



Australian Government

Office of the Australian Information Commissioner

# Towards an Australian Government Information Policy

November 2010



Protecting information rights – advancing information policy



**Australian Government**

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November 2010

Issues Paper 1

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ISBN-978-1-877079-66-5



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## Foreword

Information is a valuable and powerful resource and is at the heart of government.

Good government, sound policy and just decision-making demand that information is collected, stored, managed, used and disclosed wisely and appropriately. Every decision and every activity of government uses information. Each year the amount of information held by government grows and at a faster pace.

Government information is equally valuable in the wider community. It can stimulate innovation and economic prosperity. It is used in business and lifestyle planning. Public access to government information is essential to evaluate the performance of government and hold it democratically accountable.

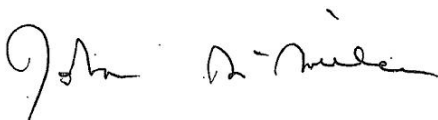
The growing importance of government information in all aspects of national life has been embraced by the Australian Parliament and the Australian Government. The *Freedom of Information Act 1982* declares that 'information held by the Government is to be managed for public purposes, and is a national resource'. The Australian Parliament has established a new Office of the Australian Information Commissioner (OAIC) to provide advice to government on policy and practice on how government collects, stores, manages, uses and discloses information.

In recent times, the Australian Government has commissioned numerous inquiries and reviews examining aspects of information policy. A common theme of recent reports is the need for a rigorous policy framework that facilitates greater coordination in government information management. More strategic use of government information through proactive disclosure of information on open licensing terms is another key theme.

'Public sector information' is an emerging concept that captures these themes. As well as describing the information held by government, this concept is tied to the objective of making more of that information public for use by individuals and the community, and reuse for purposes that differ from the original purpose in collecting the information. The concept is well established in some other countries and regions that can provide excellent guidance to Australia.

This paper gathers together Australian reports and developments that advance the development of Australian Government Information Policy. It defines some of the key issues that face Australian Government in developing information management policy, and proposes ten draft principles on open public sector information. Publication of this paper coincides with the opening of the OAIC. I invite written comments on the draft principles by 1 March 2011 (details of where to send comments are at the end of this paper).

We welcome further debate about this important aspect of Australian public policy.

A handwritten signature in black ink, appearing to read 'John McMillan', written in a cursive style.

Prof John McMillan  
Australian Information Commissioner  
November 2010

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## Executive summary

Information policy reform is of growing importance in Australian Government. With a view to strengthening government information policy and practices, the Australian Government has recently commissioned a number of reviews. Issues canvassed in this reform process include opening public sector information to greater use and reuse outside of government; using good information policy to stimulate innovation; enhancing participation in government through use of web 2.0 tools; encouraging a coordinated approach to government information policy; and clarifying the roles of key government information management agencies.

Concurrent with these reviews, the *Freedom of Information Act 1982* (Cth) (the FOI Act) has been substantially amended, 'to promote a pro-disclosure culture across government and to build a stronger foundation for more openness in government'.<sup>1</sup> A new independent statutory office has been established, the Office of the Australian Information Commissioner (OAIC), headed by three Commissioners: the Australian Information Commissioner, the Freedom of Information Commissioner and the existing Privacy Commissioner.

This paper outlines these policy initiatives and reforms and provides a snapshot of Australian Government information policy as it stands at the time of the establishment of the OAIC. A purpose of the paper is to identify some key issues facing the Australian Government in developing a coherent and effective information policy, including:

- Ensuring a coordinated approach to government information management, given the variety of reforms, initiatives and proposals currently at play in the federal public sector
- Ensuring smooth interaction between key information policy agencies and committees
- Bringing agencies along with new information policy developments and making sure they are well equipped to implement change
- Keeping pace with international developments and innovations on public sector information and government information management
- Driving the momentum on open and reuseable public sector information.

Those key issues are taken up in this paper in chapters that examine major reports and information policy initiatives, FOI reforms, the roles played by different Australian Government agencies, developments in other jurisdictions, current initiatives in public sector use and reuse, and guiding principles for effective information policy.

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<sup>1</sup> *Revised Explanatory Memorandum, Freedom of Information Amendment (Reform) Bill 2010*, p 1.

## **Major reports and initiatives on government information policy in Australia**

The Australian Government has undertaken a number of reviews in recent years that consider government information management and policy. One theme in many of the reports is that public sector information has value as a national resource and, as such, should be managed appropriately and made publicly available. A free flow of information is critical to supporting innovation and development in both the public sector and the Australian economy. Another theme in the reports is the need for a coordinated approach across government agencies and levels of government to managing this valuable resource. In July 2010, the Government affirmed its commitment to a culture of openness and the promotion of citizen participation by making a *Declaration of Open Government*.

### **Freedom of Information reforms**

Far-reaching reform of the FOI Act commences operation in 2010. FOI exemptions have been narrowed, FOI application procedures have been improved, FOI charges have been lessened, and new complaint and review mechanisms have been established. A new objects clause has also been framed that emphasises the role of the FOI Act in increasing public participation in government processes and facilitating easier public access to government information. A new Information Publication Scheme requires Australian Government agencies subject to the FOI Act to publish a broad range of information on their websites.

Complementing these reforms to the FOI Act, the OAIC was established as a statutory agency by the *Australian Information Commissioner Act 2010* (Cth). For the first time at the Commonwealth level, privacy protection, FOI and information policy advice have been brought together in one oversight body.

### **Australian Government agencies with a responsibility for government information policy**

There are currently a number of agencies with responsibilities in the area of government information policy and management. These include the OAIC, the Australian Government Information Management Office, the Department of the Prime Minister and Cabinet, the Attorney-General's Department, the National Archives of Australia, the Australian Bureau of Statistics (ABS) and the Defence Signals Directorate. The need to harmonise the work of these agencies and develop consistent approaches across government to information management is a strong theme in recent reviews.

### **Developments in other jurisdictions**

Other jurisdictions, both in Australia and overseas, have undertaken FOI reform and implemented measures to make public sector information more available. In Australia,

the Australian Information Commissioner is one of five information commissioners, with others in Queensland, New South Wales, Western Australia and the Northern Territory. Queensland and Victoria have developed information publication plans that match the Government 2.0 agenda of the Australian Government.

Overseas, important developments have been taking place at national, regional and international levels to establish a framework of principles and procedures for publication of public sector information. A strong impetus for the reforms is a recognition of the powerful role of web 2.0 technology in disseminating information and facilitating its reuse.

## **Examples of public sector information publication, use and reuse in Australia**

Australian Government agencies are already well-advanced in web-based publication of public sector information. Often this is done under open licensing and in a reusable format. Publication projects discussed in this paper include the [data.australia.gov.au](http://data.australia.gov.au) website that hosts Australian Government datasets; ABS publication of statistical information; the Australian Early Development Index that provides a national snapshot of childhood development; the MySchool website that contains a profile of almost 10,000 Australian schools; the Australian Spatial Data Directory that provides access to spatial data used by industry, government and the community; the Environmental Resources and Information Network that publishes datasets relating to the Australian environment; the Australian Social Science Data Archive, which is a university based service that collects and preserves data relating to social, political and economic affairs; *Mapping our Anzacs*, which is collection of service records published by the National Archives; the Australian Newspapers Digitisation Program that has digitised out-of-copyright Australian newspapers from the 1800s to the mid-1950s; the National Public Toilet Map that shows the location of more than 14,000 toilet facilities around Australia; and geoscientific information published by Geoscience Australia.

## **Key issues for Australia**

Enormous strides have already been taken by Australian Government agencies in improving information management and publication. Important challenges lie ahead.

One is to ensure a coordinated approach to government information management, given the variety of reforms, initiatives and proposals currently at play in the federal public sector. Recent reports have reflected on the desirability of a consistent approach across government to information management. One option is to develop a framework of principles as a guide for all agencies. There is flexibility in a principles-based approach to develop the principles in consultation with other levels of government, with the objective of a national information policy adopted by governments.

Further issues for Australia include ensuring smooth interaction between key information policy agencies and committees, bringing agencies along with new information policy developments and making sure they are well equipped to implement change.

### **Public sector information principles in a National Information Policy**

The paper concludes with a summary of principles for open public sector information. The principles draw on the work of the Government 2.0 Taskforce and other existing information policy initiatives and principles and set out key themes including: open access to public sector information; effective information governance; robust information asset management; findable information; sound decision making processes; transparent complaints processes; open and accessible formats online; appropriate charging for access; clear reuse rights; and engaging the community.

# 1. Introduction

The Information Age creates significant opportunities for Australia. Digital technology has led to exponential growth in information creation and brought new and innovative methods of data analysis, search, manipulation, amalgamation, storage and sharing. Web 2.0 has made possible online collaboration, networking and user-generated content.

In this context, the opportunities for government are significant. Information technology plays a vital role in how the Australian Government implements policies and interacts with the public. At the same time, the advances in technology also pose challenges for government information management and policy.

To meet these opportunities and challenges, the Australian Government has commissioned a number of reviews in recent years with a view to strengthening government information policy and practices. Issues canvassed in these reviews include: opening public sector information to greater use and reuse outside of government; using good information policy to stimulate innovation; enhancing participation in government through use of web 2.0 tools; encouraging a coordinated approach to government information policy; and clarifying the roles of key government information management agencies.

Concurrent with these reviews, the *Freedom of Information Act 1982* (Cth) (FOI Act) has been reformed 'to promote a pro-disclosure culture across government and to build a stronger foundation for more openness in government'.<sup>2</sup> A new independent statutory office has been established, the Office of the Australian Information Commissioner (OAIC), headed by three statutory officers, the Australian Information Commissioner, Freedom of Information Commissioner and Privacy Commissioner.

A central challenge facing government is to evolve information policy and practices to ensure that government information is managed and used as a national asset. With strong and cohesive policy settings, the Australian Government will be well positioned to capitalise on the opportunities offered by the Information Age.

This paper seeks to outline significant developments in Australian Government information policy to date as a precursor to establishing next steps.

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<sup>2</sup> *Revised Explanatory Memorandum, Freedom of Information Amendment (Reform) Bill 2010*, p 1.

## About this paper

This paper is divided into the following sections:

- **Section 2 – Major reports and initiatives on government information policy in Australia** provides an outline of recent major reports on, or related to, government information policy, including the Government 2.0 Taskforce Report and the review of *Information Policy and E-governance in the Australian Government*.
- **Section 3 – Freedom of Information Reforms** explains the establishment of the OAIC and legislative changes to FOI, including the Information Publication Scheme.
- **Section 4 – Australian Government agencies with a responsibility for government information policy** outlines the roles of key agencies such as the OAIC, the Australian Government Information Management Office (AGIMO), the Department of the Prime Minister and Cabinet (DPMC), the Attorney-General's Department, the National Archives of Australia, the Australian Bureau of Statistics (ABS) and the Defence Signals Directorate.
- **Section 5 – Developments in other jurisdictions** provides an outline of some of the more significant information policy developments at the State and Territory level and overseas.
- **Section 6 – Examples of public sector information publication, use and reuse in Australia** offers examples of where public sector information is being used in new and innovative ways such as the [data.australia.gov.au](http://data.australia.gov.au) website, Australian Spatial Data Directory and the *Mapping our ANZACs* initiative.
- **Section 7 – Key issues for Australia** explores some of the key issues that Australia faces in the government information policy sphere, set against the backdrop of major reports and policies outlined in earlier sections.
- **Section 8 – Public Sector Information Principles in a National Information Policy** provides a summary of principles for open public sector information. The principles draw on the work of the Government 2.0 Taskforce and other existing information policy initiatives and principles, and set out key themes such as information governance, asset management and reuse rights.

## 2. Major reports and initiatives on government information policy in Australia

The Australian Government has undertaken a number of reviews in recent years related wholly or partly to government information management and policy. The reviews point to opportunities to improve government information handling practices, foster innovation, promote greater transparency in government, and provide the public with greater access to public sector information.

The number of reports to arise in a short period of time indicates the importance attached to addressing key information policy questions. A significant challenge lies in ensuring the recommendations and proposals contained in these reports are brought together and implemented effectively and cohesively.

Key reports on government information policy are outlined below.

### ***Engage: Getting on with Government 2.0***

The 2009 report of the Government 2.0 Taskforce, commissioned by the Minister for Finance and Deregulation and the Special Minister of State, examined ways in which new technology, especially web 2.0, can be used to achieve ‘more open, accountable, responsive and efficient government’.<sup>3</sup> The report defined its area of focus in terms of three pillars: achieving a shift in public service culture and practice; application of web 2.0 tools to government; and open access to public sector information. The Taskforce anticipated that adoption of these principles would lead to benefits including improved government services, greater public participation in democracy, an unlocking of the value in public sector information, and revitalisation of the public sector.<sup>4</sup>

Recommendation six of the report concerned the release of public sector information. The report argued that as government invests time and resources in collecting, analysing and transforming large amounts of data, public sector information should be considered as a national resource.<sup>5</sup> Unlike other resources, the value of information is generally increased, rather than decreased, by making it available. It is therefore in the national interest to get maximum value from public sector information by making it publicly available for creative reuse.

The report commented on the implementation of the Information Publication Scheme established under the FOI Act (outlined in section 3) in providing a consistent framework for publication and encouraging disclosure.<sup>6</sup> It suggested that the OAIC should ‘monitor

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3 Report of the Government 2.0 Taskforce, *Engage: Getting on with Government 2.0* (2009) p x, [www.finance.gov.au/publications/gov20taskforcereport/index.html](http://www.finance.gov.au/publications/gov20taskforcereport/index.html)

4 *Engage*, p xi.

5 *Engage*, p 40.

