



Australian Government

Office of the Australian Information Commissioner

Information Publication Scheme: Survey of Australian Government agencies

Compliance with IPS obligations

August 2012

**Report by ORIMA Research prepared for the
Office of the Australian Information Commissioner**

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Foreword

The Information Publication Scheme (IPS) is an important new element of the *Freedom of Information Act 1982* that commenced operation on 1 May 2011. Agencies are required to publish a range of documents and information on their websites, and are encouraged to publish additional information beyond that required by the FOI Act. The IPS underpins a pro-disclosure culture in government, marked by proactive release and publication of government information.

The success of the IPS requires action on many fronts. Agencies must publish an IPS Plan, select information for publication, ensure that information is accessible and useable by the community, establish internal governance arrangements to support the IPS, align the agency's information assets with IPS objectives, consult the community about their needs and expectations, and regularly review the agency's performance. Those activities require strong commitment by agencies to implement the IPS and develop it over time as a valuable resource.

The FOI Act reinforces that message by requiring all agencies to complete a review of the operation of the IPS within five years of its commencement. This review must be done in conjunction with the Office of the Australian Information Commissioner (OAIC).

To support that process I announced an IPS compliance strategy in April 2012. It rests on three elements: an Agency Self-Assessment Checklist; an IPS Survey of Australian Government Agencies, to be conducted twice, in 2012 and 2014; and a Desktop Review Program of agency websites to be undertaken by the OAIC between 2012 and 2016.

This report contains the results of the first IPS Survey. It was undertaken on behalf of the OAIC in April/May 2012 by ORIMA Research. This report was prepared by ORIMA and reflects their work and assessment.

The survey results are pleasing. Seventy-eight per cent of agencies that were contacted (191 of 245 agencies) completed the survey questionnaire (many that did not are small boards or committees that are supported by larger agencies). The results confirm a serious commitment across government to complying with IPS requirements and principles. Nearly all agencies have published an IPS Plan; over 85 per cent publish the required categories of information on their websites; 94 per cent publish operational information that provides guidance on how decisions are made that affect members of the public; and 93 per cent have assigned responsibility for IPS compliance to a senior agency officer.

The report also identifies areas where improvement is required. These matters will be taken up by the OAIC with agencies prior to the second survey to be conducted in 2014.

A dynamic and effective IPS is a core element of transparent, accountable and accessible government. This survey report aims to support that objective. The OAIC looks forward to discussing the survey results with agencies and working to strengthen the IPS.

Prof John McMillan
Australian Information Commissioner

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Executive summary

Background

The 2012 survey of Australian Government agencies compliance with Information Publication Scheme (IPS) obligations was conducted between 30 April and 11 May 2012. A total of 191 agencies took part in the survey out of 245 agencies that were invited to take part, representing a very strong response rate of 78 per cent.

Key Results

The IPS survey showed that Australian Government agencies assessed their compliance with the IPS positively overall, with agencies generally indicating that they comply with most aspects of the five key IPS assessment criteria set out in the FOI Guidelines.

In particular, a very high proportion of agencies indicated that they publish a range of information on their website as required under the FOI Act, in accordance with criterion three on IPS Entry. In addition, a high proportion of agencies provided positive assessments of their compliance with criterion one about their IPS Agency Plan. Positive results were also recorded about agencies' early preparation for their Agency Compliance Review (criterion five).

The survey showed, however, that agencies recorded more moderate compliance with criterion four about their IPS Information Architecture, while the most scope for improvement was recorded for criterion two about IPS Governance and Administration.

Criterion One – Agency IPS Plan

The survey results showed that agencies reported a high level of compliance with the first IPS criterion about their Agency IPS Plan. Ninety-four per cent of agencies reported that they had published an Agency IPS Plan on their website, with the remainder indicating that they are currently preparing their plan.

Seventy-six per cent of agencies reported that their IPS Plan used the five standard headings specified in the FOI Guidelines, while a further 14 per cent reported that they used at least some of the recommended headings.

The survey showed that around four-fifths of agencies or more indicated that their IPS Plan included four of the seven content items specified in the FOI guidelines. However, around three-fifths of agencies or less indicated that their IPS Plan specifies:

- ◆ details of the charges imposed for accessing information under the IPS and how they are calculated (61 per cent);
- ◆ measures (if any) taken to improve the agency's information asset management framework (53 per cent); and

- ◆ whether or not the agency has developed an internal IPS information register (50 per cent).

The survey also showed that 84 per cent of agencies reported that they have in place a timetable for formally reviewing their Agency IPS Plan, in most cases at least every 12 months.

Criterion Two – IPS Governance and Administration

Just over half of agencies reported that they had established a range of governance and administrative processes required to support the implementation and maintenance of the IPS, in accordance with IPS criterion two.

Ninety-three per cent of agencies indicated that they had a senior executive officer who had been provided with IPS responsibilities and around four-fifths of agencies reported that IPS policies and procedures were in place to identify and prepare IPS documents (78 per cent) and publish them (81 per cent).

