

Australian Capital Territory

Freedom of Information (Accessibility of Government Information) Statement 2023 (No 1)

Notifiable instrument NI2023–292

made under the

Freedom of Information Act 2016, s 95 (Annual Statements by Chief Minister)

1 Name of instrument

This instrument is the *Freedom of Information (Accessibility of Government Information) Statement 2023 (No 1)*.

2 Commencement

This instrument commences on the day after its notification day.

3 Approval

I issue the following statement on accessibility of government information.

Andrew Barr
Chief Minister
1 June 2023

Chief Minister’s statement on accessibility of government information

The inaugural statement on accessibility of government information was made five years ago, after the Legislative Assembly passed the *Freedom of Information Act 2016* (the Act) and the Government made the commitment to increase open and transparent access to government information under the Open Access Information Scheme. Through collaborations within directorates, between directorates and in partnership with the ACT Ombudsman, we have introduced and established several mechanisms to improve the way we share information with the community. These include launching a public Open Access Information website, investing in dedicated staff and technologies to support efficiencies in providing access and putting in processes that provide a consistent approach to proactive disclosure of government information.

The [Parliamentary and Governing Agreement \(PaGA\)](#) of the 10th Legislative Assembly further signalled our commitment to increasing open and transparent access to government information. Five years on from the introduction of the Open Access Information Scheme we have been able to review what we’ve done, take stock of what we have achieved and leverage our success and lessons learned. We continue to improve our access capabilities so that the ACT Public Service begins from a position of open information by default, and betters its practice in administering the objectives of the Act.

This statement fulfills the requirement of the Act to set out each year the Government’s:

- aims for increasing proactive disclosure of government information and reducing the need for members of the public to make access applications;
- expectations of agencies for the provision of government information; and
- response to address information access issues identified by the Ombudsman in the previous 12 months.

Consistent with the Act this statement also takes account of the Ombudsman’s most recent report under section 67 (the annual report on the operation of the Act), as well as the views of agency Information Officers appointed under the Act.

Increasing proactive disclosure

One of our first initiatives in supporting a pro-disclosure culture across the ACT Government was the introduction of the Open Access Information Portal. The intent of the portal is to provide a central, searchable interface to enable the community to access government information, while providing agencies with a central platform to demonstrate compliance with open access requirements.

Since the launch of the Open Access Information portal there has been steady growth in the number of documents uploaded to the site. As of November 2022, over 3,600 documents have been uploaded, in addition to the wide range of information that is already routinely published through a variety of ACT Government websites and other media. Year-on-year since the Open Access Information Scheme began, the number of page views on the Open Access Information Website has continued to increase, with Ministers’ Information being the most viewed. This year the provisions of the Act requiring the release of Ministerial briefs that are more than 5 years old commences. ACTPS agencies have been working to establish their processes for releasing these documents, further increasing the openness and transparency of government.

Initiatives like our Open Access Information portal make the ACT a leader in access to Government information. The Open Access scheme establishes a process for the regular disclosure of information such as an agency's policy documents, budget papers, reports and recommendations prepared by boards, councils, committees and panels, as well as Ministerial diaries and Cabinet decision summaries. This is one of the most expansive open access regimes in the country. The Act obliges government agencies to consider, on an ongoing basis, what additional information they can proactively make available, which allows our agencies to consistently reflect on and improve how we make government information as accessible as possible.

The Government remains committed to the values of accountability and transparency. With these values in mind, the Government introduced a Bill to amend the Freedom of Information Act in September 2022. The Bill introduces amendments to allow more flexibility in administrative processes and enable more efficient processing of information access requests. A more streamlined FOI framework supports applicants and respondents to direct resources and time to processes that contribute to fast and fair decision-making. A sustainably managed FOI Act means the legislation's pro-disclosure objectives can be met well into the future. In this way, the Bill is intended to improve outcomes for all individual applicants, government respondents, and review bodies.

In keeping with the PaGA commitment to increase open and transparent access to government information, the public database ACT Memory was launched in April 2022. ACT Memory provides a centralised location where the community can access information about historical ACT Government records. It has also been linked to the National Library's Trove service, so that ACT Government archives will appear alongside those of other participating collecting institutions. ACT Memory is also the place where citizens can access Executive Documents that have been released to applicants during 2022. This change in the publishing process for these key historical documents of Cabinet decision has been made to facilitate access and awareness of Executive Document release processes.

The adoption of digital recordkeeping continues to grow across the ACT public service. At the end of 2021-22 there were just over 10,000 electronic document and records management system (EDRMS) users across the ACTPS, an increase from approximately 9,000 users the previous year. Every Directorate in the ACT Government, along with several public authorities and Territory owned corporations, has an EDRMS in place. With plans to move both of our key digital records platforms to the cloud in 2022-23, integration ability with other systems and search functionality across both systems will be enhanced, offering opportunities improve efficiencies in collecting content in response to FOI requests.