6 *Freedom of Information (Reform) Act 2010*, Part II – Information Publication Scheme; *Engage*, Recommendation 8.

schemes, and encourage agencies towards achieving government pro-disclosure objectives through reference to exemplars, and reporting of unsatisfactory progress'.<sup>7</sup> For maximum effectiveness, information from all levels of government should be published.<sup>8</sup>

The Government issued its response to this report in May 2010 and accepted the majority of recommendations with some modifications. It agreed in principle with the publication of public sector information and charged the OAIC with identifying ways in which this might be implemented.<sup>9</sup>

The report proposed a number of principles in order to maximise the benefits of publishing public sector information. Information should be available free, relatively quickly, licensed for reuse, and in machine readable formats. It must be easy to locate, understand, transform and use. The report summarised these principles as 'find, play, share'.<sup>10</sup> It anticipated that encouraging access and reuse of this public sector information would encourage community engagement with the public sector, increase public accountability and ultimately enhance trust in government. The report gave a number of examples of activities that utilise public sector information to engage the community and hold government accountable such as the Toxic Release Inventory in the US, which allows users to search for information of chemical releases in their area, and LobbyLens in Australia, which was built during the mash-up competition held by the Taskforce and combines information about lobbyists, political donations and government contracts.<sup>11</sup>

To carry forward the Government 2.0 agenda, the Taskforce report recommended that a lead agency should, in conjunction with other relevant agencies, develop a program for implementing the recommendations by means of a steering group. The Government response accepted this recommendation and nominated AGIMO within the Department of Finance and Deregulation as the lead agency. The Steering Group comprises members from relevant agencies, including the OAIC, and has responsibility for developing and implementing the Government 2.0 work program, reporting to Government and providing support to agencies on Government 2.0 issues.

## Declaration of Open Government

In July 2010 the then Minister for Finance and Deregulation, the Hon Lindsay Tanner, released a *Declaration of Open Government*. The Declaration was a central

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7 *Engage*, Recommendation 8.2.7; on the Information Publication Scheme, see also section 3 below.

8 *Engage*, Recommendation 6.9.

9 Department of Finance and Deregulation, *Government Response to the Report of the Government 2.0 Taskforce* (2010) p 10, [www.finance.gov.au/publications/govresponse20report/index.html](http://www.finance.gov.au/publications/govresponse20report/index.html)

10 *Engage*, p 41.

11 *Engage*, p 42; LobbyLens is available at [team7.govhack.net.tmp.anchor.net.au](http://team7.govhack.net.tmp.anchor.net.au)

recommendation of the Government 2.0 Taskforce and affirms a culture of openness and transparency for the government of the future. It sets out a clear objective of promoting public participation in democracy and recognises the benefit of citizen collaboration to ‘enhance government processes and outcomes’.<sup>12</sup>

The Declaration seeks to encourage among Australian Government agencies a culture of openness built on three key principles:

- **Informing:** strengthening citizen’s rights of access to information, establishing a pro-disclosure culture across Australian Government agencies including through online innovation, and making government information more accessible and usable
- **Engaging:** collaborating with citizens on policy and service delivery to enhance the processes of government and improve the outcomes sought
- **Participating:** making government more consultative and participative.

The Declaration asks agencies to ‘reduce barriers to online engagement, undertake social networking, crowd sourcing and online collaboration projects and support online engagement by employees’. In doing so the Declaration acknowledges that innovative use of new internet-based technologies plays a crucial role in realising a more open and transparent form of government.

The Declaration reinforces a range of supporting initiatives such as the establishment of the OAIC and the FOI reforms. It also echos a key recommendation in *Ahead of the Game: Blueprint for Reform of Australian Government Administration*, calling for more open government in the Australian Public Service.<sup>13</sup>

### ***Information Policy and e-governance in the Australian Government***

This review of information policy was commissioned by the DPMC to provide specialist advice and to report on issues of information management. The review, prepared by Dr Ian Reinecke and presented in 2009, found that approaches to information management are fragmented across government agencies.<sup>14</sup> It advocated that the OAIC act as a central reference point to develop consistent policy and coordinate the efforts of existing bodies with a role in information management.<sup>15</sup>

12 Australian Government, *Declaration of Open Government* (2010) [www.finance.gov.au/e-government/strategy-and-governance/gov2/declaration-of-open-government.html](http://www.finance.gov.au/e-government/strategy-and-governance/gov2/declaration-of-open-government.html)

13 Advisory Group on Reform of Australian Government Administration, *Ahead of the Game: Blueprint for the Reform of Australian Government Administration* (2010), p ix, [www.dpmc.gov.au/publications/aga\\_reform/aga\\_reform\\_blueprint/index.cfm](http://www.dpmc.gov.au/publications/aga_reform/aga_reform_blueprint/index.cfm)

14 Department of Prime Minister and Cabinet, *Information Policy and e-governance in the Australian Government* (2009) report by Ian Reinecke, p 30, [www.dpmc.gov.au/publications/information\\_policy/index.cfm](http://www.dpmc.gov.au/publications/information_policy/index.cfm)

15 *Information policy and e-governance*, p 2.

The review considered the role of bodies such as AGIMO, the National Archives, the Australian Public Service Commission and DPMC in driving information policy.<sup>16</sup> The review suggested that the OAIC should assist in developing consistent guidelines to be used across government agencies. One objective is to harmonise the efforts of the different bodies that currently have a role in information management policy, defining their roles and assigning responsibility.<sup>17</sup> The review envisaged AGIMO taking responsibility for information sharing among government agencies, and the OAIC focusing on communication between government and the wider community. The OAIC would also be responsible for monitoring information management in government agencies and highlighting areas of weakness.<sup>18</sup>

The review noted that there is general recognition that wider publication of public sector information is desirable. For a cultural shift to open government to occur, strong political support and commitment is needed.<sup>19</sup> A steering body would assist in driving this necessary cultural change.

A number of benefits should flow from a more coordinated approach to information management.<sup>20</sup> A consistent approach across government agencies would simplify interactions between agencies and with the community. The report also noted a number of benefits that could be expected to flow from more open government, such as greater community engagement and creative reuse of public sector information. The report suggested that the OAIC provide guidelines on the best way to achieve this and remove the uncertainties that currently hamper wider publication.

### ***Australia's Digital Economy: Future Directions***

Published in 2009 by the Department of Broadband, Communications and the Digital Economy, the Future Directions report discussed the elements necessary for a successful digital economy in Australia and the role of government, industry and the community in achieving this. The report identified three main areas for government contribution: developing national digital infrastructure; facilitating innovation; and setting conducive regulatory frameworks.<sup>21</sup> More specifically, the report suggested that the government's role should include addressing social inequity, protecting the community, assisting markets to work fairly and effectively while filling gaps left by the market, and addressing market failures.<sup>22</sup> The report envisaged that these actions by government will maximise Australia's participation in the digital economy.

16 *Information policy and e-governance*, pp 20-21.

17 *Information policy and e-governance*, p 34.

18 *Information policy and e-governance*, p 50.

19 *Information policy and e-governance*, p 42.

20 *Information policy and e-governance*, pp 46-7.

21 Department of Broadband, Communications and the Digital Economy, *Australia's Digital Economy: Future Directions* (2009) p 3, [www.dbcde.gov.au/digital\\_economy/future\\_directions\\_of\\_the\\_digital\\_economy](http://www.dbcde.gov.au/digital_economy/future_directions_of_the_digital_economy)

22 *Future Directions*, p 7.

The report argued that the government could facilitate innovation in both the public and private sectors through more open information strategies. While there is a need to protect privacy, confidentiality and national security, open access to public sector information benefits the digital economy. The report suggested that ‘public sector information’ could include not only government-produced data but also data resulting from publicly-funded cultural, educational and scientific activities.<sup>23</sup> This open access should promote new uses of public sector information, which will in turn produce economic and social benefits.

In order to maximise the benefits of the digital economy, businesses and individuals must feel confident online. The report envisaged a continuing role for government in promoting e-security, cyber-safety and online privacy.

### ***Venturous Australia: Building Strength in Innovation***

*Venturous Australia*, published in 2008 by the Department of Innovation, Industry, Science and Research, discussed the changes needed to Australia’s National Innovation System to reinvigorate innovation in Australia. Innovation is important to boost productivity growth and enable Australia to remain globally competitive. The report noted that Australia’s innovation policy was still driven by the model adopted in the 1980s, which focused on the commercialisation of innovation.<sup>24</sup> This approach placed less emphasis on understanding how innovation could serve market and customer needs and secure productivity benefits for the community.

The report presented an ‘innovation action plan’ aimed at boosting innovation in Australia. It argued that innovation is increasingly ‘open and pervasive’ and is ‘characterised by skill in collaborating and making connections so that knowledge flows and grows, and so becomes available to meet customer and community needs’.<sup>25</sup> Within this context, the availability of public sector information to facilitate collaboration and innovation becomes crucial.

Government can facilitate innovation by improving the flow of information. It can encourage disclosure of information and ensure that the information and other content that it funds are freely available in order to maximise its use and the value that others can add to it.<sup>26</sup> Within the public sector itself, the report considered that innovations have tended to be imposed ‘top down’. It expressed the hope that government can learn to be more ‘bottom up,’ taking advice from frontline staff and the users of services, in order to be truly innovative in public policy and service delivery.<sup>27</sup>

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23 *Future Directions*, p 12.

24 Department of Innovation, Industry, Science and Research, *Venturous Australia: Building Strength in innovation* (2008) p vii, [www.innovation.gov.au/innovationreview/Pages/home.aspx](http://www.innovation.gov.au/innovationreview/Pages/home.aspx)

25 *Venturous Australia*, p x.

26 *Venturous Australia*, p xii.

27 *Venturous Australia*, p xv.

Chapter seven of the report focused on information and market design and considered the role of information in the efficiency of markets. It made a series of recommendations aimed at maximising the flow of information and the use that can be derived from it. These include the establishment of a National Information Strategy, which would aim to maximise the flow of government generated information but also improve information available in private markets about product quality.<sup>28</sup> It made a number of specific recommendations concerning the use of government information, urging open publishing of government materials and taking steps to ensure that publicly funded research is available as widely as possible.<sup>29</sup> Earlier in the report, it was suggested that a Knowledge Connections Program should be established to facilitate the creation of new connections and clusters to increase Australia's competitiveness.<sup>30</sup>

The Government responded to this report in 2009 with *Powering Ideas*, in which it reaffirmed its commitment to innovation and established a set of national innovation priorities.<sup>31</sup> The Government response acknowledged the desirability of a more coordinated approach to Commonwealth information management, promoting a free flow of information.<sup>32</sup> It envisaged that the OAIC would provide advice on information policy and practice and assist in developing a coordinated approach to managing information and making it freely available to the community.<sup>33</sup>

## **National Government Information Sharing Strategy**

The National Government Information Sharing Strategy (NGISS) was commissioned by the Council of Australian Government's (COAG) Online and Communication Council in July 2007. Information sharing and interoperability of information technology systems were identified as items of interest on the agenda of each of COAG's 42 ministerial councils. AGIMO released the NGISS in August 2009.

The primary focus of the NGISS is to develop a more coordinated approach and a foundation for sharing information between different agencies and between all levels of government in Australia (Commonwealth, state and local).<sup>34</sup> The secondary focus

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28 *Venturous Australia*, Recommendations 7.5, 7.7 & 7.8.

29 *Venturous Australia*, p 93-94.

30 *Venturous Australia*, Recommendation 3.3.

31 Department of Innovation, Industry, Science and Research, *Powering Ideas: an innovation agenda for the 21<sup>st</sup> century* (2009) p 4, [www.innovation.gov.au/innovationreview/Pages/home.aspx](http://www.innovation.gov.au/innovationreview/Pages/home.aspx)

32 *Powering Ideas*, p 57.

33 *Powering Ideas* p 58.

34 Australian Government Information Management Office, *National Government Information Sharing Strategy 2009*, p 20, [www.finance.gov.au/publications/national-government-information-sharing-strategy/](http://www.finance.gov.au/publications/national-government-information-sharing-strategy/)

for the NGISS is to provide strategic intelligence to government to support effective, evidence-based decision-making.<sup>35</sup> In this way the strategy aims to encourage the management of government information as a strategic asset, providing more efficient and effective use of it. The strategy recognises that through identifying best practices for inter agency collaboration, better government service delivery and improved policy development can be achieved.

To enable implementation of the strategy, the NGISS sets out nine information sharing principles and provides a suggested range of tools and techniques to address each principle.<sup>36</sup> The principles and tools provide guidance for government agencies to develop and implement a plan covering how information is shared, by whom, with what authority and for what purposes. The NGISS is not prescriptive as to how the principles should be implemented and promotes a common approach to information sharing across all tiers of government.

Whilst the strategy is compatible with a broader policy to promote information sharing with the community generally, information sharing with third parties outside of governments in Australia is out of scope for the NGISS and therefore is not addressed.<sup>37</sup>

### ***Ahead of the Game: Blueprint for the Reform of Australian Government Administration***

The 2010 report, *Ahead of the Game*, prepared by the Advisory Group on Reform of Australian Government Administration (headed by the Secretary of the DPMC), proposed a reform agenda for the Australian Public Service to promote excellence in service delivery. It identified four areas as a framework for performance: meeting the needs of citizens; providing strong leadership and strategic direction; building a highly capable workforce; and operating efficiently and at a consistently high standard. Within this framework, the Blueprint makes nine recommendations, of which the second is to 'create more open government'.<sup>38</sup>

The Blueprint argued that Australia lags behind its international peers in providing online access to government information and services and in incorporating external advice into the policy development and service design process.<sup>39</sup> Improving in these areas should increase community engagement with government and invigorate policy

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35 *National Government Information Sharing Strategy 2009*, p 20. See also a speech by the Chair of the Productivity Commission, Mr Gary Banks AO, 'Evidence-based policy-making: What is it? How do we get it?' (2009) [www.pc.gov.au/speeches](http://www.pc.gov.au/speeches)

36 The nine information sharing principles are: Provide leadership; Demonstrate value; Act collaboratively; Establish clear governance; Establish custodianship guidelines; Build for interoperability; Use standards-based information; Promote information re-use; Ensure privacy and security.

37 *National Government Information Sharing Strategy*, p 20.

