



## CASE SUMMARY – ADAMS V COMMISSIONER OF POLICE, NEW SOUTH WALES POLICE FORCE [2025] NSWSC 1181

### BACKGROUND

This Supreme Court judicial review concerned a GIPA access dispute arising from a police report about a security camera found in the male bathroom of a Sydney internet café. Mr Adams had sought access to the full three-page COPS report, but NSW Police released the document with a number of redactions, including the identity of the café owner, the café location, and parts of the owner's communications with police. After unsuccessful internal review and NCAT proceedings, Mr Adams challenged the NCAT Appeal Panel's decision in the Supreme Court, arguing in substance that the redacted person was not a protected confidential source but an alleged wrongdoer, and that more of the report should have been disclosed.

### KEY FINDINGS

#### **GIPA disclosure is effectively disclosure to the public**

The Court confirmed that releasing information under the GIPA Act is treated as disclosure to the world at large, not just to the individual applicant. Agencies cannot impose conditions on how the information is later used or shared. As a result, when assessing whether information should be released, agencies must consider the consequences of the information becoming publicly available.

#### **Confidential information protections are not limited to “informants”**

The Court clarified that the GIPA provision protecting confidential information supplied to an agency is not limited to innocent informants or witnesses. The relevant question is whether disclosure could prejudice the future supply of confidential information that helps an agency perform its functions. The identity or character of the person providing the information is not determinative.

#### **Existing knowledge of the applicant is irrelevant**

The Court rejected the argument that information should be released because the applicant already knew it. Under the GIPA Act, the key issue is whether disclosure to the public would be appropriate. Agencies must assess the public interest in disclosure assuming the information could be widely shared once released.

### PRACTICAL LESSONS

- Disclosure under GIPA is treated as disclosure to the public, not just the applicant, so councils must assess the consequences of the information becoming publicly available.
- The fact that an applicant already knows the information does not justify disclosure, because GIPA decisions are based on public release rather than the applicant's personal knowledge.
- Confidential information supplied to an agency can remain protected even if the person providing it may be involved in the events being investigated.
- GIPA decisions should clearly identify the relevant public interest considerations and explain the balancing exercise between disclosure and non-disclosure.
- Courts reviewing GIPA decisions focus on whether there was a legal error, so clear reasoning and correct application of the legislation are critical for councils.