A much lower share of agencies indicated, however, that they had established:

- ◆ formal IPS governance structures (47 per cent) – which were a mixture of working groups, steering committees and other committees or decision-making bodies; and
- ◆ IPS training arrangements, both induction (23 per cent) and other specific training (49 per cent) – which was generally delivered on-the-job.

Criterion Three – IPS Entry

Over 85 per cent of agencies indicated that they publish on their website a range of information required under the FOI Act, providing a positive assessment of compliance with criterion three on IPS entry. This included 94 per cent of agencies that indicated they publish operational information, as defined in s 8A of the FOI Act. There was most scope for improvement in the extent to which agencies publish:

- ◆ information routinely provided in response to requests and orders from Parliament (89 per cent);
- ◆ information routinely provided under Part III of the FOI Act (88 per cent); and
- ◆ consultation arrangements for members of the public to comment on their policy proposals (86 per cent).

Despite these positive results, some agencies may benefit from additional direction or assistance regarding:

- ◆ recording within an IPS information register, decisions taken by agencies not to publish personal or business information in their IPS entry (45 per cent of relevant agencies indicated that they did this); and
- ◆ compliance with requirements for imposing fees and charges for access to IPS information.

- The survey showed that, of the 32 per cent of agencies that impose charges for information under the IPS, a considerable minority impose fees and charges for reasons outside those allowed under the FOI Act.
 - Eight per cent of these agencies indicated that the charge was *not* for reimbursing specific reproduction or incidental costs associated with giving access to the information.
 - Eighteen per cent of these agencies indicated that details of these charges were *not* published on their agency website.
 - Thirty per cent of agencies indicated that the charge was *not* for providing access to information that cannot be downloaded from a website.

Criterion Four – IPS Information Architecture

More than three-quarters of agencies indicated that they use seven out of 10 of the recommended headings (as referred to in the FOI Guidelines) for presenting IPS Information on their websites. A considerably smaller share of agencies indicated that they use the remaining headings – ‘Our priorities’ (58 per cent), ‘Our finances’ (53 per cent) and ‘Our lists’ (51 per cent).

There was wide variation in the proportion of agencies that provided access to a range of website features that may assist in ensuring that their IPS information is easily discoverable and understandable. For instance:

- ◆ eighty-one per cent reported that they provide a search function on their website;
- ◆ a smaller proportion indicated they have a mechanism on their website to gather feedback on the ease of finding and understanding their IPS entries (66 per cent) and include the IPS icon on their homepage (59 per cent); and
- ◆ twenty-six per cent of agencies indicated they had an alert service that notifies subscribers of new publications.

The survey showed that 79 per cent of agencies indicated that at least some of the documents published on their websites were not currently compatible with Web Content Accessibility Guidelines (WCAG) 2.0 accessibility requirements.

- ◆ Twenty per cent of agencies indicated that *all* published documents under the IPS conform to WCAG 2.0 requirements, with 30 per cent indicated that *most* of their documents comply, 44 per cent indicated that *some* comply and five per cent indicated that *none* of their documents comply.

Criterion Five – Agency Compliance Review¹

One early step that agencies can take to help prepare for conducting a review of their IPS compliance (criterion five) is to join the Information Contact Officer Network (ICON).

The survey showed that 71 per cent of agencies indicated that they have a representative who attends the ICON forum. While a range of positive comments were made by agencies about the helpfulness of this forum, several agencies indicated that the location where these meetings occurred was a barrier to their attendance.

¹ Questions about complaints handling procedures were also included under Criterion Five in the questionnaire. However, the OAI decided to include them in the calculation of the Risk Mitigation Index for Criterion Two on IPS Governance and Administration. These questions are therefore presented under Criterion Two in this report.

1. Introduction

1.1. Background

Substantial reforms to the Freedom of Information Act 1982 (FOI Act) in May 2010 were based on the central value that information held by the Government (public sector information) was a national resource and that it should be managed for public purposes.

The reforms to the FOI Act included the implementation of the Information Publication Scheme (IPS) – Australian Government agencies subject to the FOI Act are required to proactively publish specific categories of public sector information on their websites. Compliance with the IPS is an ongoing statutory obligation for these agencies, and consists of five key IPS assessment criteria outlined in this report; the Agency IPS Plan, IPS governance and administration, IPS Entry, IPS information architecture and the agency compliance review. Please see the [OAIC website](#) for further information.

In April 2012, ORIMA Research was commissioned by the OAIC to conduct a survey of Australian Government agencies on compliance with their IPS obligations. The questionnaire was designed in the most part by the IPS Project Team at the OAIC, with some input from ORIMA Research. This is a report of the results from that survey.

The questionnaire gathered information regarding a number of key activities that occur during an agency's implementation of the IPS, such as the development of an Agency Plan, IPS governance arrangements and the IPS Entry itself.