38 *Ahead of the Game*, p ix.

39 *Ahead of the Game*, p 38.

development. The Blueprint envisages greater communication between government and the public through channels such as web 2.0 technology. As part of this process, it recommended that more public sector information be made available so that it can be accessed and reused by individuals. It hoped that, as a result, community engagement with government will improve and citizens will become active participants in government.

### ***Empowering Change: Fostering Innovation in the APS***

The 2010 Management Advisory Committee report 9, *Empowering Change*, investigated means of developing and strengthening a culture of innovation within the Australian Public Service. The report argued that effective information management has an important role to play in fostering innovation. Good management of information will enable agencies to identify trends and developments as well as gaps and opportunities for innovation.<sup>40</sup> Recommendation two stated that ‘flow of information facilitates innovation and is a key to greater innovation in Government’. Hence, ‘the APS should adopt a culture of openness in the development and implementation of government policy’.<sup>41</sup>

The effective collection and management of public sector information, and its broad publication, should underpin innovation efforts.<sup>42</sup> The report suggested that, unless there are strong reasons for confidentiality, ‘publicly funded data sets should be publicly available’.<sup>43</sup> Collaboration, especially with users of government services, is an important way to generate innovation in government services.<sup>44</sup> Making information broadly available will facilitate these collaborations. The report suggested that greater openness and availability of public sector information would allow ‘serendipitous collaborations’ and creative use and reuse of this information by the public, in addition to planned or invited collaborations. The mash-ups generated as part of the Government 2.0 Taskforce are given as examples of the possibilities that arise from the publication of a wide range of information.<sup>45</sup>

### ***Review of the Australian Government’s use of Information and Communication Technology***

In 2008, the then Minister for Finance and Deregulation, the Hon Lindsay Tanner, commissioned a review by Sir Peter Gershon of the Australian Government’s use of information and communication technology (ICT). This review was focused on policies governing use of ICT, rather than information management. However, some of the review

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40 Management Advisory Committee, *Empowering Change: Fostering Innovation in the Australian Public Service* (2010) p 56, [www.apsc.gov.au/mac/empoweringchange.htm](http://www.apsc.gov.au/mac/empoweringchange.htm)

41 *Empowering Change*, p 70.

42 *Empowering Change*, p 60.

43 *Empowering Change*, p 63.

44 *Empowering Change*, p 47.

45 *Empowering Change*, p 53.

findings are relevant to information policy as ICT is integral to managing government information. Some of the weaknesses in ICT management noted by the review also apply more generally to information management. The review noted that citizens have increasingly high expectations of the quality of services delivered by government and that, when interacting with government, the internet is now the 'preferred service delivery channel for a majority of people'.<sup>46</sup>

The review found weak governance of ICT at a whole-of-government level and very high levels of agency autonomy, with agencies having a choice about whether to opt in to whole-of-government approaches.<sup>47</sup> Greater efficiency and effectiveness could be achieved by rebalancing agency autonomy and coordination across government. The review recommended that, rather than opting in to agreed whole-of-government activities, agencies be allowed to apply to opt out.<sup>48</sup>

To achieve greater coordination across government, the review suggested redefining the role of AGIMO 'to act as a catalyst for change and an agent to assist the formulation and realisation of objectives, policies and strategies'.<sup>49</sup> It envisaged AGIMO providing 'functional leadership of the [Australian Public Service] ICT professional community', 'constructing the whole-of-government ICT workforce plan' and 'maintaining a single authoritative "source of truth" for ICT policies'.<sup>50</sup>

## **Relevant Reports of the Australian Law Reform Commission**

The Australian Law Reform Commission (ALRC) provides advice to government on reform and development of the law. The following reports examine the legislative context applying to government information practices.

### ***Secrecy Laws and Open Government in Australia***

This report, tabled in 2009, identified inconsistencies in legislative secrecy provisions. It sought ways to balance two competing needs – protecting Commonwealth information, and providing public access to information in maintaining open and accountable government.<sup>51</sup> The ALRC sought to identify an appropriate role for secrecy provisions, consistent with Australia's international obligations.

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46 Department of Finance and Deregulation, *Review of the Australian government's use of Information and Communication Technology* (2008) report by Sir Peter Gershon, p 7, [www.finance.gov.au/publications/ict-review/index.html](http://www.finance.gov.au/publications/ict-review/index.html)

47 *Review of ICT*, p 2.

48 *Review of ICT*, p 3.

49 *Review of ICT*, p 65.

50 *Review of ICT*, p 106.

51 Australian Law Reform Commission, *Secrecy Laws and Open Government in Australia* (2009), ALRC report 112, p 21, [www.alrc.gov.au/publications/report-112](http://www.alrc.gov.au/publications/report-112)

The report recommended three general areas for reform. The first is the repeal of general secrecy provisions in the *Crimes Act 1914* (Cth), to be replaced by a new general secrecy offence. The second is to review and harmonise the wide variety of existing offences. The third is to improve existing information handling frameworks in government.<sup>52</sup>

The ALRC noted that secrecy provisions do not operate in a vacuum but form part of wider information-handling policy. With this in mind, the report made recommendations to promote effective handling of information by government agencies. It recommended that 'every Australian Government agency should develop and publish information-handling policies and guidelines to clarify the application of secrecy laws to their information holdings'.<sup>53</sup> The report noted the important role of oversight bodies and recommended that the OAIC should play an active part in the development of a culture of effective information handling.<sup>54</sup>

### ***For Your Information: Australian Privacy Law and Practice***

The ALRC undertook a comprehensive review of the *Privacy Act 1988* (Cth) and related laws to determine whether they provide an effective framework for the protection of personal information in Australia. The report, tabled in 2008, noted that privacy protection is not an absolute right and claims must be balanced against other individual and collective interests such as freedom of expression and national security.<sup>55</sup>

There is interaction between the Privacy Act and other information-handling legislation, such as the FOI Act and the *Archives Act 1983* (Cth).<sup>56</sup> The ALRC canvassed the option of creating a single Information Act but this received little support; the ALRC concluded that, despite the overlap, the three Acts serve distinct purposes. The report also noted the interaction between privacy and secrecy provisions, which are sometimes complementary but can also conflict.<sup>57</sup> The ALRC found that there was no support from government agencies subject to secrecy provisions for regulation by the Privacy Act. The ALRC did recommend, however, that the Australian Government should undertake a review of secrecy provisions and consider, among other matters, how these interact with the Privacy Act (see above for further information).<sup>58</sup>

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52 *Secrecy Laws and Open Government*, p 23.

53 *Secrecy Laws and Open Government*, p 26.

54 *Secrecy Laws and Open Government*, 15.90, p 545.

55 ALRC, *For Your Information: Australian Privacy Law and Practice* (2008) ALRC report 108, p 104, [www.alrc.gov.au/inquiries/privacy](http://www.alrc.gov.au/inquiries/privacy)

56 *For Your Information*, 15.100, p 559.

57 *For Your Information*, 15.110, p 561.

58 *For Your Information*, Recommendation 15-2.

### ***Keeping Secrets: The Protection of Classified and Security Sensitive Information***

The 2004 ALRC report *Keeping Secrets* examined measures to safeguard classified or security sensitive information during court or tribunal proceedings or in the course of other investigations including criminal prosecutions, civil proceedings, immigration matters and FOI requests. The report noted that conflict exists ‘between disclosure in the interests of fair and effective legal proceedings, and non-disclosure in the interests of national security’.<sup>59</sup> This tension is not merely between the desire of the individual for disclosure and that of the government to maintain official secrets. The report noted that the public interest is also at stake, as it is in the public interest both to protect national security but also to ensure the fairness of judicial proceedings.

The report recommended the creation of a National Security Information Procedures Act, which would govern the use of classified and security sensitive information in all courts and tribunals.<sup>60</sup>

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59 ALRC *Keeping Secrets: The Protection of Classified and Security Sensitive Information* (2004)

ALRC report 98, para 10, p 10, [www.alrc.gov.au/report-98](http://www.alrc.gov.au/report-98)

60 *Keeping Secrets*, para 13, p 11.

### 3. Freedom of Information reforms

#### Establishment of the Office of the Australian Information Commissioner and Information Advisory Committee

The OAIC is established by the *Australian Information Commissioner Act 2010* (Cth) and commenced operation on 1 November 2010. The Office is an independent statutory agency headed by the Australian Information Commissioner. The Information Commissioner is supported by two statutory office holders, a new Freedom of Information Commissioner and the existing Privacy Commissioner.

The creation of a single office with responsibilities for FOI and privacy matters was foreshadowed in the Australian Government's 2007 election policy statement, *Government information: restoring trust and integrity*. The policy statement envisaged the creation of a whole-of-government clearing house for complaints, oversight, advice and reporting for FOI and privacy matters.<sup>61</sup> This policy objective has been met in the establishment of the OAIC. For the first time at the Commonwealth level, privacy protection, FOI and information policy advice have been brought together in one oversight body.

The Australian Government considered that bringing the policy areas of privacy and FOI together would enhance oversight and allow for consistent information policy across government.<sup>62</sup> The policy areas complement each other and share a common objective of improving information management and record keeping in government agencies. Further, the FOI and Privacy Acts together confer upon individuals the right to access government-held information and to scrutinise government information practices. As such, the OAIC not only supports the important outcome of promoting a pro-disclosure culture and open government, but also provides a stronger foundation for privacy protection and promotion in the broader management of government information.

The Information Commissioner, as the head of the OAIC, has an additional discrete function which goes beyond FOI and privacy to giving strategic advice to the Australian Government on information management generally. The Information Commissioner function involves reporting to the Government on any matter relating to government policy and practice regarding the collection, use, disclosure, management, administration or storage of, or accessibility to government-held information.<sup>63</sup> This is a new role and it is intended by the Australian Government that the Information Commissioner will be well-placed to contribute to whole-of-government information policy and practice.<sup>64</sup>

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61 K Rudd MP and Senator J Ludwig, *Government information: restoring trust and integrity in government information*, ALP Election policy document, October 2007, pp 5–7.

62 A Byrne MP, *Second Reading Speech Information Commissioner Bill 2009*.

63 *Australian Information Commissioner Act 2010* (Cth) s 7.

64 *Revised Explanatory Memorandum*, Australian Information Commissioner Bill 2010, p 4.

The Information Commissioner is assisted in matters relating to the performance of the Information Commissioner functions by an Information Advisory Committee (IAC). The role of the IAC is to advise the Information Commissioner on matters relating to the Information Commissioner function (described above). The IAC will be comprised of members from key government agencies and members from outside government who have suitable experience or qualifications.<sup>65</sup> With expertise from within and outside government, the IAC is well-placed to play a role in building innovation in the information practices of government agencies, furthering coordination across government, promoting transparency in government and furthering public access to government information.

## **Reform of the *Freedom of Information Act 1982***

The FOI reforms also stem from the Australian Government's 2007 election policy statement, *Government information: restoring trust and integrity*. The stated aim of FOI reform is to promote a pro-disclosure culture across government and to build a strong foundation for more openness in government.<sup>66</sup>

The first stage in the Government's FOI reform program was the *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* (Cth), which commenced on 7 October 2009. This Act abolished conclusive certificates for all exemptions under the FOI Act and the Archives Act. The result (in FOI) is that all denials of access can be independently scrutinised by the Information Commissioner and the Administrative Appeals Tribunal, to determine if the exemption criteria in the FOI Act are satisfied. Ministers and government agencies no longer have the final say on whether a document is available for public access.

*The Freedom of Information Amendment (Reform) Act 2010* (Cth) introduces a far broader reform package. The reforms include a new Information Publication Scheme (IPS) that expands the range of information agencies must publish, a 'disclosure log' requirement on agencies to publish information released in response to individual FOI requests, a single public interest balancing test applying to many of the exemptions, removal of some of the fees and charges for FOI access, and new complaint and review powers conferred on the OAIC. The majority of the measures commenced on 1 November 2010, along with the establishment of the OAIC.

The primary purpose of the FOI reforms, including the introduction of the IPS and the disclosure log, is to promote open government by requiring Australian Government agencies to publish more information. This has been described as a move from a reactive 'pull' model of FOI disclosure based on individual access requests, to a proactive 'push' model requiring agencies to take the initiative to make information available to

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<sup>65</sup> *Revised Explanatory Memorandum*, Australian Information Commissioner Bill 2010, clause 27, p 10.

<sup>66</sup> K Rudd MP and Senator J Ludwig, *Government information: restoring trust and integrity in government information*, ALP Election policy document, October 2007, p 1.

the public. This philosophy is captured in a new clause declaring the objects of the Act:

- increase public participation in government processes, with a view to promoting better-informed decision-making
- increase scrutiny, discussion, comment and review of the government's activities
- increase recognition that information held by government is to be managed for public purposes and is a national resource, and
- facilitate and promote public access to information promptly and at the lowest reasonable cost.<sup>67</sup>

## Information Publication Scheme

The IPS, which commences on 1 May 2011, requires Australian Government agencies subject to the FOI Act to publish a broad range of information on their websites and make it available for download where possible. Agencies are also required to publish an Information Publication Plan showing how they intend to implement the IPS along with an organisation chart, details of arrangements for consulting with members of the public on specific policy proposals for which the agency is responsible, and their operational information.<sup>68</sup> The information must be accurate, up-to-date and complete.

The purpose of the scheme is 'to allow the FOI Act to evolve as a legislative framework for giving access to information through agency driven disclosure rather than as a scheme that is primarily reactive to requests for documents'.<sup>69</sup> The discretionary element of the publication scheme, designed to facilitate proactive disclosure by agencies, will mean that agencies will have a greater responsibility for considering whether documents they hold should be published.

In deciding what other information might usefully be published, agencies are to have regard to the objects of the FOI Act and to any guidelines published by the Information Commissioner.<sup>70</sup> A key role of the Information Commissioner is to provide guidelines to agencies on the information they should be making available.

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67 *Freedom of Information Act 1982* (Cth) s 3(2).

68 *Freedom of Information Act 1982* s 8(2).

