

15 September 2026

Our ref: 27T-0069

Ms Tegan Mitchell
WalkSydney
Level 4, 68 Wenworth Avenue
SURRY HILLS NSW 2010

By email: tegan.mitchell@walksydney.org

1. Notice of Internal Review Decision

1.1. I refer to your application for internal review under the *Government Information (Public Access) Act 2009 (GIPA Act)* dated 25 August 2026, seeking review of the decision made on 5 August 2026 in relation to **Item 1** of your access application.

1.2. The original application was in the following terms:

Please see the attached document with details of our request

[I am writing on behalf of WalkSydney, NSW's peak walking advocacy organisation, to make an access application under the Government Information (Public Access) Act 2009 (NSW). I would like to access signal operations data held by Transport for NSW.

WalkSydney has written three times to Transport for NSW (TfNSW) requesting access to signal operations data (our correspondence and TfNSW responses are available here:

<https://walksydney.org/2025/09/20/why-wont-transport-for-nsw-share-scats-traffic-signal-phasing-data/>). Despite our best efforts, TfNSW has declined these requests.

We are specifically requesting that TfNSW disclose:

1. Some signal operations data relating to pedestrian delay for representative days in one week for all signalised intersections in NSW. The exact details are specified in the following section. [item 1]

2. Advice provided to Howard Collins or Josh Murray relating to the WalkSydney request for signal phase data between 2025-04-16 and 2025-08-25. Emails, briefing notes, presentations, instant message logs. [item 2]

We would be happy to discuss this application with you to assist in collecting and providing this information prior to any determination. The details of our application as below:

Data specification and scope of request

We are requesting the disclosure of signal operations data for all signalised

intersections in NSW. There are two ways that Transport for NSW could disclose this information:

- 1. Disclose SCATS event logs in a file format that is machine readable using open-source tools (e.g. CSV, Parquet, etc.)*
- 2. Disclose summary statistics for each signal (TCS) site, summarised by hour and day:*
 - a. Minimum actual cycle time recorded during the hour*
 - b. Maximum actual cycle time recorded during the hour*
 - c. Time-weighted mean actual cycle time recorded during the hour (this mean must be weighted by the cycle duration in order to provide a view of average pedestrian waiting time, as a simple arithmetic mean is length-biased and will over-represent shorter cycles)*
 - d. Time-weighted mean green interval for each pedestrian movement at the intersection*
 - e. The percentage of cycles in each hour in which demand is registered for each pedestrian movement at the intersection*

Disclosure via either option 1 or 2, or via both options 1 and 2, would satisfy this application.

Disclosure via option 1 would achieve the lowest reasonable cost, and Transport for NSW should establish an overriding public interest against option 1 if it only discloses the information via option 2 at a higher cost.]

1.3. I have conducted an internal review of the original decision, including consideration of:

- the access application;
- information received from the relevant areas and subject matter expert, Director of Network Operations (SME) within TfNSW;
- the original decision and reasons for decision;
- the submissions contained in your internal review application dated 26 August 2026; and,
- the requirements of the GIPA Act.

2. Authority to make an internal review decision

2.1. I am authorised by the Principal Officer, to make reviewable decisions under the GIPA Act and to decide your application for internal review.

2.2. An internal review is to be done by making a new decision, as if the decision being reviewed (the original decision) had not been made, with the new decision being made as if it were being made when the access application to which the review relates was originally received. To this extent, the internal review is not a review of the original decision, *per se*, but rather a new decision.

3. Decision

3.1. I have decided that the information is not held by TfNSW under section 58(1)(b) of the GIPA Act.

Reasons for Decision

3.2. Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you asked for, unless there is an overriding public interest against its disclosure.

3.3. Under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against its disclosure.

Information not held

3.4. An access application under the GIPA Act is defined as “an application for access to government information under Part 4 that is a valid access application under that Part”. “Government information” is taken to mean “information contained in a record held by an agency”.¹ “Record” is defined as “any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means.”²

3.5. The agency’s obligation to undertake searches for the requested information is discussed in section 53, which says:

53 Searches for information held by agency

- (1) The obligation of an agency to provide access to government information in response to an access application is limited to information held by the agency when the application is received.*
- (2) An agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency’s searches must be conducted using the most efficient means reasonably available to agency.*
- (3) The obligation of an agency to undertake reasonable searches extends to searches using any resources reasonably available to the agency including resources that facilitate the retrieval of information stored electronically.*
- (4) An agency is not required to search for information in records held by the agency in an electronic backup system unless a record containing the information has been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1998 or contrary to the agency’s established record management procedures.*
- (5) An agency is not required to undertake any search for information that would require an unreasonable and substantial diversion of the agency’s resources.*

¹ GIPA Act s 4.