1.2. Research objectives

The results of the research will be used by the OAIC to develop a national level report on IPS Compliance across all Australian Government agencies subject to the FOI Act. The research was also designed to:

- ◆ help identify areas in which agencies could benefit from assistance or further guidance from the OAIC; and
- ◆ provide a benchmark measure for a comparative survey that is expected to occur in early 2014.

1.3. Methodology

The 2012 IPS Survey of Australian Government Agencies was conducted online between 30 April and 11 May 2012. Largely to give agencies more time to approve their responses through the appropriate clearance channels, fieldwork was extended until 17 May.

The in-scope sample was a list of all prescribed bodies subject to the FOI Act ('agencies') – Ministers were excluded. A total of 245 agencies were contacted, of which 191 responded. This produced a very strong response rate of 78 per cent.

Before fieldwork, a communication from the Australian Information Commissioner, Professor John McMillan, was sent to agency heads and the FOI contact to inform them of the upcoming survey and to ask them to update their details if needed. OAIC provided ORIMA Research with a database of contact details for IPS representatives of the various agencies and this was maintained and updated by ORIMA throughout the survey.

At the start of the fieldwork period, all nominated contacts were sent an invitation email containing the survey link and a unique password for their agency. Reminder emails were sent to non-responding agencies on 7 and 10 May, and reminder telephone calls were made on 16 and 17 May to encourage participation.

After a preliminary data review, follow up telephone calls were made on 22 May to ask selected agencies to verify that their responses were complete and certified.

During fieldwork, some agencies notified ORIMA Research that they were responding to the survey on behalf of smaller agencies within their portfolio. This has been reflected in the data, with each of these smaller agencies treated as a separate response. In these cases, the smaller agency responses were identical to the larger agency responses, as the 'parent agency' is responsible for the management and implementation of IPS obligations. A list of these occurrences is provided at Appendix F.

Note that some data used in this analysis has been sourced through external resources. In particular, data regarding the number of FOI requests received by the agency during the 2010-11 financial year and the total FOI expenditure for the 2010-11 financial year were taken from the 2010-11 FOI Annual Report at Appendix A and Appendix J (rather than the survey questions on these issues).

A comment on the interpretation of the survey results

The survey recorded a high response rate of 78 per cent. To gauge whether there was any bias in the survey results it is important to compare the profile of agencies that did not participate in the survey with the profile of those that did participate.

Of the 54 agencies that did not respond to the survey, the majority (40) comprised of bodies and offices (for example, tribunals, boards, panels and councils) that were covered by the FOI Act but did not necessarily have staff. In these cases the parent department provides

secretariat services to convene meetings of these bodies and are likely to take responsibility for their IPS activities². The remainder of the non-responding agencies comprised of 5 micro agencies, 3 small agencies, 4 medium agencies and 2 large agencies. The profile of non-responding agencies by size is similar to the profile of agencies who did participate. The survey results are therefore representative of the population of all agencies by agency size.

However, there was a higher proportion of agencies with no FOI requests that did not respond to the survey (73 per cent) than agencies that did participate (45 per cent). This suggests that the survey results are likely to *under-represent* the experiences of agencies with no FOI requests and *over-represent* the experiences of agencies with a high volume of FOI requests.

This effect is a form of non-sampling error known as ‘non-response bias’ and is likely to provide a small positive influence on the measured level of IPS compliance in this survey, due to the generally more favourable compliance results among high-volume FOI request agencies to many of the measures in the survey. Therefore, the actual level of IPS compliance or risk mitigation across the APS is likely to be slightly *less positive* than the results presented in this report.

While this impact should be taken into consideration as a cautionary note when interpreting the percentage results shown in this report, it is unlikely to significantly change the overall ‘picture’ of compliance with IPS requirements presented by the survey.

IPS Risk Mitigation Index

The report presents the results of an IPS risk mitigation index to provide a high-level summary of the survey results overall and against four of the five key IPS assessment criteria set out in the FOI Guidelines.

The risk mitigation index provides an index score from 0 to 100 that represents the extent to which agencies comply with the relevant IPS aspects measured in the survey. Higher index scores represent a greater level of compliance (or greater risk mitigation) and therefore more positive results.

Nearly all questions included in the risk mitigation index are yes/no questions where agencies receive 2 points if they provide a yes response (indicating that they comply with the relevant IPS requirement) and zero if they do not comply. An index score is calculated for each agency on the basis of the number of points recorded divided by the number of possible points, multiplied by 100. An index score of 100 would therefore represent an agency complying with each of the aspects included in the risk index, while a score of zero would represent compliance with no aspects (agencies who do not answer a question are also provided with a score of zero for that question).

² The parent agencies of these bodies and offices did not, however, indicate that they were answering on behalf of these agencies and therefore these bodies and offices were treated as non-responders to the survey.