69 *Revised Explanatory Memorandum, Freedom of Information Amendment (Reform) Bill 2010*, p1.

70 *Freedom of Information Act 1982* s 9A.

## 4. Australian Government agencies with a responsibility for government information policy

Key agencies with a responsibility in relation to government information policy include the Office of the Australian Information Commissioner, the Department of the Prime Minister and Cabinet, the Australian Government Information Management Office, the Attorney-General's Department, the National Archives of Australia, the Australian Bureau of Statistics and the Defence Signals Directorate. These agencies and their key areas of responsibility are outlined below.

Other agencies that have had some involvement in government information policy include the Department of Broadband, Communications and the Digital Economy which produced the *Digital Economy Future Directions* report (outlined in section 2) and participated in the Government 2.0 Taskforce; and the Department of Innovation, Industry, Science and Research which produced the *Venturous Australia* report (also outlined in section 2).

In addition, committees that play a role in advancing government information policy objectives include the Government 2.0 Steering Group, the Information Advisory Committee (established under the *Australian Information Commissioner Act 2010* to advise the Information Commissioner) and the COAG Online and Communications Council.

### Office of the Australian Information Commissioner

As outlined in section 3, the establishment of the OAIC forms a major component of the Government's policy on and reform of information management and oversight. The OAIC has three broad functions:

- the privacy functions, which are the functions already conferred on the Privacy Commissioner by the *Privacy Act 1988*
- the FOI functions, which are new functions directed to oversight of the operation of the *Freedom of Information Act 1982*
- the Information Commissioner functions, conferred on the Information Commissioner by the *Australian Information Commissioner Act 2010* (Cth), which provide for the Commissioner to report to the Minister responsible for the Act on any matter that relates to government information management.

The OAIC will bring together the three functions of privacy protection, promoting open government and advising government on information policy to assist the development of a consistent workable information policy across all Australian Government agencies. The Information Commissioner and the OAIC will join agencies that are working towards a whole of government approach to information policy and are leading a cultural change towards open government. A particular focus of the OAIC, reflected

in this paper, is the need to harmonise information policies and practices as part of the broader drive towards a single coherent government information strategy.

## **Department of the Prime Minister and Cabinet**

The principal function of DPMC is to provide policy advice to the Prime Minister and the Cabinet on matters that are at the forefront of public and government administration. DPMC also provides advice and guidelines to Australian Government agencies on aspects of public and government administration.

The Privacy and FOI Policy Branch within the Government Division of DPMC provides advice, briefing and support on national and international FOI and privacy policy. This has included work on the development and implementation of significant reforms in the areas of privacy and FOI law.

The Privacy and FOI Policy Branch played a key role in delivering the Australian Government's FOI reform agenda which included development of bills to implement the reform measures. Further, the Branch advised the Cabinet Secretary on the development of the Government's first stage response to the Australian Law Reform Commission's 2008 report, *For Your Information: Australian Privacy Law and Practice*. The Branch has since worked on the development of exposure draft legislation containing the Australian Privacy Principles which were released in June 2010.

The Privacy and FOI Policy Branch is also closely involved in work to develop consistent international approaches to information privacy protection. The Branch is leading work in APEC (Asia Pacific Economic Cooperation) to develop an international system that will facilitate the use of cross-border privacy rules by business, with appropriate regulatory oversight, to protect personal information. The Branch is also engaged in similar work being undertaken through the OECD (Organisation for Economic Cooperation and Development) Working Party on Information Security and Privacy.

## **Australian Government Information Management Office**

AGIMO in the Department of Finance and Deregulation works across government to promote and maintain the productive application of information and communications technologies to government administration, information and services. AGIMO provides policy advice to the government on whole-of-government ICT matters and implements government ICT policy and programs.

AGIMO has delivered whole-of-government initiatives that harness ICT to provide better service delivery, greater effectiveness and efficiency and reduced costs to government. Common approaches to the market in ICT purchasing, improved supplier management and a collective emphasis on value for money have been established. Public sector capability to manage ICT projects has been improved and a whole-of-government ICT procurement policy has been implemented.

The Government established the ICT Reform Program in response to Sir Peter Gershon's 2008 *Review of the Australian Government's Use of Information and Communication Technology*. This program delivered a greater focus on effectiveness, efficiency and cost as well as building agency capability for improved service delivery. The reforms established clear ministerial oversight of key ICT decisions, a focus on Australian Public Service capability and an emphasis on retention of ICT skills in the public sector.

AGIMO has been working to promote openness in government and increased online collaboration between government and the public as part of the Government's Government 2.0 agenda. In this role, AGIMO has established the Government 2.0 Steering Group to provide whole-of-government leadership and will issue advice to agencies about engaging online and releasing government data.

AGIMO has also created a blog to enable more effective citizen engagement and collaboration, as well as establishing govspace, a blog-hosting service to allow other agencies to quickly create their own blogs.<sup>71</sup> Furthermore, AGIMO supports several whole-of-government websites and services aimed at making information about government services more accessible to the public and providing agencies with online collaboration tools and resources. These include [australia.gov.au](http://australia.gov.au), [govspace.gov.au](http://govspace.gov.au), [govdex.gov.au](http://govdex.gov.au), [data.gov.au](http://data.gov.au) and [directory.gov.au](http://directory.gov.au).

## **Attorney-General's Department**

The Attorney-General's Department provides support to the Australian Government in the maintenance and improvement of Australia's system of law and justice and its national security and emergency management systems. It has responsibility for copyright law. It is also the lead agency for the whole-of-government management of intellectual property (IP).

The Government's response to the Government 2.0 Taskforce's report advocates the use of Creative Commons licences. Departments and agencies' use of Creative Commons licences for Commonwealth publications will change the Commonwealth Copyright Administration's operations. Each Department and agency governed by the *Financial Management and Accountability Act 1997* (Cth) will now be required to make licensing decisions about whether to use Creative Commons licences or other open content licences before publicly releasing their public sector information.

On 1 October 2010 the *Intellectual Property Principles for Australian Government Agencies* ('the Statement of IP Principles') was amended to reflect the Government's decisions in relation to ownership of IP in software procured under information and communication technology contracts (principle 8(a)) and the free use of public sector information (principle 11(b)). The Statement of IP Principles provides a framework for effective management of IP. All Australian Government agencies governed by the

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<sup>71</sup> [govspace.gov.au](http://govspace.gov.au)

*Financial Management and Accountability Act 1997 (Cth)* are required to comply with the requirements of the Statement of IP Principles.

The Statement of IP Principles establishes the first policy framework binding on Australian Government agencies for the identification and management of their IP assets. The principles cover several aspects of IP management, including procurement, innovation policy, commercialisation, public access and sharing of IP.<sup>72</sup> The principles recognise that the business practices and objectives of agencies are varied. In response to these differences, the principles adopt a flexible approach and agencies are encouraged to develop individual IP management frameworks that reflect their own needs and objectives.<sup>73</sup> Further, the principles are based on the understanding that the purpose for which an agency creates information is relevant to the terms on which it is released.

### **National Archives of Australia**

The National Archives of Australia supports Australian Government agencies in the creation and management of authentic and reliable information and records. The Archives Act requires the National Archives to oversee Government recordkeeping, determine standards and provide advice to Australian Government agencies on their information and records management. A key role of the National Archives is to authorise retention and disposal of Commonwealth records and in so doing identify records of national significance for retention as national archives. Additionally, the National Archives is responsible for preserving and making publicly available the archival resources of the Commonwealth.<sup>74</sup>

The National Archives promotes best practice in Australian Government agencies by providing information management products and services to assist them to manage their information and records. The National Archives encourages agencies to use an information management framework<sup>75</sup> to facilitate the strategic management of information and provides assistance in implementation. The National Archives provides advice on changes in information management approaches and technologies. In doing this the National Archives works with agencies to encourage them to engage comprehensively with the electronic environment, especially in the capture and management of information and records.<sup>76</sup>

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72 Attorney-General's Department, *Statement of Intellectual Property Principles for Australian Government Agencies*, pp 2-6.

73 Attorney-General's Department, *Statement of Intellectual Property Principles for Australian Government Agencies*, p 1.

74 *Archives Act 1983 (Cth)* s2A.

75 *Information management framework* [www.naa.gov.au/records-management/IM-framework/index.aspx](http://www.naa.gov.au/records-management/IM-framework/index.aspx)

76 *Australian Government Recordkeeping Metadata Standard* [www.naa.gov.au/records-management/create-capture-describe/describe/RKMS/index.aspx](http://www.naa.gov.au/records-management/create-capture-describe/describe/RKMS/index.aspx)

Access to archival records is governed by the Archives Act. The National Archives is required to make open period Commonwealth records, other than exempt records, available for public access when they reach the open access period.<sup>77</sup> Currently most records reach the open access period after 30 years.<sup>78</sup> The open access period for Cabinet notebooks is currently 50 years and Census information reaches the open access period after 99 years.<sup>79</sup>

As part of the FOI reforms, the open access period for Cabinet notebooks will be reduced from 50 years to 30 years. The open access period for other Commonwealth records, other than Census information, will be reduced to 20 years. These changes will be phased in over a 10 year transition period commencing in 2011.<sup>80</sup>

## **Australian Bureau of Statistics**

The ABS is Australia's national statistical agency. In addition to providing statistics, it also has an important coordination function with respect to the statistical activities of other Australian Government agencies. The ABS has developed standards for assessing and reporting on the quality of statistical information to promote data use and reuse.<sup>81</sup>

Many significant public policy issues cross over the areas of responsibility of multiple portfolios and agencies. Integrating statistical data across agencies offers considerable benefits both in efficiency and in the quality of research and advice that agencies can offer. Recognising this, the Commonwealth Portfolio Secretaries established the Cross Portfolio Statistical Integration Committee (CPSIC) in April 2009, jointly chaired by the ABS and the Commonwealth Department of Health and Ageing. The CPSIC is to establish a national framework for integration of Commonwealth data for statistical and research purposes.

As part of the first stage of the framework, the CPSIC has produced a set of high-level principles for data integration, which recognise that government data is a public asset which should be treated as a strategic resource. These principles outline positive information handling practices and risk management and ensure that the benefits of evidence-based decision making are coupled with sound confidentiality protections.<sup>82</sup>

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77 *Archives Act 1983* (Cth) s 31.

78 *Archives Act 1983* (Cth) s 3(7).

79 *Archives Act 1983* (Cth) ss 22A and 22B.

80 *Freedom of Information Amendment (Reform) Act 2010* (Cth), Schedule 3 – Exemptions, Part 1 – Open access period amendments.

81 *Australian Bureau of Statistics Data Quality Framework* [www.abs.gov.au](http://www.abs.gov.au)

82 For more information about the principles, see [www.nss.gov.au](http://www.nss.gov.au)

The principles align with Government 2.0 Taskforce recommendations which encourage cooperation and transparency across government to realise the full potential of public sector information. A whole-of-government approach to integrating data will facilitate the creation of new data sets and has the potential to maximise the value of Commonwealth data sources for statistical and research purposes. Enhanced statistical data integration will in turn contribute to better evidence-based policy making and service delivery.

Portfolio secretaries endorsed the principles for statistical data integration in February 2010. In the second stage, the CPSIC has developed a set of governance and institutional arrangements to support these principles.<sup>83</sup>

### **Defence Signals Directorate**

The Defence Signals Directorate in the Department of Defence is responsible for the Australian Government's information security policies.<sup>84</sup> The Defence Signals Directorate sets the standard which governs the security of government ICT systems and provides guidance to agencies.

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83 [www.nss.gov.au](http://www.nss.gov.au)

84 *Australian Government Information Security Manual* [www.dsd.gov.au/ism.htm](http://www.dsd.gov.au/ism.htm)

## 5. Developments in other jurisdictions

### Developments in Australian States and Territories

With the establishment of the Office of the Australian Information Commissioner, the Commonwealth is now the fifth Australian jurisdiction to appoint an independent information commissioner as an ‘open government champion’, playing a comprehensive information oversight and advocacy role. The other jurisdictions are New South Wales, Northern Territory, Queensland and Western Australia. While the functions of the commissioners differ slightly between jurisdictions, most can investigate complaints about FOI administration, undertake merit review of access denial decisions, publish FOI guidelines, assist the public in making FOI requests, and provide advice to government on information policy. The introduction of independent information commissioners strengthens the framework for open government and enables cooperation across jurisdictions.

#### *Queensland*

The Office of the Information Commissioner Queensland is an independent body established under the *Right to Information Act 2009* (Qld) to promote access to government held information and protect privacy under the *Information Privacy Act 2009* (Qld). Three commissioners make up the Queensland office – an Information Commissioner, a Right to Information Commissioner and a Privacy Commissioner.

In September 2009, the Queensland Government Chief Information Officer approved the *Queensland Government Information Management Strategic Framework*. The development of the framework came out of a report by an Independent Review Panel that was established to review Queensland’s FOI laws.<sup>85</sup> Significantly, the report of the panel identified a need for a whole-of-government information policy as a necessary step towards open, accountable and participatory government.<sup>86</sup> The Queensland Government accepted this proposal and undertook to develop a framework setting the strategic direction for government information policy.<sup>87</sup>

The framework identifies and defines the various areas which contribute to effective information management and provides organising principles for ensuring appropriate policy coverage. The key documents that form the framework include information principles and policies, management policies, and management action plans.

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85 *The Right to Information: Reviewing Queensland’s FOI Act*, report by the FOI Independent Review Panel (2008) chaired by Dr David Solomon AM, [www.foireview.qld.gov.au/](http://www.foireview.qld.gov.au/)

86 *The Right to Information*, Recommendation 1.

87 Queensland Government, *The Right to Information: A Response to the Review of Queensland’s Freedom of Information Act* (2008) pp 4-5, [www.thepremier.qld.gov.au/initiatives/foi\\_review/index.aspx](http://www.thepremier.qld.gov.au/initiatives/foi_review/index.aspx)

The Queensland Government has also worked with the Queensland University of Technology Faculty of Law on the Government Information Licensing Framework (GILF) project.<sup>88</sup> GILF is recognised internationally as a leader in the area, and has recommended the use of Creative Commons licences for the sharing of public sector information.

