local Health District  
Post Office Box M30,  
Missenden Road, NSW 2050**

You do not need to pay an internal review application fee if we did not decide your application on time. No other charges are involved. The internal review application fee may be refunded if the review decision is significantly different from the original decision.

The internal review will be decided within 15 working days of receiving the application for an internal review. This may be extended by up to 10 working days if we need to consult another person whom we did not previously consult, or by agreement with you.

### **Review by the Information and Privacy Commissioner**

If you formally applied for information and don't agree with the internal review decision or do not want one, you can ask for a review by the Information and Privacy Commissioner (<http://www.ipc.nsw.gov.au/gipa-reviews>) (IPC). You will have 40 working days to ask for this review.

Other people who are affected by a decision, and they are not happy with it, must first apply for an internal review before applying to the IPC. This includes third parties consulted as part of processing and making a decision in respect of an access application.

There is no cost involved in seeking a review by the IPC and no time limit imposed on the IPC for completing a review.

The IPC can make recommendations to us about the decision, including that we reconsider the decision and make a new one (even if an internal review decision has been made).

### **Review by the NSW Civil and Administrative Tribunal**

If you don't agree with the Information Commissioner's or the internal reviewer's decisions or you do not want any of these reviews, you can apply to the Administrative and Equal Opportunity Division of the NSW Civil and Administrative Tribunal (<http://www.ncat.nsw.gov.au/>) for a review.

If you have already had a review by the Information Commissioner, you will have 20 working days from when the Information Commissioner advises of the completion of the review to apply to the Tribunal.

Otherwise, you will have 40 working days from the date of the decision to apply to the Tribunal. Contact the Tribunal for advice about the process and any fees payable.

SLHD has to justify our decision to the Tribunal. However, a third party (that is, someone who has not applied for the information but is affected by our decision to release information) who seeks a review will have the burden of showing that there is an overriding public interest against disclosure of information.