- ◆ Index scores between 0 and 100 can be interpreted³ as roughly representing the average level of compliance amongst agencies with the measures included in the index (e.g. an index score of 75 can be interpreted as roughly three-quarters of agencies complying with the range of measures included in the risk mitigation index).

Five risk mitigation indices are presented in this report, one overall risk mitigation index and risk mitigation indices for each of the first four key IPs assessment criteria⁴. The overall IPS index is a weighted average of the four criteria risk mitigation indices as outlined in [Table 1](#) below. Weights for each criteria were determined by the OAIC based on an assessment of the relative importance of each of the criteria in the overall IPS.

Table 1: Profile of agencies that responded to Information Publication Scheme: Survey of Australian Government Agencies

	Weight in overall index
Criterion One – Agency IPS Plan	15
Criterion Two – IPS Governance and Administration	30
Criterion Three – IPS Entry	40
Criterion Four – IPS Information Architecture	15

1.4. Profile of respondents

A total of 191 certified agency responses were provided to the Information Publication Scheme: Survey of Australian Government Agencies in April and May 2012. The table below shows the composition of these agencies broken down by various characteristics.

Table 2: Profile of agencies that responded to Information Publication Scheme: Survey of Australian Government Agencies

	Number of agencies	% of total sample
Agency Size		
Micro Agency (less than 100 staff)	51	27%
Small Agency (100 – 250 staff)	25	13%
Medium agency (251 – 1,000 staff)	33	17%
Large agency (1,001 – 20,000 staff)	24	13%
Very Large Agency (more than 20,000 staff)	4	2%

³ This interpretation is because most of the measures in the index either attract a score of 2 (for compliance) or 0 (for non-compliance), therefore if an agency complies with 3 of the 6 measures they would receive a risk mitigation index score of 50 – representing compliance with 50 per cent of the assessed measures. While Appendix G provides more detail about the calculation of the risk mitigation index and shows that a small number of questions feed into the index in a different way, this represents a rough interpretation of the risk mitigation level.

⁴ Note there was no risk mitigation index calculated for Criterion Five – Agency Compliance Review due to the limited number of measures included in the survey about this and the significant time before agencies are required to have completed a review of their IPS compliance (May 2016).

	Number of agencies	% of total sample
<i>Number of FOI requests</i>		
None (0 requests)	80	42%
Low (1 – 10 requests)	39	20%
Medium (11 – 100 requests)	43	23%
High (101 – 500 requests)	12	6%
Very high (more than 500 requests)	3	2%

1.5. Presentation of results

Percentages shown in this report are based on the total number of respondents to the survey (n=191), except where the question did not apply to them (i.e. a response to one question sequenced them past a question further along the survey – see Appendix A: Questionnaire for a full representation of these ‘skips’). In these cases, the percentages in the report are based on the number of respondents where the question applied to them.

Percentage results throughout the report may not add up to 100 per cent due to rounding, or where questions allow for respondents to provide more than one answer.

1.6. Quality standards

This project was conducted in accordance with the international quality standard ISO 20252.

2. Key findings

The May 2012 Information Publication Scheme (IPS) survey found that Australian Government agencies assessed their compliance with the IPS positively overall, with agencies indicating a strong compliance with the five criteria measured in the survey.

Figure 1 presents the results of an overall 'risk mitigation index' that summarises agencies' responses across the criteria measured in the survey. This figure shows that agencies recorded an overall risk mitigation level of 75.7 index points⁵ in May 2012. This index level is consistent with agencies (on average) indicating that they comply with around three-quarters of the IPS requirements measured in the survey.

The risk mitigation index also shows that the agencies' ratings of their compliance with the criteria varied considerably.

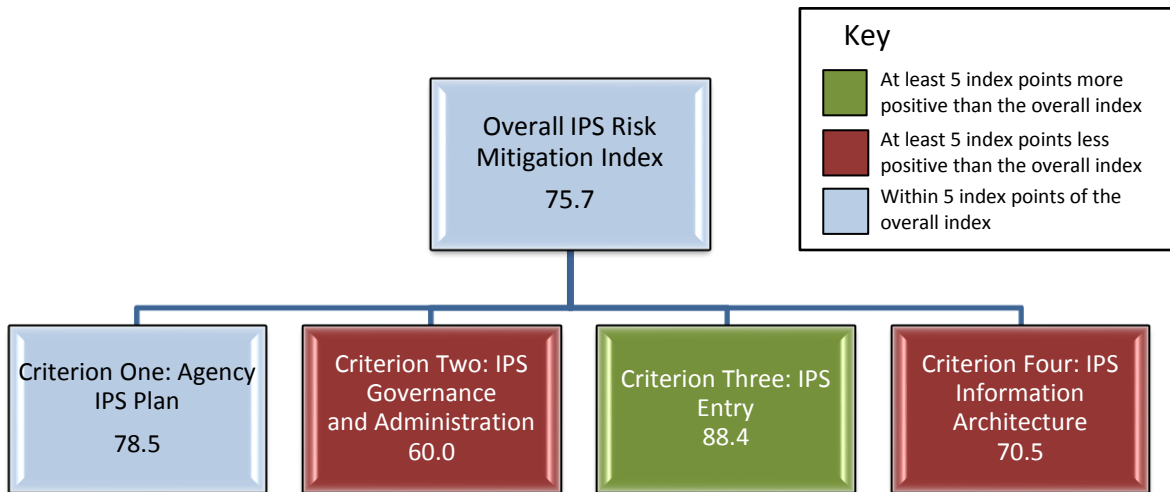
- ◆ The most favourable assessments were recorded for Criterion 3 – Agencies' IPS entry (the extent to which agencies indicated that they publish required categories of information on their website), which recorded a very high index level of 88.4.
- ◆ Agencies also generally provided positive assessments of Criterion 1 – Agencies' IPS Plans, which recorded a high index level of 78.5.
- ◆ More moderate rates of compliance were recorded for Criterion 4 – Agencies' IPS Information Architecture (70.5) and, particularly, for Criterion 2 – Agencies' IPS Governance and Administration (60.0).

