

John Holman (WUFA)

From: John Holman (WUFA) <president@warringahurbanfringeassociation.org.au>
Sent: Saturday, 18 April 2015 8:15 AM
To: 'Chris Wilson'
Subject: RE: Your GIPA Application lodged with Warringah Council
Attachments: aeod_pd6_gipa_act_matters.pdf

Dear Chris,

I have attached "NCAT Administrative and Equal Opportunity Division Procedural Direction 6" which outlines the procedures for GIPA matters. Clause 2.3 (c) outlines what the schedule of documents must contain (number, date, nature and author). I think you will find what the IPC refers to as "Description of record that contains the information" is to include date, nature and author. Can you please advise if you are prepared to provide the date, nature and author of all documents in the schedule of documents if I proceed with your request to pay \$1,500 for the information?

Kind Regards,

John Holman
President
Warringah Urban Fringe Association Inc. (WUFA)
PO Box 125,
Belrose, 2085
M: 0419 777 502
E: president@WarringahUrbanFringeAssociation.org.au
W: www.warringahurbanfringeassociation.org.au/

From: Chris Wilson [mailto:Chris.Wilson@warringah.nsw.gov.au]
Sent: Friday, 17 April 2015 4:48 PM
To: John Holman (WUFA)
Subject: RE: Your GIPA Application lodged with Warringah Council

Dear Mr Holman

In your email dated 5 April 2015, you requested answers to a number of questions. Your questions and my responses are provided below:

- 1) You have stated in the email to me dated 1 April 2015, "As the PRG meetings were initiated by the Department of Planning, a member of Council staff has been in contact with them for copies of the agendas and minutes so they can be supplied to you". Are you telling me that agendas and minutes were not circulated to Warringah Council attendees of the PRG meetings, and/or the agenda and minutes were not properly stored in your document management system?

In following up with the Department of Planning, my aim is to ensure that all agendas and minutes are provided to you. This is a cross-check to ensure none are missed.

- 2) Can you please provide a single schedule of documents that fully covers my original GIPA request dated 4 February 2015. Can you please ensure the document descriptions include document dates, a full description of each document, and the status of each document (ie provided or awaiting instructions), that way WUFA members can assess whether we feel there are still documents missing and the worth of paying the money to have the documents provided?

The Information and Privacy Commission provides a template Schedule of Documents table as part of its template Notice of Decision form. This template provides for the following to be provided in the Schedule of Documents:

1. Number
2. Description of record that contains the information
3. Format of record
4. Location of record in agency
5. Released or withheld
6. Relevant public interest consideration(s) against disclosure.

I will be happy to provide a Schedule of Documents containing all of this information if you choose to proceed with your application.

- 3) Are you able to provide me with a Statutory Declaration stating that the abovementioned schedule of documents covers all documents requested under my GIPA application dated 4 February 2015?

As I advised in my email dated 25 March 2015:

Warringah Council's electronic document system holds approximately 3 million documents, so I am not in a position to give a 100% guarantee that all documents have been located in relation to your application.

I use my best endeavours to ensure that all documents caught by a request are provided and that the provisions of the Act are complied with. I will not be providing a statutory declaration.

- 4) Can you please advise if it is possible that any reference to either "John Holman", "Warringah Urban Fringe Association" or "WUFA" not be redacted from the documents covered by the GIPA request?

If you decide to proceed with your application, I will make sure this occurs.

- 5) It would seem that you are asking me to pay for a large amount of time because the documents covered by the GIPA request have either been incorrectly stored, or Warringah Council is so concerned about damaging information being released that they feel someone has to review all documents prior to release. In the public interest and in the interest of accountability and openness, I ask that you consider releasing all documents covered by the GIPA request for the original application fee.

The way these documents have been stored has no bearing on the amount of time it will take to process them. Locating these documents is not the time-consuming task, rather it is reading each of them to determine certain matters.

As I advised in my email dated 1 April 2015:

In order to sort out which of these documents fall within the scope of your application, if any require third party consultation, the redaction of personal information or contain content that may be regarded as considerations against release in the conduct of a public interest test, the number of hours to complete this work will be significant. Please note that the amount of work is no greater than if the documents had previously been saved into the document management system.

