



AGENCY INFORMATION GUIDE

1. INTRODUCTION

The *Government Information (Public Access) Act 2009 (GIPA Act)* provides members of the public with a right to access certain government information. The GIPA Act replaced the *Freedom of Information Act 1989*.

Under the GIPA Act each NSW Government Agency is required to have an Agency Information Guide.

This Information Guide provides a general description of:

- our organisation's structure and functions;
- the way in which our functions affect members of the public;
- how members of the public can participate in policy formulation and provide feedback;
- the kinds of information we hold; and
- information we make publicly available.

2. ABOUT TRANSPORT ASSET HOLDING ENTITY OF New South Wales (TAHE) – STRUCTURE AND FUNCTIONS

2.1 Who we are

TAHE is a statutory State Owned Corporation established under Part 2 of the *Transport Administration Act 1988 (TAA)*. On 1 July 2020, the corporate name TAHE replaced the previous name of the Rail Corporation New South Wales (**RailCorp**).

As a State-Owned Corporation, TAHE holds rail property assets including rail embankments, cuttings and tunnels, track signals, power systems, rolling stock and rail infrastructure as well as stations and significant land holdings across the State.

TAHE provides rail infrastructure to rail operators, including Sydney Trains and NSW TrainLink, under the terms of track access agreements.

TAHE also retains and invests in its significant asset base for long term commercial returns. By revitalising spaces in partnership with government agencies and private enterprise, TAHE can ensure the delivery of community outcomes and expectations.

For information on TAHE investments and initiatives which contribute to community outcomes and expectations, refer to our [Projects page](#).

Transport for NSW (TfNSW) is responsible for strategy, integration, coordination and improving the customer experience across the transport cluster. More information on delivery of transport infrastructure and services in NSW is available in the [TfNSW Information Guide](#).

2.2 What we do

The objectives of TAHE are defined within the TAA and include:

- (a) to undertake its activities in a safe and reliable manner,
- (b) to be a successful business and, to this end—
 - (i) to operate at least as efficiently as any comparable businesses, and
 - (ii) to maximise the net worth of the State's investment in TAHE,
- (c) to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates,
- (d) where its activities affect the environment, to conduct its operations in compliance with the principles of ecologically sustainable development contained in section 6 (2) of the [Protection of the Environment Administration Act 1991](#),
- (e) to exhibit a sense of responsibility towards regional development and decentralisation in the way in which it operates.

Importantly, each of the principal objectives of TAHE are of equal importance.

2.3 Organisational Structure

TAHE has a Board of Directors to assist TAHE to achieve its principal objectives. Under the TAA, the Board is comprised of the Transport Secretary and up to seven members, each appointed by the voting shareholders.

The functions of TAHE's Board of Directors are set out in Section 6 of the TAA and in TAHE's [Board Charter](#).

2.4 Coordination of GIPA functions in the Transport cluster

The TfNSW Information Access Unit is responsible for centralised acknowledgement on behalf of, and referral of formal access applications to few NSW Government agencies including TAHE.

TfNSW also provides resources to support TAHE to process and make decisions on information access applications received. TAHE remains responsible for making decisions regarding the release of its information under the GIPA Act.

3. PUBLIC PARTICIPATION AND FEEDBACK

TAHE interacts with TfNSW, Sydney Trains, NSW Trains and other operators for the purpose of managing agreements for the use of rail stock and infrastructure.

TAHE also interacts with the community concerning the acquisition of land assets to enable it to carry out its functions and the management of these assets.

3.1 Community consultation and engagement

Community insights are critical to planning and development across transport, TAHE via its agents and representatives, actively seeks public participation and feedback in policy development, transport planning and ongoing service delivery.

This is achieved through engagement in public consultation about transport functions and policies, use of formal feedback channels such as the NSW Government [Have Your Say](#) web portal, surveys, calls for public submissions under legislation and use of expert panels.

Information about current and completed projects and opportunities for community participation is available on the TAHE webpage.