A detailed analysis of the survey results against these criteria is included in sections 2.1 to 2.5.

⁵ The risk mitigation index is derived based on the *mean* rating of agencies for relevant questions included under the four IPS criterion outlined in Figure 4. Higher index levels are more positive and represent greater levels of compliance with IPS requirements and therefore a higher level of mitigation of the risks associated with a lack of compliance. Page 5 provides more detail about how the risk mitigation indices are calculated.

Figure 1: Risk Mitigation Indices

(Higher index levels reflect better mitigation against the various forms of risk)



Agencies comments about their experiences with implementing IPS

Agencies were invited to provide free-texts comments about their experiences in implementing the IPS. While agencies comments spanned a broad range of issues, a number of comments related to agencies' overall experiences and perceptions of the success of implementation of aspects of the IPS.

Several agencies provided positive comments about impact of the IPS in helping to achieve its policy objectives of encouraging more proactive publication of information of public interest and in helping ensure that agencies focus on issues associated with open government.

Other agencies considered that they already had policies and practices in place to publish information and considered that the IPS had not led to significant changes for their agency but had imposed additional administrative burden. Several smaller agencies in particular indicated that IPS requirements were difficult to comply with and some indicated that they did not have resources for full compliance and therefore had to undertake a more pragmatic approach where they did not fully comply in some areas.

Other agencies indicated that they were in the process of developing their IPS systems. This was particularly the case amongst newer agencies and agencies that had undergone recent restructures. While several agencies indicated that support and assistance from OAIC had assisted them in this process (including through the Information Contact Officer Network) others indicated that more could be done to simplify the IPS guidelines and provide additional assistance to agencies to help them to better understand their requirements, including the types of information that should be published under the IPS.

2.1. Criterion One: Agency IPS Plan

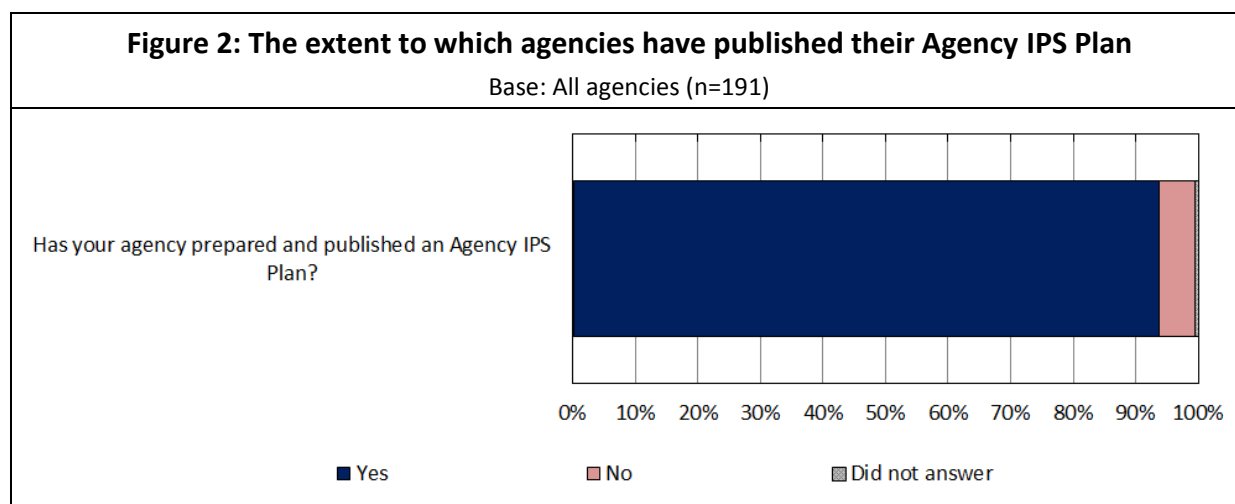
The survey results showed that agencies reported a high level of compliance with the first IPS criterion – the Agency IPS Plan. Across all agencies, the risk mitigation index level was 78.5, the second highest rated criterion (behind IPS Entry). This reflects that, on average, agencies have complied with nearly four-fifths of measured aspects of criterion one, namely that:

- ◆ they have published an agency IPS plan on their website;
- ◆ their plan is in an appropriate format; and
- ◆ their plan contains a range of required information.