### **Victoria**

The Victorian Government committed to improving open access to public sector information in its response to the 2009 Parliamentary Inquiry into Improving Access to Victorian Public Sector Information and Data.<sup>89</sup> Most of the Inquiry's recommendations were accepted and a whole-of-government Information Management Framework is to be developed to provide guidance on the sharing and management of public sector information. Under the Information Management Framework, public sector information is made available under Creative Commons licensing by default with a tailored suite of licences for restricted materials.<sup>90</sup>

The Victorian Government has also developed a Government 2.0 Action Plan to provide the foundation for a Victorian Public Service approach to Government 2.0.<sup>91</sup> The Government 2.0 Action Plan provides a systematic approach to the use of web 2.0 applications and tools such as wikis, blogs, and social networking sites to engage with citizens, develop policy and deliver services. It recognises that new approaches, processes and technologies can encourage citizen participation in government.

Reflecting technological developments, the Victorian Government has already sought to engage more actively with citizens on particular issues and to improve access to public sector information. At [data.vic.gov.au](http://data.vic.gov.au) a variety of datasets in different formats are available for use and reuse.

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88 [www.gilf.gov.au](http://www.gilf.gov.au)

89 *Whole of Victorian Government Response to the Final Report of the Economic Development and Infrastructure Committee's Inquiry into Improving Access to Victorian Public Sector Information and Data*, (2010) p 8 [www.diird.vic.gov.au/diird-projects/access-to-public-sector-information](http://www.diird.vic.gov.au/diird-projects/access-to-public-sector-information)

90 *Victorian Government Response*, p 8.

91 [www.egov.vic.gov.au/government-2-0/government-2-0-action-plan-victoria.html](http://www.egov.vic.gov.au/government-2-0/government-2-0-action-plan-victoria.html)

## ***Other State and Territory frameworks***

NSW has recently enacted the *Government Information (Public Access) Act 2009* (NSW) to improve the public's right of access to government information in NSW. The objects of the Act are to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective. As part of this new right to information system, the NSW Office of the Information Commissioner was established. The role of the Information Commissioner NSW is to promote public awareness of right to information law, and provide advice and assistance to agencies and the general public. As such the NSW Office of the Information Commissioner is part of a framework that supports access to and disclosure of government information, and encourages open government culture.

Western Australia and the Northern Territory have similarly appointed Information Commissioners with government information oversight roles. The Northern Territory Information Commissioner is an independent statutory officer appointed to oversee the FOI and privacy provisions of the *Information Act 2002* (NT). In addition to handling complaints and reviewing access denial decisions, the NT Information Commissioner is available to assist government agencies in developing or reviewing practices, policies or legislation that raise FOI or privacy issues.

Western Australia's independent Information Commissioner is primarily responsible for investigating complaints about decisions made by agencies in respect of access applications and requests to amend personal information. The Information Commissioner also has a broader policy role in recommending to Parliament legislative or administrative changes for achieving the objects of the Western Australian FOI Act. A report in 2010 by the Commissioner reviewed the manner in which Western Australian State and local government agencies administer the FOI process.<sup>92</sup>

In both Tasmania and South Australia the State Ombudsman discharges an equivalent role of investigating complaints about FOI administration and undertaking merit review of access denial decisions. A recent reform in Tasmania is the *Right to Information Act 2009* (Tas) which promotes the proactive release of information by public authorities and ministers and sets out a framework for the disclosure of government information. The Tasmanian Ombudsman has a review role under this Act and additionally is responsible for maintaining guidelines and a manual for users.

Commonwealth, State and Territory officers have recently established an Association of Information Access Commissioners, to facilitate collaboration on government information policy and public access rights across jurisdictional boundaries.

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92 Available at [www.foi.wa.gov.au/dnn/Publications/Other.aspx](http://www.foi.wa.gov.au/dnn/Publications/Other.aspx)

## Developments overseas

### **OECD**

Internationally, governments are taking steps to increase public access to government information. In 2008 the OECD Ministers endorsed the *Seoul Declaration on the Future of the Internet Economy and supporting policy framework which included the Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information*.<sup>93</sup> The recommendation on public sector information provides policy guidance through thirteen principles and establishes a general framework for the wider and more effective use of public sector information and the generation of new uses from it. The principles are designed to improve access and increase use of public sector information through greater transparency, enhanced competition and more competitive pricing.

The recommendations also aim to promote efficient distribution of information and content, and new information products and services, particularly through market-based competition among reusers of information. The OECD recognised that efforts to improve access to and use of public sector information need to take into account legal requirements and restrictions, such as IP rights, confidentiality, human rights and freedom of information.

### **United Kingdom**

The United Kingdom is at the forefront of information policy within the European Union and leads the European Union in implementing initiatives to make public sector information more easily available.<sup>94</sup> A number of reports commissioned by the United Kingdom Government such as the *Power of Information Review*<sup>95</sup> in 2007 and the *Power of Information Taskforce*<sup>96</sup> in 2009 also made significant contributions to the development of information policy and open government in the United Kingdom.

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93 Organisation for Economic Co-operation and Development, *Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information C(2008)36*, available at [www.oecd.org/dataoecd/0/27/40826024.pdf](http://www.oecd.org/dataoecd/0/27/40826024.pdf)

94 For example, the *European Union Directive on the Re-use of Public Sector Information* (2003/98/EC, dated 17 November 2003) was given effect in UK law through the *Re-use of PSI Regulations 2005* (S.I. 2005 No. 1515).

95 Ed Mayo and Tom Steinberg, *The Power of Information: an Independent Review* (2007), commissioned by the Cabinet Office, UK Government, [www.opsi.gov.uk/advice/poi/index](http://www.opsi.gov.uk/advice/poi/index)

96 [webarchive.nationalarchives.gov.uk/20100413152047/http://poiit.cabinetoffice.gov.uk/poit/](http://webarchive.nationalarchives.gov.uk/20100413152047/http://poiit.cabinetoffice.gov.uk/poit/)

The Office of Public Sector Information (OPSI) is central to the development of information policy and coordination across government in the United Kingdom. The OPSI was established through a merger with the National Archives in 2006 and sets standards for the implementation of information policy across government and the wider public sector. A key focus for the OPSI is encouraging access to and the reuse of public sector information. OPSI also has a role as a regulator of the information trading activities of public sector information holders. In this role, the OPSI has established the Information Fair Trader Scheme to encourage openness in government and assist reuse of public sector information. An Information Asset Register has also been established that lists information assets held by the United Kingdom Government with a focus on unpublished material.

Other aspects of information policy in the United Kingdom come within the Information Commissioner's Office. The Information Commissioner's Office is an independent authority set up to promote access to official information and to protect personal information, through its oversight of legislation relating to data protection, FOI, environmental information and privacy, and electronic communications.<sup>97</sup>

### ***New Zealand***

In 1997, the New Zealand Government released the *Policy Framework for New Zealand Government-held Information*.<sup>98</sup> The policy framework is based on the premise that public sector information should be readily available and barriers to access removed. The framework provides general guidance for managing government-held information and best practice standards. The 11 principles making up the framework cover matters concerning availability, coverage, pricing, ownership, stewardship, collection, copyright, preservation, quality, integrity and privacy.<sup>99</sup>

In July 2010, the New Zealand Government approved the *New Zealand Government Open Access and Licensing Framework*<sup>100</sup> as government guidance for agencies to follow when releasing copyright works and non-copyright material for reuse by third parties. The framework recognises that the licensing of public sector copyright works for reuse, together with easier public access to information, may bring about creative, social and economic benefits for the people of New Zealand. A further aim is to foster greater transparency of government agencies' performance and activities. The introduction of the framework also gives effect to recommendations from the *OECD Council for Enhanced Access to and More Effective Use of Public Sector Information*.

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97 [www.ico.gov.uk](http://www.ico.gov.uk)

98 Developed by New Zealand Public Service chief executives and the State Services Commission, and approved by Cabinet 1997: see [www.ssc.govt.nz/display/document.asp?DocID=4880](http://www.ssc.govt.nz/display/document.asp?DocID=4880)

99 [www.e.govt.nz/policy/information-and-data/policy-framework-for-government-held-information](http://www.e.govt.nz/policy/information-and-data/policy-framework-for-government-held-information)

100 [www.e.govt.nz/policy/nzgoal](http://www.e.govt.nz/policy/nzgoal)

New Zealand has established a cross-government Open Government Information and Data Re-use Work Programme which aims to make government-held information more widely accessible and compliant with New Zealand's open government data principles.<sup>101</sup> A Steering Group facilitates this programme and contributes to the development of government information policy.

### ***United States of America***

The election of a new President in the United States in 2008 was followed by a renewed emphasis on making government information more accessible and on promoting citizen engagement through web 2.0 technologies. Following his inauguration, President Barack Obama issued two memoranda to agency heads which set out his intentions for government to be accountable, transparent, participatory and collaborative.

The *Memorandum on Transparency and Open Government* issued in 2009 called for transparent, participatory and collaborative government.<sup>102</sup> In the memorandum, the Obama Administration committed itself to appointing a Chief Technology Officer to ensure agencies have the infrastructure, policies and services available to implement open government. In December 2009 a directive was issued to support the implementation of the open government policies outlined in the memorandum. The United States Open Government Directive includes a clear timeline for executive departments and agencies to publish information online, improve information quality, institutionalise a culture of open government and create an enabling policy framework for open government.<sup>103</sup>

A second memorandum issued in 2009, the *Memorandum on the Freedom of Information Act*, required agencies to administer the Freedom of Information Act with a clear presumption that 'in the face of doubt, openness prevails'.<sup>104</sup> The Attorney-General was directed to issue new guidelines on FOI, reaffirming a commitment to accountability and transparency. These guidelines were issued in March 2009 and directly encourage a culture of open and transparent government.<sup>105</sup>

As part of the transparency and open government initiative, the United States Government launched the data.gov and recovery.gov websites. They are designed as a practical demonstration of how open government and publication of public sector information can be implemented. Data.gov provides the public with access to high level, machine-readable datasets generated by the Executive Branch of the Federal Government. The site claims that its primary goal 'is to improve access to Federal data and expand creative use of those data beyond the walls of government by encouraging

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101 [www.e.govt.nz/policy/information-and-data](http://www.e.govt.nz/policy/information-and-data)

102 [www.whitehouse.gov/the\\_press\\_office/Transparency\\_and\\_Open\\_Government](http://www.whitehouse.gov/the_press_office/Transparency_and_Open_Government)

103 [www.whitehouse.gov/open/documents/open-government-directive](http://www.whitehouse.gov/open/documents/open-government-directive)

104 [www.whitehouse.gov/the\\_press\\_office/Freedom\\_of\\_Information\\_Act](http://www.whitehouse.gov/the_press_office/Freedom_of_Information_Act)

105 [www.justice.gov/ag/foia-memo-march2009.pdf](http://www.justice.gov/ag/foia-memo-march2009.pdf)

innovative ideas'.<sup>106</sup> Recovery.gov similarly provides access to extensive public sector information; in this instance, on the allocation of funds under the *American Recovery and Reinvestment Act 2009*.<sup>107</sup> The site also allows individuals to report suspected fraud, waste, or abuse related to Recovery funding.

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106 [www.data.gov/about](http://www.data.gov/about)

107 [www.recovery.gov/About/Pages/Recoverygov.aspx/](http://www.recovery.gov/About/Pages/Recoverygov.aspx/)

## 6. Examples of public sector information publication, use and reuse in Australia

A core theme in all recent reports and statements on government information policy is that public sector information should be made available for use and reuse outside of government. This is the principal objective of the Government 2.0 reform agenda. Publication of public sector information under open licensing and in reuseable formats can stimulate innovation and deliver benefits to the community. There are numerous examples of where this is already taking place and a few Australian Government examples are outlined below.

### **data.australia.gov.au**

As part of the work of the Government 2.0 Taskforce, the data.australia.gov.au website was established to host Australian government datasets.<sup>108</sup> It is currently in beta as development of the site continues. Datasets are provided by numerous government agencies from across Australia and contain highly diverse information, ranging from crime data to locations of public barbeques. Data can be browsed by category, agency or date updated. The site also provides links to other catalogues of publicly available government data, such as that held by the ABS.

The majority of the datasets on the site are licensed under ‘Creative Commons’— a system whereby copyright owners use a generic licence to give permission in advance for certain uses of their material<sup>109</sup> — and so are available for reuse. The site invites interested parties to ‘mash up’ the data in any way they choose.<sup>110</sup>

The Government 2.0 Taskforce’s report noted some of the challenges of promoting open access to public sector information. The information must be both findable and practically useable.<sup>111</sup> The report particularly argued for timeliness in the publication of public sector information, rather than delaying while data is brought into a state deemed acceptable for publication.<sup>112</sup> The Taskforce recommended that even if data requires more work to improve its quality, it should be published with appropriate disclaimers about completeness, accuracy and currency.

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108 A dataset is a collection of data, usually presented in tabular form. The datasets available from the data.australia.gov.au site present data compiled by Australian Government agencies, including the Attorney-General’s Department and the Australian Electoral Commission.

109 [creativecommons.org.au/about/cc](http://creativecommons.org.au/about/cc)

110 [data.australia.gov.au](http://data.australia.gov.au)

111 *Engage*, p 40.

112 *Engage*, p 48.

## Australian Bureau of Statistics

The ABS has developed a number of web-based services to give access to a full range of ABS statistical information and encourage interaction with this data. Datasets on the site are searchable by topic, title, release date, and catalogue number. Descriptive reports of the information are available, as well as data cubes that can be downloaded for reuse by individuals. ABS publishes its data under a creative commons licence, the only requirement for use being that ABS is acknowledged as the source of the information.

As well as offering data sets by topic, the ABS also offers custom information and information sets tailored to the needs of different government sectors, small businesses, schools, libraries and universities.