4. TYPE OF INFORMATION HELD

TAHE collects information from rail operators, its customers and the public for purposes associated with its functions and for administrative, planning and reporting purposes.

Personal information collected or held by employees of TAHE is held securely to avoid loss, unauthorised access, use, modification or disclosure and all other misuse. Personal information can only be used or disclosed for the purposes that for which it was collected, unless consent for other uses or disclosure is obtained from the person to whom the information relates. More information about our obligations can be found in TAHE's Code of Ethics and Conduct.

The *Personal Information and Privacy Protection Act 1998 (NSW)* allows individuals to obtain access to, and to apply for amendment of, their personal information which is held by NSW government agencies. For more on this legislation and useful fact sheets on applying for your information, please see the website of the [Information and Privacy Commission NSW](#).

4.1 Open access Information

Open access information is a category of information explained further below under 'Mandatory Proactive Release (Open Access Information)'. TAHE's open access information includes:

- The TAHE Information Guide (this publication)
- [The TAHE annual reports as published](#)
- [The TAHE disclosure log of access applications](#)
- TAHE Policy documents
- [TAHE register of government contracts](#)

Information about TAHE in documents tabled in Parliament, other than documents tabled by order of either House of Parliament. For further information please contact the Information Access Unit by phone on (02) 9549 9904 or by email to information@transport.nsw.gov.au.

4.2 Open Data Policy

The [Transport Open Data Policy](#) is aligned to the [NSW Government Open Data Policy](#) and seeks to make appropriate government data available to industry and the community. Open data supports the open government principles of transparency, participation, collaboration and innovation. It augments the proactive release of information required under the GIPA Act.

The NSW transport cluster is committed to embedding open data principles at all levels of the cluster, as this can lead to faster, smarter, more responsive service delivery. It promotes the development of new businesses and industries that can make use of government data, facilitates data sharing between government agencies and enhances our own awareness, understanding and use of information.

Protecting data where required on the grounds of privacy, security, confidentiality, legal privilege or public interest.

Open Data principles are embedded across the Transport cluster by:

- Engaging with industry and the community to understand their needs for transport data;
- Prioritising for release any high-value datasets, especially those identified through industry and community engagement;
- Releasing data under open licence wherever possible; and
- Protecting data where required on the grounds of privacy, security, confidentiality legal privilege or public interest.

TAHE supports the Transport Open Data Policy and is represented within a wide range of transport data available via the [TfNSW Open Data Hub](#).

This commitment is reflected in, among other things, the TAHE' Code of Ethics and Conduct, under which employees and managers/supervisors are obliged to maintain open communications with their relevant stakeholders and keep them fully informed of matters relating to the role, function and operations of TAHE, except where specific exemptions apply to documents or processes for reasons of confidentiality.

5. HOW TO ACCESS INFORMATION WE HOLD

The GIPA Act provides members of the public with a right to access government information.

There are four ways that members of the public can access government information held by TAHE under the GIPA Act, namely:

- a) Mandatory proactive release (Open Access Information);
- b) Authorised proactive release;
- c) Informal release; and

d) Access applications.

a) Mandatory proactive release (Open Access Information)

Information classified as Open Access Information must be made publicly available, unless it is not in the public interest to do so.

TAHE makes Open Access Information that it holds publicly available on its website free of charge, including this publication (agency information guide), information about TAHE tabled in Parliament (such as the TAHE Annual Reports), policy documents, the TAHE register of government contracts and the agency disclosure log of access applications.

b) Authorised proactive release

TAHE is required to have a program for the proactive release of government information.

Proactive disclosure is the manner in which TAHE considers making information publicly available where appropriate. The proactive disclosure of information helps provide the public with greater access to government held information.

TAHE participates in the Transport Cluster Proactive Disclosure Committee that meets regularly to consider and recommend information suitable for proactive disclosure. The Committee is chaired on a rotating basis by a senior Transport cluster executive in order to convey to staff the importance of proactive disclosure as part of day to day business.