It is a requirement of the Act that all relevant documents in response to a GIPA application are thoroughly reviewed.

No additional work will be completed in relation to your application without the provision of a \$750 advance deposit, received by Warringah Council by 1 May 2015.

Just to remind you, an internal review by a senior officer, external review by the Information Commissioner or external review by the NSW Civil and Administrative Tribunal is available to you. You should note that the time for seeking an internal review is four weeks or, for external review, eight weeks from the date you were notified of this decision. You may obtain further information about your rights under the GIPA Act by contacting the Information and Privacy Commission on 1800 472 679 or at the following website:
www.ipc.nsw.gov.au

Kind regards

CHRIS WILSON
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WARRINGAH.NSW.GOV.AU



From: John Holman (WUFA) [<mailto:president@warringahurbanfringeassociation.org.au>]
Sent: Sunday, 5 April 2015 9:15 AM
To: Chris Wilson; Rob Deering
Subject: RE: Your GIPA Application lodged with Warringah Council

Dear Chris & Rob,

It seems strange to me that as I keep insisting there is information that you have not provided, you keep finding more information. The extra documents that you refer to in your email dated 1 April 2015 will be the third batch of documents that you will have provided under my original GIPA request of 4 February 2015, due to my insistence that there are documents missing. If I was to be sceptical, I would be thinking that Warringah Council is withholding information that is covered by the GIPA request.

Can you please provide answers to the following:

- 1) You have stated in the email to me dated 1 April 2015, *“As the PRG meetings were initiated by the Department of Planning, a member of Council staff has been in contact with them for copies of the agendas and minutes so they can be supplied to you”*. Are you telling me that agendas and minutes were not circulated to Warringah Council attendees of the PRG meetings, and/or the agenda and minutes were not properly stored in your document management system?

- 2) Can you please provide a single schedule of documents that fully covers my original GIPA request dated 4 February 2015. Can you please ensure the document descriptions include document dates, a full description of each document, and the status of each document (ie provided or awaiting instructions), that way WUFA members can assess whether we feel there are still documents missing and the worth of paying the money to have the documents provided?
- 3) Are you able to provide me with a Statutory Declaration stating that the abovementioned schedule of documents covers all documents requested under my GIPA application dated 4 February 2015?
- 4) Can you please advise if it is possible that any reference to either "John Holman", "Warringah Urban Fringe Association" or "WUFA" not be redacted from the documents covered by the GIPA request?
- 5) It would seem that you are asking me to pay for a large amount of time because the documents covered by the GIPA request have either been incorrectly stored, or Warringah Council is so concerned about damaging information being released that they feel someone has to review all documents prior to release. In the public interest and in the interest of accountability and openness, I ask that you consider releasing all documents covered by the GIPA request for the original application fee.

Kind Regards,

John Holman

President

Warringah Urban Fringe Association Inc. (WUFA)

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E: president@WarringahUrbanFringeAssociation.org.au

W: www.warringahurbanfringeassociation.org.au/

From: Chris Wilson [<mailto:Chris.Wilson@warringah.nsw.gov.au>]

Sent: Wednesday, 1 April 2015 4:26 PM

To: John Holman (WUFA)

Subject: RE: Your GIPA Application lodged with Warringah Council

Dear Mr Holman

As the PRG meetings were initiated by the Department of Planning, a member of Council staff has been in contact with them for copies of the agendas and minutes so they can be supplied to you. I will advise when the documents arrive.

In addition to these documents, it has come to my attention that due to an administrative oversight, a large number of emails relating to the Oxford Falls and Belrose North Strategic Review were not saved into Council's document management system.

In order to sort out which of these documents fall within the scope of your application, if any require third party consultation, the redaction of personal information or contain content that may be regarded as considerations

against release in the conduct of a public interest test, the number of hours to complete this work will be significant. Please note that the amount of work is no greater than if the documents had previously been saved into the document management system.

I refer you to Section 64(1) of GIPA which states:

An agency may impose a charge (a "processing charge") for dealing with an access application at a rate of \$30 per hour for each hour of processing time for the application.