The ABS encourages interaction with its data by offering a number of innovative presentations, including Google Motion Charts, which present changing data, such as median house prices in Australian capital cities, in animated form.<sup>113</sup> The site also includes a betaworks section where new tools in development are demonstrated and comment by the public is invited.<sup>114</sup> One of the projects underway is an iPhone app, which is intended to make ABS data even more accessible.

The ABS also supports a number of other initiatives to improve access to statistical information in Australia. The ABS is the driving force behind the National Statistical Service, which supports government agencies producing and using statistics to improve the full suite of information produced by government.<sup>115</sup> The ABS has also produced CData Online, a free online tool that combines data from the 2006 Census with web mapping and graphing capability. CData Online allows users to create custom tables of Census data and thematic maps and graphs, which can be based upon selected geographical areas. ABS is the first National Statistical Office in the world to make the entire census dataset available online in an interactive way.<sup>116</sup>

## Australian Early Development Index

The Australian Early Development Index (AEDI) provides a national snapshot of childhood development by assessing children in their first year of school in five developmental domains.<sup>117</sup> These early development milestones are considered indicators of later development. Although the data was collected by teachers in schools, the information is not for profiling schools or identifying the development of individual children. Rather, it reflects trends in the local community. Identifying areas of weakness early

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113 [www.abs.gov.au/websitedbs/D3310114.nsf/home/Interact+with+our+data](http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Interact+with+our+data)

114 [betaworks.abs.gov.au/betaworks/betaworks.nsf/index.html](http://betaworks.abs.gov.au/betaworks/betaworks.nsf/index.html)

115 [www.nss.gov.au/nss/home.nsf/NSS/616AD2A1951569A5CA2571AB0024175B?opendocument](http://www.nss.gov.au/nss/home.nsf/NSS/616AD2A1951569A5CA2571AB0024175B?opendocument)

116 [showcase.govspace.gov.au/102/making-census-data-available-with-cdata-online/](http://showcase.govspace.gov.au/102/making-census-data-available-with-cdata-online/)

117 [www.rch.org.au/aedi/about.cfm?doc\\_id=13300](http://www.rch.org.au/aedi/about.cfm?doc_id=13300)

will enable communities to develop intervention strategies to promote early childhood development.<sup>118</sup>

The AEDI website has published a report and searchable community profiles. These profiles break down the percentages of children in each community who are identified as being either 'on track' or 'at risk' against the five domains. Further data is available to researchers on request. The site also contains searchable maps that provide information about population density and the number of children surveyed in each community area.

The AEDI can be used by communities in numerous ways, such as to provide an evidence base for the development of community initiatives that support healthy child development and to support more effective use of resources, such as playgroups, health centres and libraries.<sup>119</sup> There are many potential uses for the AEDI data in health and community research. In combination with other data, it can be used to inform long-term policy development and support community building.

### **MySchool website**

The MySchool website is provided by the Australian Curriculum, Assessment and Reporting Authority and contains profiles of almost 10,000 schools in Australia.<sup>120</sup> It contains information about the size of each school, staffing ratios, student background and results from the National Assessment Program - Literacy and Numeracy testing. The average score of each school is compared to the national average and schools deemed 'statistically similar'. The data concerning 'statistically similar' schools is intended to make meaningful comparisons possible.

The Australian Government uses this information to identify areas where additional funding or assistance is required. Since the website was established, individuals have reused the data to draw out information about enrolment patterns in schools by grouping schools according to religious affiliations and attendance fees and then analysing these groups using other information provided on the site such as attendance rates, staffing levels and the Index of Community Socio-Educational Advantage.<sup>121</sup> The data can be used to identify broader trends in education, such as links between staffing levels and academic performance by students, which could then inform education policy.

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118 [www.rch.org.au/aedi/about.cfm?doc\\_id=13282](http://www.rch.org.au/aedi/about.cfm?doc_id=13282)

119 [www.rch.org.au/aedi/com.cfm?doc\\_id=13188](http://www.rch.org.au/aedi/com.cfm?doc_id=13188)

120 [www.myschool.edu.au/AboutUs.aspx](http://www.myschool.edu.au/AboutUs.aspx)

121 C Bonner, 'What My School really says about our schools' *Inside Story* 23 April 2010 [inside.org.au/what-my-school-really-says-about-our-schools/](http://inside.org.au/what-my-school-really-says-about-our-schools/)

## Australian Spatial Data Directory

The Australian Spatial Data Directory (ASDD) is an initiative of the Australian and New Zealand Land Information Council (ANZLIC) which aims to improve access to Australian spatial data for use by industry, government and the community.<sup>122</sup> Spatial data is information that is related to the location and attributes of features that are on, above or beneath the earth's surface, including water surfaces.<sup>123</sup> A key objective of ANZLIC is to promote the development of the Australian Spatial Data Infrastructure, which will facilitate access to a nationally consistent set of spatial data.<sup>124</sup>

The ASDD forms part of the Australian Spatial Data Infrastructure and enables users to search geospatial dataset descriptions throughout Australia. A dataset description is a concise document which consistently explains a certain set of geospatial data, and provides links to further information and possibly to the actual data.<sup>125</sup> Individual State/Territory jurisdictions, Australian Government agencies, and commercial organisations supply the descriptions of their holdings of spatial data and are responsible for maintaining their own metadata in accordance with ASDD standards. The directory provides a central point for searching these data sets.

## Environmental Resources and Information Network

The Environmental Resources Information Network (ERIN) is a unit within the Department of the Environment, Water, Heritage and the Arts, specialising in online data and information management, and spatial data integration and analysis.<sup>126</sup> Information is drawn from many sources and includes maps, images, documents and satellite imagery. ERIN hosts a wide variety of datasets relating to the Australian environment, ranging from endangered species to drought and pollution. Datasets include the Australian Heritage Database, which contains information about more than 22,000 significant places with natural, historic and indigenous values, the Australian National Shipwreck database, and the Australian Natural Resources Atlas.<sup>127</sup>

These information bases are necessary to assist in addressing issues concerning the management and conservation of our environment. The information is of use to government, researchers, industry and the community. By providing a central access point for this information, ERIN aims to inform decision making and promote creative approaches to challenges in managing the natural environment.

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122 [asdd.ga.gov.au/asdd/about.htm](http://asdd.ga.gov.au/asdd/about.htm)

123 [www.thelist.tas.gov.au/docs/glossary/glossary.html](http://www.thelist.tas.gov.au/docs/glossary/glossary.html)

124 [www.anzlic.org.au/infrastructure.html](http://www.anzlic.org.au/infrastructure.html)

125 [asdd.ga.gov.au/asdd/](http://asdd.ga.gov.au/asdd/)

126 [www.environment.gov.au/erin/about.html](http://www.environment.gov.au/erin/about.html)

127 [www.environment.gov.au/erin/index.html](http://www.environment.gov.au/erin/index.html)

## Australian Social Science Data Archive

The Australian Social Science Data Archive (ASSDA) was established at the Australian National University in 1981 to provide a national service for the collection and preservation of data relating to social, political and economic affairs and to make this information available for further analysis.<sup>128</sup> The ASSDA provides the most comprehensive social science data collection in Australia, with a catalogue of around 2070 data sets including Australian surveys, opinion polls and censuses.

The ABS has entered into an agreement with the ASSDA to provide historical census data for storage and distribution.<sup>129</sup> This means all standard ABS data tables from the 1966 census onwards which do not relate to the current census or to the census immediately prior to the current census are available through the ASSDA. The Archive also holds a wide variety of other information, including Australian Election Study, the Australian Survey of Social Attitudes, and the National Children's Nutrition and Physical Activity Survey. This information is made available to social science researchers in universities, government and other sectors. All visitors to the ASSDA Data Catalogue can browse and search the catalogue. Registered users can also analyse and visualise most data online and download entire studies or subsets of variables in a range of formats for their own reuse.<sup>130</sup>

## Mapping our ANZACs

In 2007, the National Archives of Australia released online copies of the service records of many men and women who served in Australian forces during World War I.<sup>131</sup> These records form the basis of the *Mapping our ANZACs* project. When a person enlisted to serve in World War I, they usually provided a place of birth and a place of enlistment on their attestation form. The *Mapping our ANZACs* site is a tool to browse 375,971 records of service in the Australian Army during World War I according to the person's place of birth or enlistment.

The site also invites the participation and collaboration of the community. It features 'scrapbook' and 'build a tribute' functions, whereby members of the community can add comments, and scans of photographs, letters from servicemen and other memorabilia to the site. These scrapbook contributions are then linked to individuals' service records and enrich the site. By contributing personal reminiscences and family memorabilia, users are able to share this valuable material with a much wider audience. The 'build a tribute' function enables users to commemorate ancestors or groups from a single town, which further personalises and enriches these service records.

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128 [www.assda.edu.au/about.html](http://www.assda.edu.au/about.html)

129 [www.assda.edu.au/census.html](http://www.assda.edu.au/census.html)

130 [www.assda.edu.au/data.html](http://www.assda.edu.au/data.html)

131 [mappingouranzacs.naa.gov.au/about.aspx](http://mappingouranzacs.naa.gov.au/about.aspx)

## Australian Newspapers Digitisation Program

The National Library of Australia, in collaboration with state and territory libraries, began a program in 2007 to digitise out of copyright Australian newspapers.<sup>132</sup> In July 2008, Australian Newspapers was made publicly available. This is a free online service that allows users to search the full text of newspaper articles published in each state and territory from the 1800s to the mid-1950s. There are currently over 20 million articles in the database and this number is expected to pass 40 million by 2011.

In 2009, work began to integrate Australian Newspapers into Trove.<sup>133</sup> Trove is a search tool focused on Australia and Australians. The new Trove service integrates searching of many different resources at once. It is designed to facilitate access to a significantly greater range of resources from major sources, including selected digitised material freely available online such as articles from Australian Newspapers. Articles from the service are also available from Google News Archive.

In order to make the text of articles fully searchable, newspapers were scanned using optical character recognition (OCR). However, old newspapers and microform are frequently poor quality, resulting in poor quality scans, which in turn reduces the accuracy of searches. To read and correct the text, the National Library turned to crowd sourcing, recruiting thousands of volunteers to read the scanned text against the original articles and correct inaccuracies.<sup>134</sup> By March 2010, 9000 volunteers from around the world had corrected 12.5 million lines of text.

## National Public Toilet Map

As part of the National Continence Management Strategy, the Department of Health and Ageing has developed the online National Public Toilet Map.<sup>135</sup> The map shows the location of more than 14,000 toilet facilities around Australia and includes information for each about location, opening hours, accessibility, and whether there are baby change facilities. The map is designed to improve independence and quality of life for the 3.8 million Australians affected by incontinence. It will also be of use for families with young children and those planning trips to new areas.<sup>136</sup>

Users may search for facilities in a particular location or use the Trip Planner function to plan a long trip. The website is designed to be compatible with mobile phone browsers and GPS devices. There is also a free app available for iPhone. The site allows direct linking so that external sites can link to toilets contained within the national map.<sup>137</sup>

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132 [www.nla.gov.au/ndp/index.html](http://www.nla.gov.au/ndp/index.html)

133 [trove.nla.gov.au/general/about](http://trove.nla.gov.au/general/about)

134 [www.nla.gov.au/ndp/get\\_involved/](http://www.nla.gov.au/ndp/get_involved/)

135 [www.toiletmap.gov.au/default.aspx](http://www.toiletmap.gov.au/default.aspx)

136 [www.toiletmap.gov.au/staticpage.aspx?page=about](http://www.toiletmap.gov.au/staticpage.aspx?page=about)

137 [www.toiletmap.gov.au/staticpage.aspx?page=faq](http://www.toiletmap.gov.au/staticpage.aspx?page=faq)

## Geoscience Australia

Geoscience Australia is part of the Resources, Energy and Tourism portfolio and is a world leader in providing first class geoscientific information.<sup>138</sup> This information is used by government and industry to make decisions about the protection of the environment and management of our natural resources.

Geoscience Australia makes its holdings of geoscientific information available free to the public via its website. Data downloads are available in three formats that are compatible with a wide range of professional Geographic Information System and Image Processing software.<sup>139</sup> There are a wide range of information sets available, including information about river basins, national marine bioregionalisation, a mineral localities database and native title boundaries. To facilitate reuse, this information is published under a creative commons licence.

As well as these datasets, the site provides a variety of mapping tools, such as maps indicating bushfires and other topographic and geological data.<sup>140</sup> These maps can be customised by users to suit their particular interests or needs. The site carries a disclaimer that, while Geoscience Australia has tried to make the information in the MapConnect product as accurate as possible, it does not guarantee that the information is totally accurate. This is in keeping with the observation of the Government 2.0 Taskforce that it is preferable to publish information 'with clear declarations of any limitations in the quality of the information and the ways in which this limits its usefulness' than to withhold it.<sup>141</sup>

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138 [www.ga.gov.au/about-us/our-role/index.jsp](http://www.ga.gov.au/about-us/our-role/index.jsp)

139 [www.ga.gov.au/products/servlet/controller?event=DEFINE\\_PRODUCTS](http://www.ga.gov.au/products/servlet/controller?event=DEFINE_PRODUCTS)

140 [www.ga.gov.au/mapconnect/](http://www.ga.gov.au/mapconnect/)

141 *Engage*, p 48.

## 7. Key issues for Australia

Key issues face the Australian public sector in developing policy on government information management. They include:

- Ensuring a coordinated approach to government information management, given the variety of reforms, initiatives and proposals currently at play in the federal public sector (see sections 2 and 3)
- Ensuring smooth interaction between key information policy agencies and committees (see section 4)
- Bringing agencies along with new information policy developments and making sure they are well equipped to implement change (see sections 2 and 3)
- Keeping pace with international developments and innovations on public sector information and government information management (see section 5)
- Driving the momentum on open and reuseable public sector information (see section 6).

