

Australian Capital Territory

# Freedom of Information (Accessibility of Government Information) Statement 2024 (No 1)

Notifiable instrument NI2024–242

made under the

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

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## 1 Name of instrument

This instrument is the *Freedom of Information (Accessibility of Government Information) Statement 2024 (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  
14.5.2024

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

Six years ago, the *Freedom of Information Act 2016* (the Act) enshrined in law the rights of the public to access information and the expectation for an open, transparent and accountable government. Through the Open Access Information Scheme, the ACT Government is committed to improving openness, understanding that not only does this benefit the community, but also improves government administration by encouraging better records management, enabling more efficient decisions and services, and creating improved connections with people.

Over the years, directorates, under the guidance of the ACT Ombudsman’s Office and through government-wide networks, have put in place and refined processes that provide a consistent approach to proactive disclosure of government information. This is consistent with the Parliamentary and Governing Agreement of the 10<sup>th</sup> Legislative Assembly, and puts the need to identify and share information with our community at the forefront of our processes. While we have an established public Open Access Information website, and have targeted resources to support efficiencies in administering access, the Government recognises the importance of sustaining a dynamic approach, thinking innovatively and exploring emerging opportunities to increase open and transparent access.

In line with the requirements of the Act, this statement sets 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 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 also form part of this statement.

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

The ACT is a leader in providing access to Government information and has one of the most expansive open access regimes in the country. The Open Access Information Portal is among the first initiatives undertaken by the ACT Government to support a pro-disclosure position. The 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. Under the Open Access Information Scheme, agencies regularly disclose information such as policy documents, budget papers, reports and recommendations prepared by boards, councils, committees and panels, as well as Ministerial diaries and Cabinet decision summaries. Through quarterly reports on Open Access Information Portal activities, agencies have the opportunity to review published content and determine opportunities to improve access on a regular basis.

The Open Access Information portal has published more than 3,000 documents concerning ACT Government and Ministers' information, in addition to information already published through a variety of other channels. While the number of documents available for public access on the portal has stabilised, agencies are replacing existing documents, such as policy documents, when they are updated, to keep available information current. The number of unique page views on the portal continues to grow with Ministers' Information being of most interest to the public since the portal was introduced. In 2023, in accordance with the provisions of the Act, the publication of Ministerial briefs that are more than 5 years old commenced, further increasing the openness and transparency of government. As of November 2023, 100 published items concerning Ministerial briefs have been uploaded to the portal. Open Access Information publishing decisions are noted in directorate annual reports, including those published on the Open Access Information website.

The ACT Government manages its response to the Act's requirements to ensure the pro-disclosure objectives set in legislation are met. In May 2023, the Act was amended to allow more flexibility in administrative processes and enable greater efficiencies in the processing of information access requests. The improved FOI framework further supports applicants and respondents to direct resources and time to processes that contribute to timely, clear and objective decisions. The Act, in this way, sets out to improve outcomes for all applicants, respondents, and those undertaking reviews.

The ACT Memory database was initially launched in 2022 to provide the public with access to information about historical ACT Government records. In the same year, the scope of information available to the community through ACT Memory was expanded to include Executive Documents that have been released to applicants from 2022 onwards. At the end of the 2022-23 financial year, citizens were able search for information about 110,000 historical government records, with a large portion of these being Territory Lease files. In addition, a total of 850 digital copies of Executive Documents, made up of Cabinet decisions, submissions and release determinations, were made available for viewing online. Consistent with our commitment made in the *Parliamentary and Governing Agreement* to increase open and transparent access to government information, ArchivesACT has worked with directorates to establish release processes to regularly increase content on ACT Memory.

The 2023-24 ACT Budget includes funding to investigate options for the proactive release of contemporary Cabinet material to further support public access to Government information. In support of increasingly efficient and reliable management of government information, the ACT Public Service's digital recordkeeping capability continues to expand. Over 11,000 of our ACT Public Service workforce are now licensed to use the two endorsed whole of government electronic document and records management systems (EDRMS) – Content Manager and Objective - making our ability to capture and retrieve information for all facets of business more efficient, including for responding to FOI requests.

We are also improving our EDRMS infrastructure to support flexible work arrangements so that staff can interact with records beyond a desktop or laptop. Both of these key systems are now in the cloud, and authoritative records will soon be able to be securely accessed via mobile and tablet devices.

In 2023-24, plans have progressed to switch on functionality that will enable the secure sharing of records in both platforms with external parties while ensuring a single point of truth is maintained. Good governance of the information we produce is important to ensure we can account for our actions and can make information accessible to the public. With the pace at which technology evolves, the ACT Government understands the need to seize opportunities to integrate systems to streamline recordkeeping and be on the front foot of ‘records by design’ principles when considering the adoption of new technologies.

Since the release of the ACT Government’s *Proactive Release of Data Policy*, 340 data sets have been released for public use, an increase of 13 from the previous year. As of 24 October 2023, the community has accessed open data assets 89,435,262 times through the ACT Government’s Open Data Portal – [www.data.act.gov.au](http://www.data.act.gov.au).

