

Factsheet No. 12

Accessing Information from NSW Police via GIPA



Can I access information held by NSW Police?

Yes. There are two types of information you can access from NSW Police under the *Government Information (Public Access) Act 2009 (NSW)*:

- Personal information: You have a right to access information that NSW Police hold about you (and incidents involving you)
- General information: This may include statistics, police policy and procedure documents.

If you have been charged with a criminal offence, talk to a criminal lawyer about how to access information about the offence from NSW Police.

How do I apply for information?

You can apply for information **online** via the NSW Police portal:

- Access the portal here: <https://bit.ly/gipa-triage>
- See also, *RLC Factsheet No. 14: Lodging a GIPA Application Online*, available here: <http://bit.ly/rlc-fs14>

Alternatively, you can apply for information by post:

- Download an application form from the NSW Police website here: <http://bit.ly/gipa-access>
- Post it to: NSW Police InfoLink Unit, Locked Bag 5102, Parramatta NSW 2124
- See also, *RLC Factsheet No. 13: Lodging a GIPA Application by Post*, available here: <http://bit.ly/rlc-fs13>

Do I need to provide proof of identity?

Yes. You can use a driver's licence, passport, Medicare card, birth certificate, Australian Visa or Health Care Card. If you don't have one of those documents, you can use any document showing your name, address and signature. If you apply online, you will need to verify your identity via the online portal. If you apply by post, you will need to send copies of your identity documents.

What is the application fee?

The GIPA application fee is \$30.00. If you apply online, you must pay by credit card. If you apply by post, the fee is payable by cheque, money order or credit card (make sure to attach a credit card authority form, available here: <http://bit.ly/gipa-cc>).

Can I apply for records on behalf of my child?

NSW Police will release records to a person with 'parental responsibility' of a child. If you are applying by post, you should still get your child to sign section 3 of the Application form if possible. You will need a copy of your child's identification document, showing their name and date of birth (and ideally, their address).

What records of personal information can I seek?

You should try to be as specific as possible about the documents you want from NSW Police.

Generally speaking, if you have been involved in an incident with police officers you should specify the date and location of the incident (or give a range if you are unsure of the exact date) and ask for all relevant documents relating to the incident, including:

- COPS records, including event summaries
- Police notebook records
- CAD Incident Log (information about calls to 000)
- VKG logs and VKG radio (information about calls made over police radio)
- Body-Worn Video.

If you were taken into **custody** you should also ask for:

- Custody management records
- Records related to charges
- Criminal record
- Property docket
- CCTV showing you at the station
- ERISP transcript (transcript of an electronically recorded interview).

If you were stopped while **driving** you should also ask for: Dash Cam (in-car video).

If you were **tasered** by police you should also ask for: TaserCam (taser video).

If you apply for notebooks records, it may slow down the processing of your application because these are stored at local police stations or government archives rather than centrally.

Do time limits apply?

It is best to try and obtain documents and records as soon as you can. Even though you can apply at any time for information, some records are only kept for short periods (e.g. Body-Worn Video and custodial area footage are generally only retained for 6 months, In-Car Video a minimum of 2 years).

When will I receive my documents?

You will receive a notification within 5 working days to advise whether your application has been accepted as a valid application.

You will receive a Notice of Decision about the outcome of your application within 20 working days after your application is received, but it can take longer, in which case, the NSW Police GIPA Unit may seek an extension.

If consultation is required, extensions of 10 working days will be applied to the processing timeframe. If requests require archive searches, extensions of 10 working days will be applied to the processing timeframe. If both extensions are applied, the maximum extension of the processing time frame is 15 working days.

What if I do not receive my documents within 20 working days?

If NSW Police do not meet this timeframe, your application is 'deemed refused' and the application fee will be refunded. Your application will still be processed but there is no longer a deadline by which police must provide the documents.

You can choose to wait for your documents, or you can seek an internal review. You must apply for an internal review within 20 working days. Once your internal review is received, NSW Police GIPA will have a further 20 working days to provide the documents to you. An internal review can be a good idea because it ensures that your application has a new deadline.

There is no fee for seeking internal review of a deemed refusal.

Do I have to pay for the documents?

There are no charges for the first 20 hours of processing time for personal information. If your application takes longer, it will attract processing charges at the rate of \$30 per hour – you will be contacted if this is applicable to your request.

For non-personal information requests, the application fee of \$30 covers one hour of processing time – processing requirements that exceed this will attract processing charges at the rate of \$30 per hour – you will be contacted if this is applicable to your request.

Some applicants may be entitled to a 50% reduction of processing charges on the basis of financial disadvantage.

Can NSW Police refuse to provide the information?

You have a right to access information about you unless there is an 'overriding public interest' against disclosure. If NSW Police decide that there is an overriding public interest against disclosure, they may refuse to give you a document, or they may obscure parts of a document (for example, block out a name).

The most common reasons NSW Police find an overriding public interest against disclosure are:

- Releasing the information would reveal the personal information of someone else, or
- There are current court proceedings and giving you the information may prejudice those proceedings.

See also: Information and Privacy Commission's fact sheet about the public interest test, available here: <http://bit.ly/pub-int>

Can I appeal the decision?

Yes. If you are unhappy with the decision, you can seek an internal review with NSW Police.

The internal review application must be made within 20 working days from the date of the decision. The application fee is \$40. The internal review form is available here:

<http://bit.ly/int-review>

Alternatively, you can seek external review by the Information and Privacy Commissioner or the NSW Civil and Administrative Tribunal (NCAT). The external review application must be made within 40 working days from the date of the decision. Applications to the Privacy Commissioner are free. Applications to NCAT are \$106 (\$27 for concession card holders).

You do not need to seek an internal review before seeking external review.

Useful links:

NSW Civil and Administrative Tribunal:
<https://www.ncat.nsw.gov.au>

Information and Privacy Commissioner:
<https://www.ipc.nsw.gov.au>

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