As the number of emails to be reviewed is in excess of 1,500, we estimate that the time to process them will be in excess of 50 hours and therefore the processing charge will exceed \$1,500.00. Can you please advise if you would like this task to proceed under these circumstances? This processing charge will need to be paid in full before the supply of this documentation. Please note the PRG meeting agendas and minutes will be supplied without any processing charge applying.

I refer you to Section 68(1) of GIPA which states:

An agency may by notice to an applicant require the applicant to make an advance payment of a processing charge (as an "advance deposit").

If you wish to proceed with the application on this basis, Warringah Council requires an advance deposit of \$750 by 1 May 2015.

A decision to impose a processing charge is a reviewable decision under GIPA (Section 80(j)). If you wish to review this decision, you have the following options:

An internal review by a senior officer, external review by the Information Commissioner or external review by the NSW Civil and Administrative Tribunal. You should note that the time for seeking an internal review is four weeks or, for external review, eight weeks from the date you were notified of this decision. You may obtain further information about your rights under the GIPA Act by contacting the Information and Privacy Commission on 1800 472 679 or at the following website: www.ipc.nsw.gov.au

As of close of business tomorrow (2 April 2015), I will be out of the office until 13 April 2015. In my absence, Rob Deering will be acting in my position. Rob can be contacted via email at rob.deering@warringah.nsw.gov.au or by phone on 9942 2774.

Kind regards

CHRIS WILSON
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From: John Holman (WUFA) [<mailto:president@warringahurbanfringeassociation.org.au>]
Sent: Saturday, 21 March 2015 7:00 AM
To: Chris Wilson
Subject: RE: Your GIPA Application lodged with Warringah Council

Dear Chris,

I have received the extra information yesterday along with the attached letter.

I still believe there are documents covered by our GIPA application that have not been provided. Could you please ask Malcolm Ryan for a list of all dates that the Project Control Group (PCG) met, and a copy of all agendas and minutes for all PCG meetings (please check you have agendas and minutes for each meeting). Can you please also ask Malcolm where all documents relevant to the Strategic Review are filed so you can be certain that you have all documents covered by the GIPA application.

Kind Regards,

John Holman

President

Warringah Urban Fringe Association Inc. (WUFA)

PO Box 125,

Belrose, 2085

M: 0419 777 502

E: president@WarringahUrbanFringeAssociation.org.au

W: www.warringahurbanfringeassociation.org.au/

From: Chris Wilson [<mailto:Chris.Wilson@warringah.nsw.gov.au>]

Sent: Tuesday, 17 March 2015 3:59 PM

To: John Holman (WUFA)

Subject: RE: Your GIPA Application lodged with Warringah Council

Dear Mr Holman

Regarding the letters dated 11 and 17 September 2014, I have attached the letter dated 17 September. I have not been able to locate relevant correspondence dated 11 September, however, I have located a document dated 8 September that may be the letter being referred to (please see attached).

Also, I have located some additional information in relation to your GIPA Application which will be copied and forwarded to you via post.

Kind regards

CHRIS WILSON

INFORMATION MANAGEMENT MANAGER

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 WARRINGAH
COUNCIL

From: John Holman (WUFA) [<mailto:president@warringahurbanfringeassociation.org.au>]
Sent: Monday, 16 March 2015 8:47 PM
To: Chris Wilson
Subject: RE: Your GIPA Application lodged with Warringah Council

Dear Chris,

I have received the information in regards to the GIPA application and there seems to be missing information. I cannot find the two letters from Warringah Council to the Department of Planning referred to in the attached letter (11 and 17 September 2014). I am also surprised at the lack of correspondence between Warringah Council and the Department of Planning. This is an extremely important issue. Can you please check that you have provided all correspondence between Warringah Council and the Department of Planning as I think you have missed a lot of documents. There appears to be no agendas or minutes for meetings for the project control group.

Kind Regards,

John Holman
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From: Chris Wilson [<mailto:Chris.Wilson@warringah.nsw.gov.au>]
Sent: Friday, 6 March 2015 3:20 PM
To: John Holman (WUFA) (president@warringahurbanfringeassociation.org.au)
Subject: Your GIPA Application lodged with Warringah Council

Dear Mr Holman

Please find attached Notice of Decision for your GIPA Application lodged with Warringah Council. A CD containing documents to be supplied is being forwarded to you via post.

Kind Regards

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