



Police GIPA Application Guide

The information contained in this guidance note is general in nature. It is for information only and is not intended to replace legal advice. If you have a problem please seek legal advice from your local community legal centre

What is this guide for?

The NSW Police Force Information Access Unit has a standard form for information access applications. You do not need to use the standard form but it is the simplest way to make sure you are making a valid application.

The aim of this guide is to help you correctly complete the form and work out what information you should be requesting from the NSW Police Force.

How to fill in Section 3: Information Requested

In this section, you will need to explain the records you are requesting. What option you select will depend on what information you are seeking.

Usually we recommend selecting “Event report(s) and related information” and then attaching a schedule of the specific documents requested. If you choose to do it this way, you should write See attached schedule in the box “Information Description” at the top of page 4. An example schedule is attached to the end of this Guidance Note.

How to fill in Section 7: Consultation

If another person’s details are contained within your application (for example, a third-party has given a statement to police), with your consent, NSW Police may contact the third-party to obtain their consent to release information to you. If you do not consent, the NSW Police may decide not to release the information to you.

The second question asks you whether you consent to NSW Police giving the third-party your details as the ‘applicant’ for the information. You may decide not to agree to this, as you may not want the third-party to know you are applying for the records. If you do not agree, it is possible that it will impact the consulted person’s decision to consent to the release of their information.



How to fill in Section 8: Form of Access

In this section, you should select the box that says: **A copy of the document** as well as the box that says **Access in another way (please specify)** and in the box provided, you should write “in the form of a CD/DVD”.

Fees

The GIPA Act and the GIPA Regulations specify when the fees and charges may, and in some cases, must, be waived, reduced or refunded. In addition, section 127 of the GIPA Act provides agencies with a general discretion to waive, reduce or refund any fee or charge that may be imposed under the GIPA Act in any circumstance they consider to be appropriate.

See here for further details: <https://www.ipc.nsw.gov.au/gipa-act-fees-and-charges-0>

Schedule

At the end of this Guide is a template schedule of information. You may not wish to apply for all of the documents referred to in the template and in some instances, those documents will not exist.

We have set out below an explanation of some of the documents referred to in the example Schedule:

a. COPS database entries

The Computerised Operational Policing System (“COPS”) database is the main database used by the police to record information. Its purpose is to record all incidents reported or becoming known to police which would require some kind of police action, for investigative and intelligence purposes.

b. Police notebook records

All police officers are issued with a police notebook. They are used to record the details of incidents as soon as practical after an incident has happened, and may be referred to in the future when formally reporting on an incident.



c. Police Brief of Evidence

(including any court report, subpoena, affidavit of service or other information)

A brief of evidence contains all the evidence that the police intend to rely upon at a court hearing for a matter.

d. CAD Incident Log

CAD stands for 'Computer Aided Dispatch'. It is a dispatch system used to record and manage calls for police assistance, serving as a contemporaneous log of incidents, and includes information such as 000 calls, police radio messages, non-radio messaging and logs of vehicles dispatched to incidents. It may also be used to relay other information, such as warning messaging about addresses or locations and intelligence.

e. Custody records

If you are arrested and taken into custody at a police station, the police must prepare a custody record for you. Generally, the custody record must include the time and date of your arrest, the arresting police officer's name, the reasons for arrest, any property of yours that was taken, any interactions you had during your time in custody, any requests you made during custody and when you were released from custody.

f. Field Arrest Form

A Field Arrest Form is a form that must be completed by police officers if they conduct an arrest outside of the police station. The form must list the time and date of the arrest, and reasons for the arrest. It must also list any property on the arrested person and whether the arrested person appears under the influence of any drugs or alcohol.

g. VKG logs and VKG radio

'VKG' is the main radio dispatch centre in NSW. 'VKG logs' are kept by the dispatch centre for all requests for police to attend incidents. The VKG log includes time-stamped entries of calls made over police radio. VKG audio is the audio of those calls.



What to do if your request is refused

There are lots of reasons why NSWPF may refuse to give you a document or might obscure some information that is in a document. Sometimes the decision of NSW Police is not correct.

A decision to refuse access to any information is reviewable. You can find the form to commence the review at: <https://www.ipc.nsw.gov.au/your-review-rights-under-qipa-act>. You should seek legal advice before lodging an internal or external review.

Keep in mind that you only have 20 business days from the date of the decision to lodge a review application. Any application after that time may not be considered. The fee for requesting an internal review is \$40.00.

EXAMPLE SCHEDULE OF INFORMATION REQUESTED

Copies of all information (in any format) held in relation to [insert name and date of birth] (the **Applicant**) regarding any incidents on [insert date/date range] (the **Incident(s)**) and police action arising from such incidents including, but not limited to:

1. COPS database entries, including but not limited to:
 - a. Event summaries;
 - b. Criminal History as at [insert date];
 - c. Central Index System printout;
 - d. Warnings or alerts in relation to the Applicant or [insert address/vehicle registration];
2. All custody management records held in relation to the Incident;
3. Police notebook records of any Police Officers referring to the Incident;
4. Any Field Arrest Form and/or Use of Force Form completed in relation to the Incident;
5. Any CCTV footage held in relation to the incident or showing the Applicant in the presence of NSW Police Officers and/or at the Police Station;
6. Any in-car video footage [insert identification of police vehicles if known] for the period [insert narrow period] held in relation to the incident or showing the Applicant in the presence of NSW Police Officers;
7. CAD Incident Log for Police vehicles [insert identification of vehicles if known] attending the incident for the period [insert shift period, e.g. 6:00pm to 6:00am];



8. Police VKG radio (in all available formats) from [insert date] referring to the Incident and/or:
 - a. Police vehicle LAC [insert identification of vehicles if known];
 - b. Constable [insert name of police officers, if known];
9. Any Witness Statements or notes taken in order to prepare witness statements in relation to the Incident;
10. Police Brief of Evidence (including any court report, subpoena, affidavit of service or other information);
11. Any complaints made by the Applicant to the NSW Police Force about the incident and any documents generated in relation to the complaint investigation.