The extent to which agencies have published an Agency IPS Plan

Sections 8(1) and 8(2) of the FOI Act requires all agencies to publish an Agency IPS Plan on their website.

- ◆ Figure 2 shows that 94 per cent of agencies indicated that they have complied with this obligation. All of those agencies that had not already prepared and published their Agency IPS Plan (six per cent) indicated that one was under development.



Further analysis of the extent agencies have published their Agency IPS Plan by specific agency characteristics

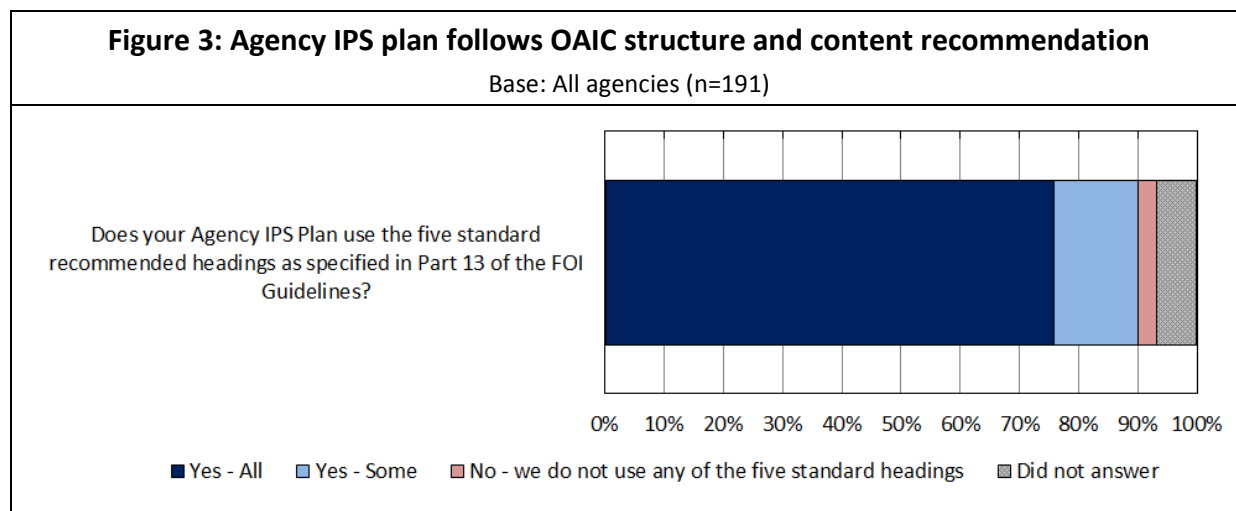
The survey showed that larger agencies and those with a higher number of FOI requests during 2010-11 were more likely to have prepared and published an Agency IPS Plan.

- ◆ All of the large and very large agencies indicated that they had prepared and published their Agency IPS Plan, compared with 97 per cent of medium sized agencies and less than 90 per cent of small (88 per cent) and micro (86 per cent) agencies.
- ◆ 100 per cent of agencies had a medium to high number of FOI requests (see [Table 2](#) on page 8 for the number of requests within these categories) indicated that they had a plan in place, compared with 92 per cent of those that had received a low number of requests and 90 per cent of those that had not received any FOI requests.

Structure of Agency IPS Plans

Agencies were also asked whether their Agency IPS Plan used the five standard headings specified in Part 13 of the FOI Guidelines.

- ◆ Seventy-six per cent of agencies reported that they used all of the five headings, while a further 14 per cent reported that they used at least some of the recommended headings and three per cent did not use any of these headings (see Figure 3 below).



Agencies who reported that they did not use any or all of the five headings were asked to explain why they did not use these headings. The most common themes within these responses were that these headings were not considered relevant to the agency or the agency considered that the terminology was not widely understood or could be simplified.

