



Open Access Information that is not made publicly available

Under section 6 of the GIPA Act Pillar is required to keep a record of the open access information that it does not make publicly available on the basis of an overriding public interest against disclosure. Under section 18 **that record** is regarded as open access information that is to be made available.

Of particular relevance to Pillar given its position in a highly competitive industry, the GIPA Act includes provisions that protects commercially sensitive information. Those provisions are part of section 14 which includes the grounds (the only grounds) for not releasing information because of an overriding public interest against disclosure. The provisions within section 14 include the following (which is item 4 in a table of 'grounds'):

4 Business interests of agencies and other persons There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

- (a) undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market,*
- (b) reveal commercial-in-confidence provisions of a government contract,*
- (c) diminish the competitive commercial value of any information to any person,*
- (d) prejudice any person's legitimate business, commercial, professional or financial interests,*
- (e) prejudice the conduct, effectiveness or integrity of any research by revealing its purpose, conduct or results (whether or not commenced and whether or not completed).*

Pillar operates in a highly competitive commercial environment and, consistent with the provisions in section 14 above, Pillar will not disclose any information that could adversely affect its commercial interests unless Pillar is obliged to release the information by law.

Hence, other than information published in annual reports and other places as a matter of the normal processes of public transparency that apply to Pillar as a NSW State owned corporation, **any commercially sensitive information of any kind will not be released on the grounds that there is an overriding public interest against disclosure.**