### **Pursuing a more coordinated approach to government information management**

As outlined in sections 2 and 3 of this paper, considerable work has already been done on all aspects of government information management. However, with a profusion of policy activity comes the risk that progress is hampered by inconsistency and overlap. Uncertainty about interaction of the different proposals, recommendations and initiatives outlined in earlier parts of this paper may weaken broader outcomes.

A theme in recent reports is the desirability of a consistent approach to government information management. For example, the 2009 *Information Policy and E-governance* report pointed out the benefits that should flow from a more coordinated approach to information management, including by simplifying interactions between agencies and with the community. The report suggested that the OAIC act as a central reference point to develop a consistent policy and coordinate the efforts of existing bodies with a role in information management.<sup>142</sup> The *Venturous Australia* report suggested the establishment of a National Information Strategy, aimed at maximising the flow of government generated information.<sup>143</sup> In its response to *Venturous Australia*, the Government acknowledged the desirability of a more coordinated approach to Commonwealth information management.<sup>144</sup> It envisaged the OAIC providing advice on information policy and practice and assisting in developing a coordinated approach

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142 *Information Policy and e-governance*, p 2.

143 *Venturous Australia*, recommendations 7.5, 7.7 and 7.8.

144 *Powering Ideas*, p 57.

to managing information and making it freely available to the community.<sup>145</sup> This is consistent with the Revised Explanatory Memorandum to the Australian Information Commissioner Bill, which noted the Information Commissioner’s role in ‘achieving a more coordinated approach on government information policy and practice across all aspects of information management and at all stages of the information life-cycle’.<sup>146</sup>

The *Review of the Australian Government’s use of ICT* saw AGIMO as having a role to play in achieving greater coordination of information management across government. The review envisaged AGIMO providing ‘functional leadership of the [Australian Public Service] ICT professional community’, ‘constructing the whole-of-government ICT workforce plan’ and ‘maintaining a single authoritative “source of truth” for ICT policies’.<sup>147</sup>

Developing an overarching framework for government information management raises many issues. There is a risk that the framework becomes simply another policy to navigate in an already complex environment. One way of mitigating that risk may be to pursue an overarching framework built on existing information policies. Another approach is to spell out broad principles for government information management, on matters such as openness, accessible formats, useability rights and information asset management. An advantage of a principles-based approach is that it can apply broadly to all agencies rather than just a few. Information principles can also be taken up by other levels of government, as has been the case with the NGISS.

There are precedents for this principles-based approach. Examples include the OECD principles on use and reuse of public sector information, the NGISS principles, the CPSIC statistical integration principles and the government *Information Service Principles and Information Management Principles* developed by the former Office of Government Information Technology. Other jurisdictions that have developed principles-based approaches to government information management include Queensland and New Zealand (see section 8).

## **Ensuring smooth interaction of key information policy agencies and committees**

Section 4 of this paper sets out the various Australian Government agencies that have a role to play in developing, implementing and monitoring government information policy. These include the OAIC, DPMC, AGIMO, the Attorney-General’s Department, ABS, the National Archives and the Defence Signals Directorate. There are also committees that have or will have responsibility for aspects of government information management, including the Government 2.0 Steering Group, the IAC and the COAG Online and Communications Council.

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145 *Venturous Australia*, p 58.

146 *Revised Explanatory Memorandum*, Australian Information Commissioner Bill 2010, p 4.

147 *Review of ICT*, p 106.

The roles of these bodies potentially overlap, suggesting a need to define more clearly their respective roles and responsibility to ensure a coordinated approach to government information policy. The *Information Policy and E-governance* report saw the OAIC as having a role to play in harmonising the efforts of the different bodies, defining these roles and assigning responsibility.<sup>148</sup> The report envisaged AGIMO taking responsibility for information sharing among government agencies, and the OAIC focusing on communication between government and the wider community. The OAIC would also be responsible for monitoring information publication by government agencies and highlighting areas of weakness.<sup>149</sup>

Defining these key roles may enhance the overall clarity of government information management policy and reduce risks of duplication and inconsistency.

### **Helping agencies implement new information policy**

Reforms to government information law and policy mean that agencies need to prepare for the practical implementation within their organisations. Guidance material issued by the OAIC on the IPS and other FOI reforms will assist with this. In addition, agencies need to review whether they have in place a governance structure that supports the new developments.

Ensuring strong internal leadership on information management will strengthen agencies' strategic response to new developments on public sector information. For example, many agencies have a chief information officer (CIO) who has responsibility largely for information technology systems. A well-equipped CIO might also help with fostering public sector cultural change on information openness, use of web 2.0 and other policies. Moreover, a CIO or related position could usefully play a role in monitoring developments flowing from the Government 2.0 Steering Group and key agencies (outlined in section 4).

### **Keeping pace with international developments**

In recent years, Australia has sought to adopt innovations in government information policy occurring elsewhere. The numerous reports outlined in section 2 of this paper provide evidence of this push. Law academic Professor Anne Fitzgerald, who specialises in intellectual property and e-commerce law, observes that, until recently,

Australia largely failed to engage with developments in the formulation of policies and principles for access to [public sector information] that took place at the national (UK, US, NZ), regional (EU) and the international levels (UNESCO, OECD) up to around 2005.<sup>150</sup>

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148 *Information Policy and e-governance*, p 34.

149 *Information Policy and e-governance*, p 50.

150 Anne Fitzgerald, 'Open Access and Public Sector Information: Policy Developments in Australia and Key Jurisdictions', in Brian Fitzgerald (ed), *Access to Public Sector Information: Law, Technology and Policy* (2010, Sydney University Press) p 4.

This was a point taken up in *Ahead of the Game: Blueprint for Reform of the Australian Government Administration* (see section 2 for further information). The Blueprint argued that Australia lagged behind its international peers in providing online access to government information and services and in incorporating external advice into the policy development and service design process.<sup>151</sup>

To ensure that Australia does not fall behind on advances to information policy, it is important to take part in relevant international forums and monitor overseas developments. The OAIC – with its mandate to report to government on any matter relating to the Government’s policy and practice regarding the collection, use, disclosure, management, administration or storage of, or accessibility to Government-held information – might usefully play a role in keeping Australia informed of international trends in government information policy. In this way, Australia will be in a good position to grasp new opportunities and position itself at the forefront of innovative government information policy.

### **Driving the momentum on open and reusable public sector information**

In the Information Age, information can be viewed as a resource for organisations and the community. By extension, public sector information becomes a national resource. The recent report of the Government 2.0 Taskforce pointed out that:

Internationally and nationally, there is a growing recognition of the extent to which [public sector information] is a resource that should be managed like any other valuable resource — that is to optimise its economic and social value.<sup>152</sup>

The key to optimising the value of public sector information is to open it to greater access, use and reuse by those outside government. Numerous Australian Government reports, discussed earlier in this paper, have noted the potential uses of public sector information and called for it to be made more widely available.

Recognition of the value of public sector information and the desirability of making it available, however, is not new. FOI legislation and administrative release mechanisms already mean that much non-sensitive public sector information, such as legislation and statistical information, is made available. The difference in the 21st century is that data use and reuse needs to be taken into account for public sector information to be truly open. For release to serve a useful purpose, the data must be readily findable, comprehensible and in formats that make it easy to reuse. This includes having appropriate licensing in place and supporting metadata to aid interpretation of the data. Developing consistent policies across agencies and levels of government may help to maximise the effectiveness of publication schemes.<sup>153</sup>

151 *Ahead of the Game*, p 38.

152 *Engage* p 40.

153 The [data.australia.gov.au](http://data.australia.gov.au) site provides links to a number of catalogues of government data, including the Australian Bureau of Statistics, Australian Institute of Health and Welfare, and the Australian Social Science Data Archive.

In addition to the benefits that flow from enabling use and reuse of public sector information outside government, release of public sector information increases the transparency and accountability of government. With its recent reforms to the FOI Act, the Australian Government has sought to enhance openness and effect a cultural change in the public service towards proactive disclosure of public sector information (see section 3).

Defining ‘public sector information’ is not as straightforward as it may first appear. There is agreement that widespread publication is desirable, subject to the requirements of privacy, security and intellectual property.

The OECD has defined public sector information as ‘information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the Government or public institution’.<sup>154</sup> This definition is somewhat broader than the definition adopted in the reformed FOI Act which applies to ‘information held by the Government of the Commonwealth’;<sup>155</sup> more specifically to information contained in documents ‘in the possession of’ an agency or minister.<sup>156</sup> The Australian Information Commissioner Act, in defining the information commissioner functions, similarly refers to ‘information held by the government’.<sup>157</sup> The main point of difference between these definitions and the OECD definition concerns information ‘funded by or for the Government or public institution’. This class of information is currently not included in the FOI Act definition.<sup>158</sup> There are obvious arguments in favour of making publicly-funded research available as widely as possible to maximise its value, but IP rights and possible privacy and security considerations also need to be taken into account.

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Links are available at [data.australia.gov.au/other-catalogues](http://data.australia.gov.au/other-catalogues).

154 OECD, *Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information* (2008) p 4.

155 *Freedom of Information Act 1982* s 3(1).

156 *Freedom of Information Act 1982* defines at section 4 ‘document of an agency’ and ‘official document of a minister.’ These were not changed by the 2010 Amendment Act.

157 *Australian Information Commissioner Act 2010* s 7.

158 Section 6C of the FOI Act, as amended in 2010, requires agencies to take contractual measures to ensure they receive documents held by certain contractors or subcontractors if a person requests access to documents under the FOI Act. This clause, however, relates only to contracts for providing a service to the public on behalf of an agency and is only triggered if a request is made for documents under the FOI Act. Publicly funded research, for example by a grant from the Australian Research Council, is not covered by this clause.

## **8. Public Sector Information Principles in a National Information Policy**

A growing trend in Australia and overseas is to spell out principles to guide government information policy. Embodied in the principles are the values and goals that drive information policy. In turn, government agencies can formulate their own policies within this overarching framework, which promotes consistency across government.

A principle-based approach can also take in the recommendations that were common to many of the reports discussed in section 2 of this paper. Two that stand out were the need for a more open approach to public sector information, including reusability of that information, and the need for greater consistency in information policy among agencies and across government. Principles can also be flexible and adjust to the varied activities and responsibilities of agencies.

This section aids that process of developing public sector information principles by mapping out existing information principles and providing an initial draft set of principles for consideration by government and other interested parties.

The first part of this section summarises some existing sets of information principles that shape government information management in Australian national government and elsewhere. This overview illustrates the growing popularity of this approach to information policy, and outlines the content options for Australian government consideration.

The second part of this section proposes a set of draft public sector information principles. This is done to encourage discussion in and outside government about the management of public sector information in Australia. The draft principles will also form the basis for further discussion with the Information Advisory Committee when it is constituted.

The Information Commissioner can issue guidelines under s 93A of the FOI Act to which agencies must have regard, including in relation to the IPS. The Information Commissioner will consider at an appropriate stage whether to incorporate the draft principles into formal guidelines.

### **Existing information principles and their scope**

As described at other points in this paper, existing sets of principles set out standards for managing public sector information. While there is much in common between the various sets of principles, the focus varies from one set to the next. Some principles focus on publication of public sector information while others deal more generally with best practice in information management. Some address the responsibilities of government agencies in providing information to the public and offer guidance on issues such as copyright and pricing. Other principles deal more with internal management by agencies, or relations between agencies, including at different levels of government. In

all cases, the principles emphasise the value of public sector information and encourage publication and reuse.

The OAIC's primary concern in this paper is with principles that encourage public sector information to be made available to the public – the open government dimension. Some examples of information principles that cover aspects of that topic are summarised below.

- **National Government Information Sharing Strategy:**<sup>159</sup> This policy, released by AGIMO in August 2009, is discussed in section 2 of this paper. The NGISS sets out nine information principles to underpin greater sharing of information between government agencies at all levels of government. The principles emphasise the importance of leadership, collaboration, clear governance arrangements, interoperability, clarity on custodianship, reuse of information, and security and protection of privacy.
- **Information Service Principles:**<sup>160</sup> The former Commonwealth Office of Government Information Technology (OGIT) proposed a set of Information Service Principles to guide agencies in their management of information resources. These principles stress the public ownership of government information and the imperative for agencies to ensure that their holdings are both visible and accessible to the public. A second theme of the principles concerns the responsibilities of agencies as custodians of information. Agencies should take steps to manage and archive their information appropriately and take a collaborative approach to its release to maximise accessibility.
- **Information Management Principles:**<sup>161</sup> The Information Management Principles were also developed by OGIT to complement the *Information Service Principles*. If agencies are to share and publish information effectively, they must have the necessary infrastructure in place. These principles highlight the importance of consistency across government agencies in both policy and ICT systems. They propose that agencies share ICT systems for common functions and design information management systems to enhance interoperability.
- **Queensland Government Information Principles:**<sup>162</sup> The Queensland Government set out six high-level principles that represent the beliefs and values of the Queensland Government Enterprise Architecture regarding public information. The principles aim to maximise the value derived from public information and enhance trust in government. They state that government information should be transparent

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159 [www.finance.gov.au/publications/national-government-information-sharing-strategy](http://www.finance.gov.au/publications/national-government-information-sharing-strategy)

160 Office of Government Information Technology, *Online Government 2000* (1996) xxviii – xxix.

161 Office of Government Information Technology, *Online Government 2000* (1996) xxviii – xxix.

162 [www.qgcio.qld.gov.au/qgcio/architectureandstandards/qgea2.0/Pages/Information.aspx](http://www.qgcio.qld.gov.au/qgcio/architectureandstandards/qgea2.0/Pages/Information.aspx)

and trustworthy. Access should be equitable while according personal information the protections required by law. Information should be valued as a strategic asset and managed accordingly.

