

Reasonable Searches - Search Officer Guidelines – GIPA Act

- [What is 'government information'?](#)
- [What is a 'reasonable search'?](#)
- [Unreasonable diversion of resources and creating documents](#)
- [Non-personal and personal access applications](#)
- [Time limits and processing charges](#)

What is 'government information'?

Under the Government Information (Public Access) Act, 2009 or GIPA Act, '**government information**' is information contained in a record held by a government agency.

'**Record**' means any document or other source of information compiled, recorded or stored in written form or by electronic process, or by any other manner or means. It includes:

- [electronic documents stored on computers including those in draft form \(eg: Word, Excel, Powerpoint, Acrobat PDF documents\)](#)
- [working notes in hard copy or electronic format](#)
- [emails \(sent and received\)](#)
- [hard copy, CD, or USB data stick copies of any documents](#)
- [records of meetings](#)
- [databases](#)
- [audio or video recordings, films, DVDs](#)
- [photographs, maps, plans](#)
- [information on iPads and tablets](#)
- [text messages](#)
- [diaries \(electronic or hard-copy\)](#)
- [anything capable of recording a meaning](#)

It includes any record that can be automatically created from an existing database, even if that particular version of the information as an electronic document does not currently exist.

Under the GIPA Act, the department holds information if it is:

- contained in a record held by the department
- held by a private sector entity and the department has an immediate right of access to it (for example, under a contract)
- held by the State Records Authority and the department has an immediate right of access to it
- in the possession or under the control of a person in their capacity as an officer of the department (including information held at home or on a home computer by officers who work from home).

What is a 'reasonable search'?

As a Search Officer you must undertake searches using the most efficient means reasonably available to your business area, including using electronic search facilities where available. You are expected to make a reasonable effort to locate records if it is possible that they would have been held in your area when the GIPA application was received.

What is a 'reasonable search' depends on:

- the particular application – the timeframe and whether the scope is specific or general
- factors relating to the area of the business area for which you are responsible
- the degree of your personal knowledge of the information held in your area
- the length of time you have held that position.

As a guide, the following searches would be appropriate:

- TRIM system
 - A TRIM search using key terms from the Access Application and then a search of any files located
- All electronic files held in your area
 - Shared drives and personal drives
 - A business area drive search using key terms from the Access Application
- Email
 - Personal and public folders
- Asking the staff of the business area who would be likely to hold such documents
- Presentations, photographs and audio or visual recordings
- Physical search of hard copy documents, loose papers or papers on files

The Information Access Unit can help with advice about what searches might be appropriate.

Unreasonable diversion of resources and creating documents

You are not expected to go to unreasonable lengths to search for records in locations where you would not ordinarily expect to find them. If you find that records are held in archives, please notify the Information Access Unit immediately as the time for the decision is extended in this case.

You are not required to create a record to satisfy a request although sometimes it may be more efficient to create a compilation summary document than to provide all the individual records.

You do not need to search electronic backup systems unless the information was lost or destroyed contrary to the department's record management procedures or the *State Records Act 1998*.

If you have previously provided the same information to the applicant or their legal representative under a previous GIPA Act request, subpoena or other court order, please contact the Information Access Unit immediately, as the GIPA Act states that the department does not have to provide it again.

You are not expected to unreasonably divert the department's resources away from your area's normal work. If the effort required to carry out the search would prevent your area from performing its core function for an unreasonable length of time that means the search is impractical and unreasonable.

If the information is held in a number of electronic data bases, and it would require a specific program or skilled IT professional to manipulate the data to provide access to the information requested, it is likely to be a diversion of resources.

Non-personal and personal access applications

There are two categories of GIPA access application:

- Personal - where the applicant is seeking his or her own personal information, or information about their child who is under 18 years; and
- Non-Personal – for government information not directly concerning the applicant. It may include a request for personal, commercial or business information about other people or businesses.

Time limits and processing charges

You are normally given 5 working days to provide the records. The GIPA Act places strict time limits on the department for providing access, so it is essential to provide your response and the records themselves by the due date. It is important to let the Information Access Unit know promptly if there is likely to be any delay.

If the records are held in archives please let the IA Unit know immediately as an extension applies.

Processing charges may apply. Please inform the Information Access Unit within 3 working days of receiving the search request if the work involved for your unit is likely to exceed the following time limits:

- Personal applications - 5 hours
- Non-Personal applications - 2 hours.

Use a time estimate form to help you calculate the work involved

Search Officer Checklist – GIPA Applications

Please check you have completed the following steps before returning any advice to the Case Officer or Information Access Unit (IA Unit)

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1	Is your area the most likely to hold information relating to this application? If not, contact the IA Unit iaunit@det.nsw.edu.au	
2	Have you considered all types of records including electronic, paper or archived files? (See form 'Reasonable Searches')	
3	Have you conducted a reasonable search, given: <ul style="list-style-type: none"> the particular request –timeframe; whether the scope is specific or general any factors relating to the area of the department for which you are responsible your personal knowledge of the information held in your area the length of time you have been in your role. 	
4	In looking for relevant records did you : <ul style="list-style-type: none"> search TRIM using key terms from the request and then look at any files located by that search? search all electronic files and any files or folders held in your area (a directorate drive search using key terms from the request)? ask staff of the directorate who would be likely to hold such records and ask them to search their emails, if relevant to the request? check for the existence of presentations, photographs or audio or video recordings that may contain the information sought? 	
5	If you have determined that you do <u>not hold</u> information relevant to the request, have you signed the Search Officer Declaration and returned it to the IA Unit?	
6	Have you advised the IA Unit of the time it will take to consider the application, identify and provide the information? Different time limits apply to personal and non-personal applications. The IA Unit may ask the applicant to pay processing charges or to reduce the scope to make it manageable. If the work is likely to take your area more than 3 hours, notify the Case Officer immediately as it may stop the clock. Otherwise proceed to compile and send the records to the Case Officer.	
7	Is the record held in archives ? If so, inform the Case Officer, as an extension of time applies.	
8	If you do hold information, have you provided the IA Unit with the relevant records, and described the searches you made? <ul style="list-style-type: none"> TRIM Physical search of hard copy documents or papers on files Electronic files (shared drives and personal drives) Email Asked other members of your area 	
9	Have you identified any issues that may be relevant to deciding the public interest factors for and against disclosing the information to the applicant? Please provide this in a briefing note, memo or email to the Case Officer.	
10	Have you included a statement about the time taken to search for records and provide a response and included this on the Search Officer Declaration form?	
11	Do you know of any other area that may hold related records? Have you advised the IA unit?	
12	Have you kept a copy of the signed Search response sent to the IA Unit?	