Since the release of the ACT Government's Proactive Release of Data Policy, 327 data sets have been released for public use. This figure has been revised from those previously reported by excluding test and duplicated datasets, providing a clearer picture of the data assets that are available for community use.

As of 4 November 2022, the community has downloaded ACT open data assets 89,277,672 times using the ACT Government's Open Data Portal – www.data.act.gov.au.

The top 5 downloaded assets are:

Name	Type	Downloads
Smart Parking Lots	dataset	29,167,268
Beaches in the ACT	map	8,396,212
2003 Bushfire (Affected Areas)	map	7,296,454
ACT Reserves	map	5,994,142
ACT Primary School Priority Placement Areas 2014 - archived	map	5,771,819

At the same time, a further 111 datasets were available on the [ACT Geospatial Data Catalogue](#) which is accessible through the actmapi.act.gov.au website. The Environment, Planning and Sustainable Development Directorate has consolidated existing open geospatial datasets to improve their usability and accuracy.

Freedom of Information Coordinators from across government continue to hold weekly online meetings to discuss matters of common interest and provide updates on cases that relate to multiple agencies. The group has noted an increase in the number of applications, with the ACT Ombudsman reporting in 2021-22 there was a 30% increase in the number of requests compared to the previous financial year. Anecdotally there has also been an increase in both the size and complexity of the requests received.

Expectations

In support of the ACT Government's commitment to open government and in compliance with the *Freedom of Information Act 2016*, ACT Government agencies are expected to:

- at least twice annually, review the Open Access Information website to ensure that the materials published there remain, as far as practicable, accurate, up-to-date and complete;
- continue to proactively publish all appropriate government information through a variety of means, including through the Open Access Information website, ACT Memory, Open Data Portal, and other ACT Government websites;
- continue to build public interest test assessments into policy development workflows, so that new policies are routinely assessed and released for publication, where appropriate; and
- sustain and improve compliance with the FOI Act, including by addressing the issues identified by the Ombudsman (discussed further below).

Issues identified by the Ombudsman

On 13 October 2022 the Speaker tabled the ACT Ombudsman's annual report on the operation of the Act as required under section 67. There is continued acknowledgement in the report of the importance of allowing public access to government information during times of crisis.

The report notes that all 9 ACT government Directorates provided both mandatory and optional data for the Office's reporting and this has assisted the Office in monitoring and understanding the operation of the Act.

Although the Ombudsman's Office recognises that the data gathered on decisions to publish do not reflect all information published, it acknowledged the increased number of decisions

to publish by agencies and their commitment to pro-disclosure. The Ombudsman noted that, rather than representing an increased tendency to withhold information, the increased number of decisions not to publish material reflected the ongoing development and maturity of agencies' open access activities. Agencies are engaging more with the Open Access process and being transparent about their reasons for withholding information under the scheme. The Ombudsman has also reported a decrease in Ombudsman review applications, which the report states may indicate agencies are giving applicants clearer reasons for decisions not to publish or to partially publish information. More broadly, it could be concluded that open access information decisions, through education and guidance from the Ombudsman Office, are better considered than when the Act was first introduced.

It is satisfying to see that the Ombudsman's report indicates more applications for access are being resolved outside the FOI formal process, as the Act intends. The ACT Government echoes the Ombudsman's message to agencies to release information informally wherever possible.

While more applications for access are being resolved outside the formal process, the Ombudsman's report also notes a 30% increase in FOI access applications. Almost all (96%) of decisions were finalised within the statutory timeframe, and the proportion of decisions to grant full access has remained consistent. Decisions resulting in partial access have increased, and the Ombudsman's interrogation of the data provided by agencies indicates that this proportion is inflated by minor redactions to exclude personal information. The suggestion that agencies improve their initial scoping discussions with applicants to exclude inconsequential personal information is supported.

The ACT Government will continue to work with the Ombudsman's Office to improve the operation of the Act. Initiatives that further educate and guide agencies about Open Access requirements and improve compliance in 2022-23, as per the Ombudsman's Open Access monitoring strategy, are welcome. The ACT Government recognises the ongoing support the Ombudsman has given to agencies since the commencement of the Act. The Ombudsman has taken an agile approach in striving for continual improvements to the way we approach the Canberra community's right to access government-held information and ensure transparency about the decisions we make.

Views of Information Officers

ACT Government Information Officers, appointed under the FOI Act, have been consulted in the preparation of this statement. Information Officers noted a continuing commitment to improving the quality of, and easing of access to, government information. Information Officers have been grateful for the ACT Ombudsman's recognition that proactive publication of information surpasses reported statistics, as well as the recognition of the ACT Government's commitment to pro-disclosure.

Key focus areas include the development of internal training programs and reviewing resources to reflect guidance provided by the ACT Ombudsman's Office.

Information Officers acknowledge the active directorate engagement by the ACT Ombudsman's Office in the hosting of FOI practitioner's forums as well as the willingness to meet regularly to discuss potential issues.