

Australian Capital Territory

# Freedom of Information (Accessibility of Government Information) Statement 2020 (No 1)\*

Notifiable instrument NI2020—262

made under the

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

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## 1 Name of instrument

*Freedom of Information (Accessibility of Government Information) Statement 2020 (No 1)*

## 2 Commencement

This instrument commences on the day after notification.

## 3 Approval

I approve the Statement on Accessibility of Government Information

Andrew Barr  
Chief Minister  
6 May 2020

\*Name amended under Legislation Act, s 60

## **Chief Minister’s Statement on accessibility of government information**

Following the introduction of the *Freedom of Information Act 2016* the ACT Government continues to improve its processes and performance in meeting the Act’s requirements for improving public access to government information. The ACT continues to be one of the most open governments in Australia. Our stated Open Government commitment goes back to 2011, and some key initiatives, such as the public release of most Cabinet documents after 10 years, have even longer histories.

The introduction of the Open Access Information regime builds on our commitment to open government, requiring ACT Government agencies to routinely publish government policies. Our regular research on levels of community engagement indicates that, Territory-wide, 72% of Canberrans feel well-informed about Government services, and 76% of Canberrans who went looking for Government information found what they were looking for, primarily through ACT Government websites. The ongoing sharing of information can help us to sustain that level of community confidence<sup>1</sup>.

The new approach to Freedom of Information established under the 2016 Act has presented opportunities and challenges for the ACT. Through the operation of the Act, and particularly its Open Access Information Scheme provisions, we have the opportunity to mature our thinking about how we both protect and share the information we hold about and on behalf of our community. The Act has also challenged us to adapt our processes to its new requirements.

The Act requires the Chief Minister to make an annual statement about improving the public accessibility of government information, including 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.

The Act also requires that the statement take account of the Ombudsman’s most recent report under section 67 (Annual report on operation of Act), as well as the views of agency Information Officers appointed under the Act.

### ***Increasing proactive disclosure***

Since the Open Access Information Scheme began, more than 3,700 policy and other types of documents have been uploaded to the Open Access Information website. This is a very clear demonstration of the ACT Public Service’s commitment to the Open Access scheme. This is in addition to the wide range of information that is already routinely published through a variety of ACT Government websites and other media.

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<sup>1</sup> Source: [https://www.act.gov.au/\\_data/assets/pdf\\_file/0003/1363674/Community-Views-Research-Summary-of-Actions-March-April-2019.pdf](https://www.act.gov.au/_data/assets/pdf_file/0003/1363674/Community-Views-Research-Summary-of-Actions-March-April-2019.pdf)

There have been over 34,500 page views since the site's launch with almost 15,000 visits in 2019 alone, demonstrating the community's interest in accessing government information.

The ACT Government has formally endorsed Creative Commons licensing as the default arrangement for enabling wide access to our published material. Creative Commons licenses allow the community to more freely make use of ACT Government copyright material. Like our open government commitment, use by the ACT of Creative Commons licenses starts from an assumption that government information is community information and should be publicly available wherever that is possible and appropriate. In establishing our Creative Commons policy, all ACT Government Directorates have now nominated an Intellectual Property Officer, who is responsible for advising agencies on the application of Creative Commons licensing.

The aim of the Open Access Information scheme is to make the publication of government information largely routine, and to reduce the need for community members to seek access to information, other than personal information, through formal Freedom of Information channels. Effective digital records management systems are essential for supporting timely and efficient discovery and sharing of government information. The government's initiative to extend the availability of electronic document and records management systems (EDRMS) was announced in the 2018-19 Budget, and the extension of this capability across ACT Government agencies continues. Greater uptake of EDRMS advanced capability such as workflow can improve business process efficiency, including FOI processes.

Since 2012, the ACT Government's Open Data Program and Open Data Policy (2015) have delivered 275 datasets through the [data.act.gov.au](http://data.act.gov.au) website. The ACT Government's data covers a wide range of topics from light rail patronage to air quality. The most recent dataset added is the ACT Daily Rainfall and Streamflow dataset. Open data helps support the development of new business opportunities, is a valuable source of information for academic research, and the community, and is widely used in data hackathons such as GovHack.

In 2018, the ACT Government committed to building a whole of government data management and analytics capability within the Office of the Chief Digital Officer. The ACT Data Analytics Centre has been established to improve data governance and management practice, enable safe data sharing including through a whole of government data analytics platform, and deliver data analytics projects across government. The Centre manages and promotes open data for the ACT. The ACT Government is committed to reviewing its Open Data Policy and publishing more data of higher quality and in formats that can be read by machines. A new ACT Government Digital Strategy will be published in 2020, which identifies the importance of valuing the data we collect and use on behalf of the community being one of its key themes.

In the last 12 months ACT Government Directorates' maturity has increased both in relation to the processing of access requests under Part V of the Act and in the management and proactive publication of open access material. The Chief Minister, Treasury and Economic Development Directorate hosts weekly telephone conferences with ACT Government

freedom of information teams. This conference allows for the sharing of information in to support more efficient access to government information, and the sharing of information and resources across government, such as templates, guidelines and other management tools.

### ***Expectations***

As articulated in the 2011 Chief Minister's statement on open government, the ACT Government, as a first principle, makes government information available for use by the community. In support of this principle 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 they have 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, [www.data.act.gov.au](http://www.data.act.gov.au), and other ACT Government websites
- progressively build public interest test assessments into policy development workflows, so that new policies are routinely assessed and released, where appropriate, for publication
- 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 26 September 2019 the Speaker tabled a report by the ACT Ombudsman as required under section 67 of the Act. For the first time the report covers a full financial year of the operations of the ACT's FOI Scheme introduced on 1 January 2018. The Ombudsman has noted that agency activities have matured during 2018-19, since the Act's introduction 18 months ago. However, the report indicates decisions not to publish have significantly increased, and this matter will be further explored by the Ombudsman's Office as part of open access compliance monitoring activities in 2019-20. It was also noted that despite the pro-disclosure objectives of the FOI Act, full access outcomes remain low. The ACT Government acknowledges these report findings and is committed to working with the Ombudsman to understand the reasons for these results and seek to increase the proportion of material released to the public.

The ACT Government is pleased to note the Ombudsman's commitment to continue work with agencies and Ministers that encourages more proactive release of information. In particular, the Office is prioritising the release of six FOI Guidelines in early 2020 to assist the implementation of the FOI act and the development of an Open Access Information Compliance Strategy. ACT Government Information Officers have participated fully in the Office's consultation process to develop the guidelines and strategy, resulting in the publication of a range of practical guidance that will help further improve the public's understanding and agencies' implementation of the new FOI regime.

The ACT Government FOI practitioners' forum, convened by the ACT Ombudsman's Office, continues to be a beneficial mechanism for agencies to learn, share and improve on FOI and Open Access practice. The impending review of the ACT's implementation of the FOI Act will also provide recommendations for action to further improve the public accessibility of government information.

### ***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 targeted activities to improve open access administration capability within directorates. Key areas of focus include working with individual business areas to increase knowledge and skill sets and increasing information resources with open access responsibilities. Information Officers also acknowledged active directorate engagement with the ACT Ombudsman's Office in the development of guidelines and other support materials.