- ***OECD Recommendation of the Council for Enhanced Access and More Effective Use of Public Sector Information:***<sup>163</sup> The OECD published a set of thirteen principles to guide member countries in their management of public sector information. The principles aim to increase the returns on public investment in information and promote more efficient distribution of content. They reflect the international nature of the OECD by addressing the importance of information policy for international cooperation and consider issues such as interoperability and language. The principles cover themes of open access, maximising opportunities for reuse, and quality of information. As well as making high-level recommendations, the principles cover specific matters such as pricing and information management.
- ***New Zealand Policy Framework for Government Held Information:***<sup>164</sup> The Policy Framework sets out eleven principles concerning the responsibilities of New Zealand government agencies in relation to their holdings of information. The Framework aims to balance the requirements for security and the need for the government to acquire and use information against the protection of the rights and freedoms of individuals, including protection of personal privacy. It envisages government departments as stewards of government-held information with the responsibility to manage it appropriately. The Framework emphasises the importance of quality and integrity of government information. It covers the availability, coverage and pricing of government information, with a view to promoting accessibility. It also has provisions concerning the collection, preservation and privacy of information, aimed at protecting individuals.
- ***Cross Portfolio Statistical Integration:***<sup>165</sup> Integration of the data holdings of agencies with other datasets is guided by seven *High Level Principles for Statistical Integration* set out by the Cross Portfolio Statistical Integration Committee. These principles establish that data should be treated as a strategic resource but that agencies engaged in integration remain responsible for the security and confidentiality of their data. The principles further establish the conditions under which integration may occur: it must provide a benefit to the public; it may only be for statistical purposes; privacy and confidentiality must be protected; and integration must be done in an open and accountable manner.

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163 [www.oecd.org/dataoecd/0/27/40826024.pdf](http://www.oecd.org/dataoecd/0/27/40826024.pdf)

164 [www.e.govt.nz/policy/information-and-data/policy-framework-for-government-held-information](http://www.e.govt.nz/policy/information-and-data/policy-framework-for-government-held-information)

165 [www.nss.gov.au/nss/home.nsf/NSS/OAA616A83B75CC36CA257726007C92C7?opendocument](http://www.nss.gov.au/nss/home.nsf/NSS/OAA616A83B75CC36CA257726007C92C7?opendocument)

- **Intellectual Property Principles for Australian Government Agencies:**<sup>166</sup> The Statement of IP Principles establishes the first policy framework binding on Australian Government agencies for the identification and management of their IP assets. The principles cover several aspects of IP management, including procurement, innovation policy, commercialisation, public access and sharing of IP. In October 2010, The IP Principles were amended to reflect the Government's decisions in relation to ownership of IP in software procured under information and communication technology contracts (principle 8(a)) and the free use of public sector information (principle 11(b)).

In addition to those information principles, many other policies, standards and guidelines have been published by Australian Government agencies on specific aspects of data use and management. They include:

- **Australian Government Information Management Office:** Australian Government Technical Interoperability Framework;<sup>167</sup> Australian Government Architecture Reference Models;<sup>168</sup> Web Publishing Guide<sup>169</sup>
- **National Archives of Australia:** Information Management Framework;<sup>170</sup> Australian Government Recordkeeping Metadata Standard<sup>171</sup>
- **Department of Defence, Defence Signals Directorate:** Australian Government Information Security Manual<sup>172</sup>
- **National Statistical Service:** Good practice guide to sharing your data with others;<sup>173</sup> Handbook, particularly section 7 on disseminating data<sup>174</sup>
- **Australian Bureau of Statistics:** Data Quality Framework<sup>175</sup>

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166 [www.ag.gov.au/www/agd/agd.nsf/Page/Copyright\\_CommonwealthCopyrightAdministration\\_StatementofIPPrinciplesforAustralianGovernmentAgencies](http://www.ag.gov.au/www/agd/agd.nsf/Page/Copyright_CommonwealthCopyrightAdministration_StatementofIPPrinciplesforAustralianGovernmentAgencies)

167 [www.finance.gov.au/publications/australian-government-technical-interoperability-framework](http://www.finance.gov.au/publications/australian-government-technical-interoperability-framework)

168 [www.finance.gov.au/e-government/strategy-and-governance/australian-government-architecture.html](http://www.finance.gov.au/e-government/strategy-and-governance/australian-government-architecture.html)

169 [webpublishing.agimo.gov.au/](http://webpublishing.agimo.gov.au/)

170 [www.naa.gov.au/records-management/IM-framework/index.aspx](http://www.naa.gov.au/records-management/IM-framework/index.aspx)

171 [www.naa.gov.au/records-management/create-capture-describe/describe/rkms/index.aspx](http://www.naa.gov.au/records-management/create-capture-describe/describe/rkms/index.aspx).

172 [www.dsd.gov.au/\\_lib/pdf\\_doc/ism/ISM\\_Sep09\\_rev1.pdf](http://www.dsd.gov.au/_lib/pdf_doc/ism/ISM_Sep09_rev1.pdf)

173 [www.nss.gov.au/nss/home.nsf/NSS/E6C05AE57C80D737CA25761D002FD676?opendocument](http://www.nss.gov.au/nss/home.nsf/NSS/E6C05AE57C80D737CA25761D002FD676?opendocument)

174 [www.nss.gov.au/nss/home.nsf/NSS/F7BAD196D59F6C37CA25763F000AE09B?opendocument](http://www.nss.gov.au/nss/home.nsf/NSS/F7BAD196D59F6C37CA25763F000AE09B?opendocument)

175 [www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1520.0Main%20Features1May+2009](http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/1520.0Main%20Features1May+2009)

- **Australian and New Zealand Land Information Council:**<sup>176</sup> Guidelines for Custodianship of Spatial Data; Policy Statement on Spatial Data Management; ANZLIC Metadata Profile Guidelines Version 1.0; Guiding Principles for Spatial Data Access and Pricing Policy; Privacy Guidelines for Spatial Information; Access to Sensitive Spatial Data
- **Office of Spatial Data Management:** Australian Government Policy on Spatial Data Access and Pricing;<sup>177</sup> Australian Government Custodianship Guidelines<sup>178</sup>
- **Australian Government National Land and Water Resources Audit:** Natural Resources Information Management Toolkit,<sup>179</sup> and
- **Office of the Privacy Commissioner:** Plain English Guidelines to Information Privacy Principles.<sup>180</sup>

## Draft Principles on Open Public Sector Information

The following draft set of 10 principles have been devised by the Information Commissioner to open discussion on developing an Australian Government Information Policy. The principles draw on the earlier discussion in this paper, especially existing information policies and principles. The particular focus of the draft principles is upon publication of public sector information by government agencies.

### 1. Open access to information – a default position

Information held by the Australian Government is a valuable national resource. As recommended by the Government 2.0 Taskforce, unless there are compelling reasons to the contrary, access to that information should be open, that is:

- free
- based on open standards
- easily discoverable
- understandable
- machine-readable, and
- freely reusable and transformable.

176 All ANZLIC guidelines available at: [www.anzlic.org.au/policies.html](http://www.anzlic.org.au/policies.html)

177 [www.osdm.gov.au/OSDM/Policies+and+Guidelines/Spatial+Data+Access+and+Pricing/default.aspx](http://www.osdm.gov.au/OSDM/Policies+and+Guidelines/Spatial+Data+Access+and+Pricing/default.aspx)

178 [www.osdm.gov.au/OSDM/Policies+and+Guidelines/Custodianship/default.aspx](http://www.osdm.gov.au/OSDM/Policies+and+Guidelines/Custodianship/default.aspx)

179 [www.anzlic.org.au/issues\\_nrm\\_toolkit.html](http://www.anzlic.org.au/issues_nrm_toolkit.html)

180 [www.privacy.gov.au/materials/types/download/8686/6525](http://www.privacy.gov.au/materials/types/download/8686/6525)  
[www.privacy.gov.au/materials/types/download/8685/6524](http://www.privacy.gov.au/materials/types/download/8685/6524)  
[www.privacy.gov.au/materials/types/download/8700/6538](http://www.privacy.gov.au/materials/types/download/8700/6538)

This places a proactive and pro-disclosure obligation on agencies to:

- use information technology to disseminate public sector information, particularly by publishing information online
- maximise the amount of information that is published voluntarily, rather than waiting for specific requests under the FOI Act, and
- apply a presumption of openness when deciding whether and how to publish public sector information.

## **2. Effective information governance**

Information held by Australian Government agencies is a core strategic asset that should be managed effectively by:

- a senior executive information champion, such as a Chief Information Officer within the agency, who is responsible for agency information, management and governance, and
- an information governance body with responsibility for:
  - maximising the integrity, security and availability of the agency's information
  - establishing and maintaining strategic planning processes for information resources management
  - providing leadership and direction in the preparation of the agency's plan for complying with Part II of the FOI Act under s 8(1)
  - ensuring the agency's information management policies incorporate open access principles and authorise the routine and proactive disclosure of information, and
  - ensuring that the agency engages appropriately with stakeholders about access to information.

## **3. Robust information asset management frameworks**

Effective management of information throughout its life cycle can be achieved by:

- developing and maintaining inventories or registers of an agency's key information assets
- identifying the custodians of those assets and defining the custodians' responsibilities
- adequately describing information assets using appropriate metadata
- documenting known limitations on data quality and caveats on data use
- deciding in advance whether information is suitable for publication

- preserving the agency's information assets for appropriate periods of time
- training staff in information management, and
- protecting information commensurate with the risk of harm that could result from the loss, misuse, or unauthorised access to or modification of such information.

#### **4. Findable information**

In keeping with the principle that public sector information is a valuable national resource, potential users should be readily able to discover the information an agency has published, and identify assets the agency holds but has not published. This can be achieved by:

- ensuring that published information has high quality metadata through implementation of the Australian Government Locator Service (AGLS) Metadata Standard
- applying search engine optimisation strategies to ensure that all published information can be indexed by search engines, and
- publishing the agency's information asset register to enable both internal and external users of information to identify the available information resources from a single source.

#### **5. Sound decision-making processes**

Sound agency decision-making in relation to open access to public sector information can be achieved by:

- ensuring clear lines of authority to make information publication decisions
- establishing mechanisms for potential users of information to apply for release of unpublished information outside of the FOI Act
- making timely decisions
- embedding the presumption that agency information should be published free, on open licensing terms, unless there are compelling reasons to the contrary
- identifying where relevant appropriate alternatives to not publishing information, such as publishing subject to caveats or disclaimers, and
- imposing controls to avoid personal information being published inappropriately or inadvertently in a data set.

## **6. Transparent complaints processes**

Agency decision making about information publication should be transparent. This can be supported, within the agency's information governance framework, by an internal complaints procedure to handle complaints from the public about agency publication decisions outside the requirements of the FOI Act. A transparent complaints procedure will:

- be published
- explain how complaints will be handled
- set timeframes for resolving complaints
- identify possible remedies and outcomes of complaints, and
- require decision makers to provide written reasons for all decisions.

## **7. Open and accessible formats online**

The economic and social value of public sector information is enhanced when it is published online in formats that are human-readable and compatible with the *Web Content Accessibility Guidelines* endorsed by the Australian Government in February 2010. Information should so far as possible be published in a format that is:

- open
- machine-readable, and
- searchable and indexable by commonly used web search applications.

## **8. Appropriate charging for access**

The principle of open access to public sector information requires that the cost of access to individuals is not unreasonably restrictive. Appropriate charging for access to information can be achieved by:

- not charging more than the additional marginal cost of providing access to published information, and in particular excluding from calculation cost associated with producing the information
- using methods of publication, particularly online publication, that minimise the cost to the agency of providing individual access to the information
- not imposing charges except as authorised by law, including the FOI Act, and
- supporting any charges that are imposed for agency publications or information in an agency policy that explains the basis for charges and is published and regularly reviewed.

## 9. Clear reuse rights

The economic and social value of public sector information is enhanced when it is made available for reuse on open licensing terms. *The Statement of Intellectual Property Principles for Australian Government Agencies* requires government agencies subject to the *Financial and Management Accountability Act 1997* to consider licensing public sector information, upon release, under an open access licence.

## 10. Engaging the community

In keeping with Australian Government policy that agencies embrace online engagement in policy design and service delivery, the community can participate in agency decision making in relation to publication of public sector information. This can be done by:

- consulting with the community in deciding which information an agency will prioritise for publication
- encouraging the community to identify errors in published information, to give feedback to the agency about the quality, completeness and usefulness of published information, and to tell the agency about productive reuse of the information, and
- responding, either individually or in a public statement, to any comment received from the community.

## List of acronyms

ABS	Australian Bureau of Statistics
AGIMO	Australian Government Information Management Office
ALRC	Australian Law Reform Commission
ANZLIC	Australian and New Zealand Land Information Council
APEC	Asia Pacific Economic Cooperation
ASDD	Australian Spatial Data Directory
ASSDA	Australian Social Science Data Archive
CCA	Commonwealth Copyright Administration
CIO	Chief Information Officer
COAG	Council of Australian Governments
CPSIC	Cross Portfolio Statistical Integration Committee
DPMC	Department of the Prime Minister and Cabinet
ERIN	Environment Resources Information Network
FOI	Freedom of Information
GILF	Government Information Licensing Framework (Queensland)
IAC	Information Advisory Committee (established under the Australian Information Commissioner Act 2010)
ICT	Information and Communications Technology
IP	Intellectual property
IPS	Information Publication Scheme (established under the Freedom of Information Amendment (Reform) Act 2010)
NGISS	National Government Information Sharing Strategy
OAIC	Office of the Australian Information Commissioner
OECD	Organisation for Economic Cooperation and Development
OGIT	(Former) Office of Government Information Technology

## Commenting on this Issues Paper

The Information Commissioner invites your comments on the matters raised in this Issues Paper, particularly on the Draft Principles on Open Public Sector Information outlined in Section 8.

Submissions can be made to:

Office of the Australian Information Commissioner Issues Paper

GPO Box 2999

Canberra ACT 2601

Telephone: 02 9284 9800

TTY: 1800 620 241 (no voice calls)

Email: [issuespaper1@oaic.gov.au](mailto:issuespaper1@oaic.gov.au)

Where possible, comments in electronic format are preferred.

The closing date for comment is **1 March 2011**.