² GIPA ACT sch 4, clause 10(1).

3.6. There are several ways that an agency may decide an application for access which are set out in the GIPA Act, s 58:

58 How applications are decided

- (1) *An agency decides an access application for government information by-*
 - (a) *Deciding to provide access to the information, or*
 - (b) *Deciding that the information is not held by the agency, or*
 - (c) *Deciding that the information is already available to the applicant (see section 59), or*
 - (d) *Deciding to refuse to provide access to the information because there is an overriding public interest against disclosure of the information, or*
 - (e) *Deciding to refuse to deal with the application (see section 60), or*
 - (f) *Deciding to refuse to confirm or deny that information is held by the agency because there is an overriding public interest against disclosure of the information confirming or denying that fact.*

3.7. Section 75 of GIPA Act gives a discretion to an agency to provide access to information by creating a new record.

75 Providing access by creating new record

- (1) *An agency is not prevented from providing access in response to an access application to government information held by the agency by making and providing access to a new record of that information.*
- (2) *An agency's obligation to provide access to government information in response to an access application does not require the agency to do any of the following-*
 - (a) *Make a new record of information held by the agency,*
 - (b) *Update or verify information held by the agency,*
 - (c) *Create new information, or produce a new record of information, by deduction, inference or calculation from information held by the agency or by any other use or application of information held by the agency.*

3.8. In making a decision whether the agency holds the requested information, I have taken into account the guidance from the NSW Civil and Administrative Tribunal in the decision of *Redfern Legal Centre v Commissioner of Police [2021] NSWCATAD 288*, at [53] and [54], Senior Member Goodman considered “government information” in circumstances where the applicant sought access to statistical information that did not exist in the record of the agency but which could be generated if certain steps were taken. The Tribunal concluded:

“[53] The evidence establishes that at the time of the access application, the NSWPF did not have a record which contained the information sought by the applicant, although it was possible to bring such a record into existence, by the creation and application of a bespoke computer program.

[54] It follows that the information sought by item 3 is not ‘government information’.”

3.9. I have also taken into consideration the matter of *Evans v Chief Commissioner of State Revenue [2022] NSWCATAD 307* at [66] to [68] citing *Kitson v Manly Council [2015]*

NSWCATAD 102, where the Tribunal rejected the submission that a “simple compilation of existing records” should not be considered to create a new record, affirming that a record must exist in compiled form at the time of the access request to be “held”.

3.10. Regarding your request for *‘signal operations data relating to pedestrian delay for representative days in one week for all signalised intersections in NSW’*, TfNSW is responsible for traffic light operation and so it would not be unreasonable to suspect that the information may exist and be held by the agency. However, I have also considered the search results and advice of the relevant areas within TfNSW and the SME.

3.11. The SME within Network Operations has advised that accessing the information requires reports to be generated in order to download relevant data which would need to be run for each signal site in NSW (which would amount to over 4,500 sites), then the data would need to be reviewed and cleaned to remove any faults, and then the data would need to be compiled alongside other schematic documents in order to be able to read the data.

3.12. Based on the advice of the SME, I have formed the view that the information is not held in a form that could be considered a “record” for the purposes of the GIPA Act. For these reasons, I am satisfied that the information requested is not held by TfNSW.

3.13. My view is supported by the fact that in order to receive this type of information relating to traffic light phasing, members of the public are obliged to purchase it. More information about this service is available through this link: <https://www.transport.nsw.gov.au/trafficsignal>. This link also contains the online webform that can be completed to order the information. The Schedule of Fees demonstrates the specialist service that is provided by Network Operations in generating and collating data where requested. The costs reflect the amount of work required by SMEs to discharge these requests to produce the new records which do not otherwise exist.

3.14. While it is possible to create a new record, the decision to do so is a discretionary decision and there is no requirement for TfNSW to create a new record. I am also of the view that to create a new record to answer the access application would require a substantial and unreasonable diversion of resources given the nature of the information and the size of the request.

4. Review Rights

4.1. If dissatisfied with this internal review decision, you may:

1. Apply to the Information Commissioner for an external review under Part 5 of the GIPA Act; or
2. Apply to the NSW Civil and Administrative Tribunal (NCAT) for a review of this decision.

4.2. Any review application should be made within the applicable statutory timeframes.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Gayle Robson". The signature is fluid and cursive, with the first name "Gayle" and last name "Robson" clearly distinguishable.

Gayle Robson

Executive Director, Governance & Workforce Relations Strategy