The top 5 open data assets accessed by Canberrans over the last 12 months were:

Name	Type	Accessed
Air Quality Monitoring Live Data (Table)	Dataset	25,137
Particulate Matter data from ACT Air Quality Monitoring Stations	Dataset	19,212
Air Quality Monitoring Data	Dataset	16,864
ACT Suburb Next Garbage, Recycling and Green Waste Collection Dates	Dataset	13,825
Occupational licences	Dataset	13,284

The top 5 open data assets of all time are:

Name	Type	Accessed
Smart Parking Lots	dataset	29,200,766
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 194 datasets were available on the [ACT Geospatial Data Catalogue](#) which is accessible through the [actmapi.act.gov.au](http://actmapi.act.gov.au) website.

Freedom of Information coordinators from across the ACT Public Service continue to meet weekly to discuss matters of common interest and provide updates on cases that affect multiple agencies. The coordinators have observed both a continuing increase in the number of access applications and in the complexity of the requests being made by members of the public. This observation is supported by the ACT Ombudsman’s Report on the Operation of the Freedom of Information Annual for 2022-23 which noted a 9% increase in applications from 2021-22 to 2022-23, the third consecutive annual increase, with some form of access given in 64% of cases during 2022-23.

### **Expectations**

The ACT Government expects its agencies to comply with the Act and support its commitment to open government by:

- ensuring records are kept and maintained so the community can understand why and how decisions are made;
- reviewing, at least twice annually, the Open Access Information website to ensure that the materials published there remain, as far as practicable, accurate, up-to-date and complete;
- continuing 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;
- continuing to build public interest test assessments into policy development workflows, so that new policies are routinely assessed and released for publication, where appropriate; and
- sustaining and improving 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 2023, the Speaker tabled the ACT Ombudsman’s annual report on the operation of the Act as required under section 67. While transparency and openness are key, the report this year also draws attention to the relevance of ensuring government records are captured, maintained and made accessible, to support community confidence and trust in government decision making.

Once again all 9 ACT government directorates provided both mandatory and optional data for the Office’s reporting and to increase their understanding of the operation of the Act. Pursuing improved data for reporting is mutually beneficial in understanding what has led to success and opportunities for development. The ACT Government appreciates the Ombudsman’s efforts in obtaining rich data to inform its strategic plans to assist agencies in continuing to build their capabilities.

The Ombudsman acknowledged in the report that the ongoing agency commitment to disclosure was clearly demonstrated, with decisions to publish open access information in full increasing significantly, when compared to decisions published in 2021-22. The Ombudsman’s Office also noted that although the data gathered on decisions to publish do not reflect all information published by agencies, the Office does not intend to impose additional reporting requirements for information published through other channels. The ACT Government supports this decision and agrees that an additional reporting regime would be administratively burdensome, and would not necessarily increase performance under the Act.

While the report points out that decisions not to publish have increased, the Ombudsman’s engagement with agencies has indicated that agencies are more accurately reporting these decisions, and the increase reflects the ongoing development of agency maturity in making open access decisions. The ACT Government notes the observation made by the Office that some decisions to publish open access information only in part often relate to small proportions of a document, such as personal information.

It is positive to see reported that more requests for information are being provided outside the formal FOI process, as intended by the Act. Like the ACT Ombudsman’s Office, the ACT Government encourages agencies to informally release information whenever possible.

Ongoing monitoring and reporting in this area to identify trends and issues by the Ombudsman's Office is encouraged.

Despite an increase in applications for access being resolved outside the formal process, the Ombudsman's report notes an 11% increase in FOI access applications from the previous year. Almost two thirds (64%) of applications resulted in a decision to provide some form of access. Many decisions not to release information in full resulted from the need to withhold only small amounts of personal information, when otherwise documents would have been released in full – a similar trend to decisions under the Open Access regime. The Ombudsman will continue to monitor decisions closely in 2023-24 to identify further evidence of a pro-disclosure trend. Data validation of the decisions trends will be of benefit in determining where further guidance is needed and the ACT Government notes that initial scoping discussions with applicants to exclude inconsequential personal information remains an area for improvement for agencies.

Agencies have demonstrated in the financial year that their responsiveness to access applications is continually improving with almost all (98%) of the access decisions finalised within the statutory timeframe – this is a 2% increase on the previous year's reported figure. It was also pleasing to see that cost has not been an obstacle to access with no agencies charging fees for processing access applications.

The Ombudsman's insights regarding agency decisions and behaviours points to opportunities to improve agency communication with applicants. Focussing on early engagement to help determine the scope of access applications and clearly articulating how access decisions were made with reference to the Act are practical strategies. The ACT Government encourages agencies to consider further exercising these strategies to improve the end-to-end access application process for both agencies and applicants.

The ACT Government is cognisant of the Ombudsman's continued focus on monitoring open access compliance in the ACT. The education tools provided by the Ombudsman to support ongoing improvement have contributed to the growing maturity of agencies in meeting the objectives of the Act. There is still work to do to improve our practice. We are motivated to leverage the good work already done and the learning opportunities in place to enable an environment for citizen participation in the democratic process and to instil trust in our decisions. The ACT Government will keep working with the Ombudsman's Office to uphold the Canberra community's expectations of and right to access information created and held by the ACT Government.

### ***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 there is 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 office recognition that proactive publication of information surpasses reported statistics, as well as the recognition of the ACT Government's commitment to pro disclosure. Information Officers also 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.