Whether the Agency IPS Plans contain the required information

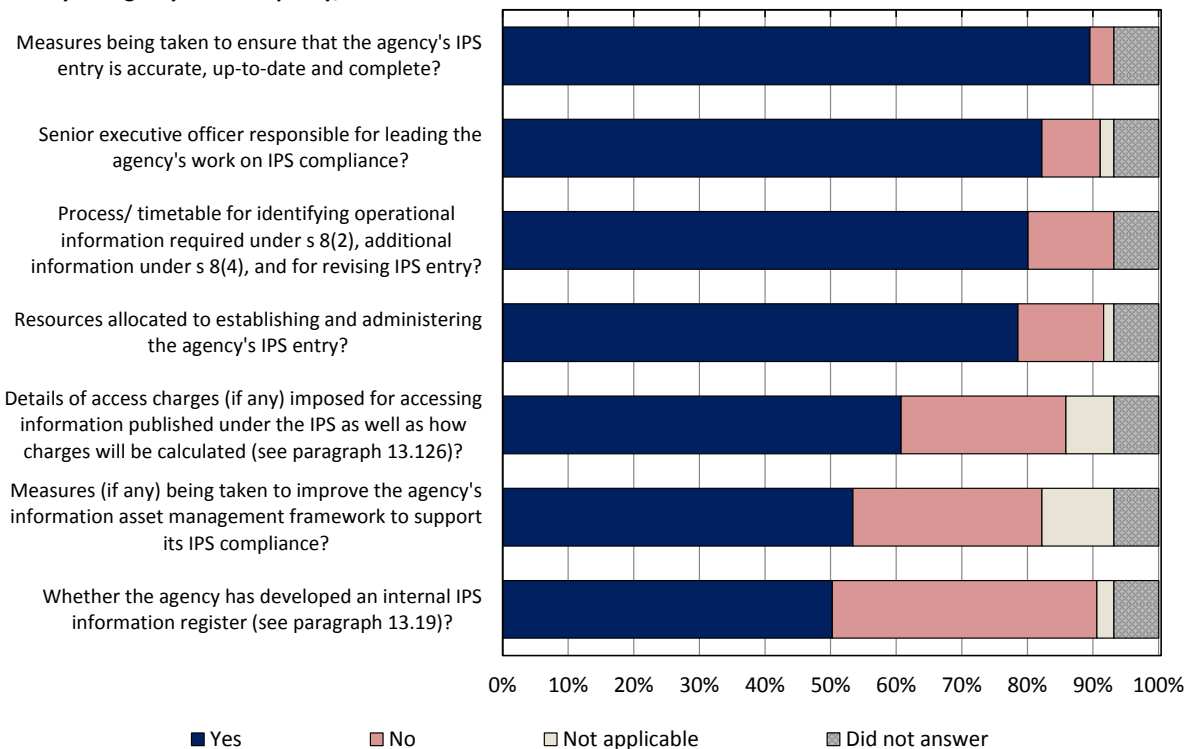
Paragraph 13.15 of the FOI guidelines recommends that the Agency IPS Plan addresses the seven matters outlined in Figure 4 below.

- ◆ The survey showed that around 80 per cent or more of agencies complied with the first four of these recommendations, ranging from specifying the resources allocated to establishing and administering the agency's IPS entry (79 per cent) to specifying the measures being undertaken to ensure that the agency's IPS entry is accurate, up-to-date and complete (90 per cent).
- ◆ However, only around three-fifths or less of agencies indicated that their Agency IPS Plan specifies:
 - details of charges imposed for accessing information under the IPS and how these charges are calculated (61 per cent);
 - measures (if any) taken to improve the agency's information asset management framework (53 per cent); and
 - whether or not the agency has developed an internal IPS information register (50 per cent).

Figure 4: Coverage of recommended content in agency IPS plans

Base: All agencies (n=191)

Does your Agency IPS Plan specify/address the:



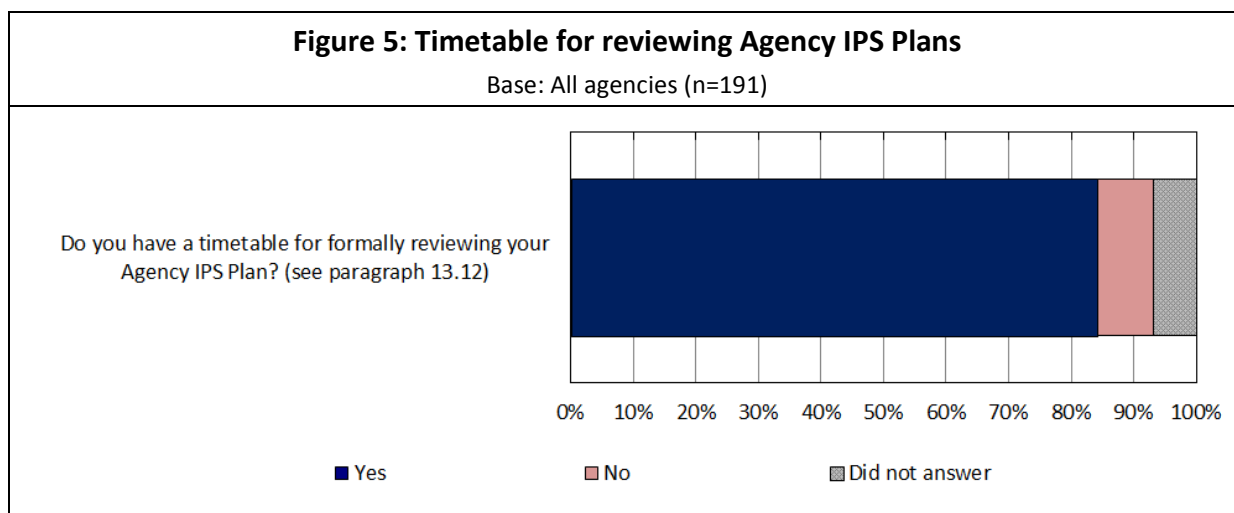
Further analysis of the coverage of recommended content in Agency IPS Plans by specific agency characteristics

Very large agencies and those with a high number of FOI requests during 2010-11 were generally the most likely to have the recommended content in their Agency IPS Plans.

