

Australian Capital Territory

# Freedom of Information (Accessibility of Government Information) Statement 2022 (No 1)\*

Notifiable instrument NI2022—205

made under the

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

---

## 1 Name of instrument

*Freedom of Information (Accessibility of Government Information) Statement 2022 (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  
11 April 2022

\*Name amended under Legislation Act, s 60

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

I am pleased to provide my fourth statement on accessibility of government information since 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 Scheme. In this time, we have introduced a public Open Access Information website, significantly increased staff access to electronic document records management systems, dedicated resources and bedded down processes within directorates, and, in collaboration with the Office of the ACT Ombudsman, improved the way we share information.

Our commitment to strive for better access to government information does not waiver. The [Parliamentary and Governing Agreement \(PaGA\)](#) of the 10<sup>th</sup> Legislative Assembly sets in writing our commitment to further increase open and transparent access to government information, thereby reducing the need for Freedom of Information (FOI) applications. The challenge set is to strive for maximum access to government information and to think innovatively about the way we present government information to our community.

In accordance with the Act, I am required 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 the statement to take 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***

To support a pro-disclosure culture across the ACT Government, the Open Access Information Portal provides 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 website, over 3,000 documents have been uploaded to the site. 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. Since the Open Access Information Scheme began, there have been more than 61,900 page views, and a 15% increase in page views since the last statement was tabled.

The increase in views demonstrates ongoing community interest in accessing government information. In line with the [PaGA commitment](#) to increase open and transparent access to government information, work is underway to explore whether more efficient mechanisms to do this have become available since the portal's development in 2017. The results from this exploration will inform future planning to potentially enhance agency disclosure and provide a better experience for the community.

The adoption of digital recordkeeping continues to increase across the ACT Government with almost 9,000 users having been onboarded in an electronic document and records management system (EDRMS) at the end of the 2020-21. The uptake is forecast to exceed 10,000 users in the 2021-22 financial year. These systems offer ACT Government staff advanced information management capability and provide mechanisms to improve efficiencies in retrieving information in response to FOI applications, including by applying advanced search criteria.

The ACT Government released its new [ACT Digital Strategy](#) in March 2020. Key to the strategy is a focus on valuing the data we collect and use on behalf of our community, outlining the vision of what we will do with data, and setting an expectation to publish more open data of higher quality and in formats that can also be read by machines. This can empower our community and industry partners to add value to the data in ways that are of benefit to the community. We are also working on easier ways to access and interpret the data from within the Open Data Portal – [www.data.act.gov.au](http://www.data.act.gov.au).

In August 2020, the ACT Government released the ACT Data Governance and Management Framework to build stronger, more consistent and transparent data practices while ensuring safe access, responsible sharing and trusted use of public sector data assets. The Framework reaffirms the Government's commitment to releasing data for public access on the Open Data website. The ACT provides open data to the community to support economic growth, improve service delivery and achieve policy impact. It is a valuable source of information for academic research, businesses and service providers, and the community, and is widely used in data hackathons such as GovHack.

Since the release of the ACT Government's Open Data Policy in 2015 and the Open Data Program, 614 datasets, ranging across topics such as light rail patronage and air quality, can be freely used, reused and redistributed by anyone. The open data portal also has 181 maps and 536 charts for use by the community.

A further 108 datasets are available on [the ACT Geospatial Data Catalogue](#) which is accessible through the [actmapi.act.gov.au](http://actmapi.act.gov.au) website. Available ACT Government geospatial datasets include data about community facilities, transport, development planning, land, and heritage. An example of the value of the open datasets is the richness of open imagery the ACT Government now has access to. On the actmapi website (<https://www.actmapi.act.gov.au/imagery.html>) ACT Government staff and the broader community can access over two years of seasonal data and over six years (since 2015) of annual imagery data under Creative Commons license arrangements. Other sets of imagery are also available for use for a wide range of purposes such as to map and analyse the density of tree canopies in the ACT community.

During 2021 the ACT Government's FOI teams have continued to effectively manage the processing of access applications and the provision of open access information while working from a mixture of home and office locations due to COVID-19. During this time, FOI teams have noticed an increase in the complexity and size of the requests being received. FOI Coordinators from across government have maintained their weekly online meeting to discuss matters of common interest and provide updates on cases that affect multiple agencies. In the past year this has included discussions on the use of technology to assist in the processing of access applications, with agencies working together to assess and integrate new applications into the ACT Government ICT environment.

### ***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, Open Data Portal, 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; 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 8 October 2021 the Speaker tabled the ACT Ombudsman’s annual report on the operation of the Act as required under section 67. This report notes the continued impacts the COVID environment has had on the operation of the Act and makes particular reference to the importance of ensuring the creation and maintenance of records of government decisions and of making information available publicly where possible.

The report notes that the Ombudsman’s Office’s monitoring of agency compliance with open access indicates that throughout the year, directorates were willing and well positioned to meet their Open Access obligations. Data sourced from agencies point to improved compliance, and an increased number of decisions to publish information. While this is positive, the report does indicate the need for further work to support an open access culture in the ACT. The continued engagement activities and education by the Ombudsman’s Office documented in the report is welcomed by the ACT Government.

The ongoing focus of the Ombudsman’s Office to improve third party consultation processes under the Act is appreciated, and the ACT Government is receptive to further guidance to increase the consistency of approaches to carrying out third party consultation across agencies.

Similarly, the ACT Government is pleased to note the report’s acknowledgement that agencies have further improved decision-making on FOI applications in 2020-21. This improvement has been assisted by the Ombudsman’s Office’s efforts to improve the application of public interest tests by agencies so that adequate emphasis on the pro-disclosure factors is supported. The additional guidance will not only help agencies in identifying all factors favouring disclosure and weighing them appropriately, but will potentially reduce the need for decisions to be reviewed by the Ombudsman’s Office.

The ACT Government appreciates the agile approach the Ombudsman’s Office has taken to ensuring ongoing engagement with FOI practitioners during the COVID-19 pandemic. This approach helped to compensate for the limited opportunity to conduct quarterly FOI practitioners’ forums during periods of lock-down. While it is noted that the Ombudsman’s Office’s initial analysis of directorates and agencies indicates they are well placed to meet open access obligations, the benefits of information officers having the opportunity to share and discuss their knowledge, experiences and concerns with each other, and to directly interact with the Ombudsman’s Office, is invaluable and important in further building FOI and Open Access capability.

In the year ahead, the ACT government looks forward to continuing its work with the Ombudsman’s Office to support a culture of proactive release of government information and to promote best practice in FOI decision-making. The ACT Government values the engagement and support the

Ombudsman has provided to agencies since the commencement of the Act and supports the priorities set for 2021-22 by the Ombudsman's Office. Leveraging off existing strategies in place and offering practical approaches to continue to support FOI practitioners are welcomed next steps.

### ***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 that the COVID-19 pandemic continues to pose additional technical challenges in undertaking some activities, such as training staff on the requirements of the Act. Cross-government collaboration is continuing from last year, to implement solutions, not only for current issues, but with a strong forward focus to modernise and streamline processes to ensure continued compliance with statutory timeframes.

Information Officers have continued to welcome opportunities to participate with the ACT Ombudsman's Office in further refining guidelines and tools to support good decision-making processes and improve the general awareness of FOI and open access principles among ACT government employees. Engagement by the ACT Ombudsman's Office in the hosting of FOI practitioner's forums has been sorely missed by FOI teams, and staff look forward to reengaging as soon as safe and practicable to meet regularly and discuss continued improvements.