Information proactively disclosed by TAHE is made available on its website.

If information sought is not available on the TAHE website, members of the public can suggest that information be proactively disclosed (if held).

Please forward any suggestions to the Information Access Unit by email to information@transport.nsw.gov.au

c) Informal requests for Information

Members of the public can request information from TAHE on any topic of interest. If the information is clearly in the public interest to disclose, it will be supplied free of charge.

TAHE may attach conditions to the informal disclosure of information. For example, we may provide access on a view-only basis where the requested information is sensitive and should remain confidential but is relevant to the person making the request.

Under the GIPA Act a right of review only applies for formal applications.

If you would like to make an informal request for information, please contact the Information Access Unit on (02) 9549 9904 or by email to information@transport.nsw.gov.au.

d) Formal access applications

In some cases, requests for information held by TAHE will need to be made through the formal access application process.

To make a formal application for information held by TAHE, an access application must:

- be in writing and addressed to the agency
- clearly indicate that it is a formal access application made under the GIPA Act
- provide a payment of \$30.

Payment may be made by Electronic Fund Transfer or direct deposit to the following bank account:

Account name: Transport for NSW

BSB: 032001

Account Number: 170518

Or by credit card (by cheque, money order addressed to Transport for NSW).

- provide a postal address for correspondence in connection with an application
- include such information as is reasonably necessary to enable the government information applied for to be identified

If your application does not meet the above requirements, it will be invalid, and the application will not be processed. However, in order to help you make a valid application, we will contact you to provide advice and assistance.

You may make an [online application](#) for information.

OR

You may send your application by post with a payment by cheque or money order to:

Information Access Unit

Transport for NSW

PO Box K659

Haymarket NSW 1240

If you would like to make an access application, please see [How to apply and FAQs](#)

6. FORMAL ACCESS APPLICATION FEES AND CHARGES

Apart from the \$30 application fee, the GIPA Act allows TAHE to impose a charge of \$30 per hour in order to process an application. The application fee counts towards the first hour of processing.

In processing a formal access application, TAHE is required to ensure that it is dealt with efficiently and provide access to information requested at the lowest reasonable cost.

A 50 per cent discount in processing charges will apply if an applicant demonstrates they fall within any of the following categories:

- A member of the public suffering financial hardship

- The information applied for is of special benefit to the public
- The holder of a current Pensioner Concession Card
- Full-time students
- Non-profit organisations

Please note that the 50 per cent discount applies only to processing charges and not to the \$30 application fee.

If applying for your own personal information, TAHE cannot charge for the first 20 hours of processing.

For further information about fees and charges, please see the [Fees and Charges](#) section on the TfNSW website, or contact the Information Access Unit on (02) 9549 9904 or by email to information@transport.nsw.gov.au.

Requests for personal information can also be made under the Privacy and Personal Information Protection Act 1998.

7. REVIEW RIGHTS

You have the right to request a review of certain decisions made by TAHE in response to a formal access application. For further information, please view the NSW Information and Privacy Commission's publication '[Your review rights under the GIPA Act](#)'.

8. INFORMATION FOR WHICH THERE IS A SPECIFIED COST

TAHE does not currently hold any information that falls within this category. If any information in this category becomes available in the future, TAHE will include a dedicated section on the TfNSW website, which describes the type or types of information that can be requested and the cost for this information.

9. CONTACT US

For further information relating to the disclosure of government information held by TAHE, the Information Access Unit can be contacted on the details below:

Post Information Access Unit
 Transport for NSW
 PO Box K659
 Haymarket NSW 1240.

Email information@transport.nsw.gov.au

Phone 02 9549 9904

For more information about the GIPA Act and your right to access information (including review rights) contact the NSW Information and Privacy Commission:

Post GPO Box 7011
 Sydney NSW 2001

Email ipcinfo@ipc.nsw.gov.au
Web <http://www.ipc.nsw.gov.au>
Phone 1800 472 679

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