

Freedom of Information (Statement on Accessibility of Government Information) Approval 2021 (No 1)

Notifiable instrument NI2021—

made under the

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

1 Name of instrument

Freedom of Information (Statement on Accessibility of Government Information)
Approval 2021 (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

7 MAY 2021

Chief Minister's statement on accessibility of government information

When the Legislative Assembly passed the *Freedom of Information Act 2016* it established nation-leading transparency of government information. With the introduction of the Open Access Scheme, the ACT continues to be one of the most open governments in Australia. Nevertheless, the Government is committed to making further improvements. To that end, we have included a commitment to increase open and transparent access to government information in our Parliamentary and Governing Agreement for the 10th Legislative Assembly.

The implementation of the 2016 Act, and particularly its Open Access Information Scheme provisions, has challenged thinking and behaviours surrounding the need to protect and share information. The new requirements have created opportunities for us to rethink the way we do things to improve public accessibility of the information we hold about, and for, our community.

In accordance with the Act, the Chief Minister makes 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

More than 3,000 documents are published on the Open Access Information website, demonstrating the ACT Public Service's ongoing 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. Since the Open Access Information Scheme began, there have been more than 52,500 page views, with over 22,500 page views in the 2019/20 financial year alone. The 21 per cent increase in views since the 2018/19 financial year demonstrates the community's increasing interest in accessing government information.

The ACT Government's formal endorsement of Creative Commons licensing as the default arrangement, allowing wider access to our published material, encourages each ACT Government Directorate to build Creative Commons licensing considerations into their business workflows for newly published works. This also ensures there is a nominated Intellectual Property Officer in place to provide advice on the application of Creative Commons licensing. Creative Commons licences provide simpler use and re-use options for ACT Government copyright material. The overriding principle is that wherever possible ACT Government material should be licensed using the [Creative Commons Attribution 4.0](#)

[International licence \(CC BY 4.0\)](#) which allows the material to be shared and adapted freely. The adoption of creative commons licences supports the aim of the Open Access Information scheme to make the publication of government information more routine, and to reduce the need for community members to seek access to information.

The increased adoption of digital records management systems across the ACT Government is critical to the efficient response to detecting and distributing government information. Greater uptake of the advanced electronic document and records management system (EDRMS) capability, such as workflow, can improve business process efficiency, including Freedom of Information (FOI) processes.

The ACT Government released the 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 may empower our community and industry partners to add value to the data in ways that are of benefit to the community. We will also provide easier ways to access and interpret the data.

In August 2020, the ACT Government also 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 Portal through the data.act.gov.au 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 2016 and 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. A further 185 datasets are available on the ACT Geospatial Data Catalogue which is accessible through the actmapi.act.gov.au website. Open datasets are available across a wide range of topics such as community facilities, transport, development planning, land and heritage.

In the 2019-2020 year, the Open Data Portal received 425,000 page views, over half of which were in December 2019 and January 2020 alone, driven by strong interest in air quality information during the bushfires. No matter which method the community chose to consume air quality data – whether it was from the ACT Health website, data.act.gov.au, or third party apps that extract the data via the application programming interface (API) - the Open Data Portal provided the single source of this data to ensure consistent quality and delivery.

While 2020 forced the ACT Government FOI teams to change the way they work, as many staff moved to working from home, agencies have continued to effectively manage the processing of access applications and the provision of open access information. An important aspect of this has been the weekly online meetings of FOI Coordinators from

across the ACT Government. These meetings allow the FOI Coordinators to discuss matters of common interest and provide updates on cases that affect multiple agencies.

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 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, 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 2 December 2020 the Speaker tabled the ACT Ombudsman's annual report as required under section 67 of the Act. This year's report acknowledges the heightened need for access to government-held information during times of crisis to respond effectively to emergencies, instilling trust and confidence in government decision-makers.

The Ombudsman has indicated, through the analysis of responses to agency self-assessments and desktop audits, that most directorates are aware of their Open Access obligations and publish up-to-date disclosure logs. However, the quantity and quality of published information varies, with some published documents not the most up-to-date versions. It was noted that most agencies do not have an Open Access policy to guide staff. The ACT Government applauds the Ombudsman Office's response to its own self-assessment in creating an Open Access Strategy for the Office which will in turn support staff in assisting directorates to develop their own strategies.

The report notes that since 2018-19, decisions to publish information have increased considerably and decisions to not publish information have dropped significantly. While acknowledging the continued efforts made by agencies to proactively publish open access information, the report does suggest further exploration by the Ombudsman's Office to determine the reasons underlying these trends.

In relation to access applications, the notable increase in decisions to grant full access and a decrease in the number of decisions to refuse access is a positive development for the ACT Government in meeting the pro-disclosure objectives of the FOI Act. It is also positive that processing times are predominantly within the statutory timeframes.

While the ACT Government acknowledges these report findings and the gains made since the introduction of the new FOI Act, it will continue to work with the Ombudsman's Office to support continued improvements into the future.

The ACT Government values the engagement and support the Ombudsman has provided to Directorates. The finalisation and publishing of six FOI guidelines provides Directorate decision-makers with resources to interpret, administer and promote pro-disclosure activities more readily. The Ombudsman's commitment to continue work with agencies and Ministers to develop education tools, including forums and newsletters, to complement the FOI guidelines, is a welcome next step. The ACT Government also supports the Office's ongoing focus on monitoring open access compliance to analyse trends and the factors influencing decisions.

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. In addition, the ACT's review of the administration of the FOI Act is being finalised, and will incorporate an ICT feasibility study that explores how it may be possible for technical solutions to streamline the publication of government information. The recommendations from this review are to be considered as part of an ongoing improvement program.

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 has posed challenges in undertaking some activities, such as training staff on the requirements of the Act. Work is underway on alternatives to face-to-face group training, including e-learning modules. While there have also been some difficulties with accessing information for access applications, where staff are working remotely, this has not caused major issues and access applications are still generally being completed within the statutory timeframes. This has been aided by the increasing use of the EDRMS.

Information Officers are grateful for the dissemination of the guidelines from the Ombudsman's office and welcome opportunities to participate in further refinement of this material, along with any additional tools to support good decision-making processes and improve the general awareness of FOI and open access principles among ACT government employees.

I 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.