Timetable for reviewing Agency IPS Plans

The survey showed that 84 per cent of agencies reported that they have in place a timetable for formally reviewing their Agency IPS Plan.

- ◆ Almost three-quarters of agencies (72 per cent) specified that they plan to conduct this review at least every 12 months, with 12 per cent only planning to review their plan where significant IPS changes occur (see Figure 5).



2.2. Criterion Two: IPS Governance and Administration

The survey showed a moderate risk mitigation index rating of 60.0 for the establishment of governance and administrative processes to support the implementation and maintenance of the IPS. This is the lowest of the four criteria (where these indices were calculated) and suggests additional direction or assistance could be beneficial to agencies in this area.

While over 90 per cent of agencies indicated that they had appointed a senior executive officer with IPS responsibility and over 75 per cent indicated that they had IPS policies and procedures in place, more scope for improvement was recorded with regard to having established:

- ◆ a formal IPS governance structure;
- ◆ training arrangements (at both the induction and ongoing stages); and
- ◆ IPS complaint handling procedures.

The extent to which governance and structural arrangements have been made

Figure 6 shows that 93 per cent of agencies indicated that they have appointed a senior executive officer with responsibility for leading the agency's work on IPS compliance. However, a much lower share indicated that they have a formal IPS governance structure in place (47 per cent).

- ◆ The most common reasons why agencies indicated that they had not appointed a senior executive officer with this responsibility were because they were a very small agency or because they are yet to assign this responsibility.
- ◆ Of the 90 agencies that had IPS governance structures in place, these structures were fairly evenly split between working groups (42 per cent), steering committees (37 per cent) and other structures (36 per cent)⁶.
 - Other IPS structures were most commonly existing committees or decision making bodies that spanned a wider range of responsibilities than IPS (e.g. Information Management Committees or general senior management bodies).

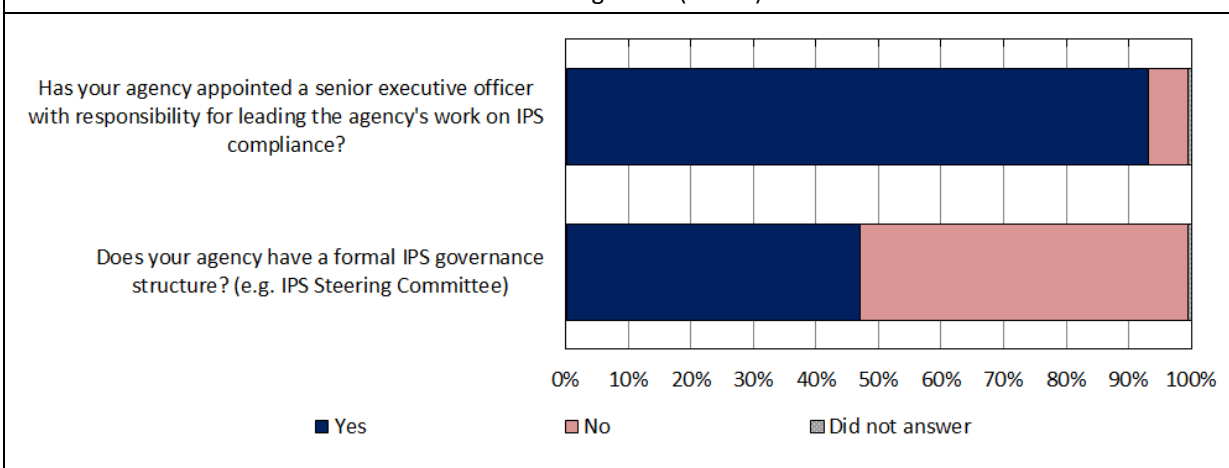
The most common reasons that just over half of agencies did not have a formal IPS governance structure in place were:

- ◆ that they were a small agency, had insufficient resources to maintain governance structure of this nature and/or had limited numbers of FOI requests;
- ◆ they were still in the process of developing or 'bedding down' their agency IPS arrangements and would implement such structures when these arrangements were established;
- ◆ they managed IPS arrangements through other governance structures or specific work areas within the agency; and
- ◆ they considered that informal arrangements were sufficient.

⁶ Agencies were able to indicate more than one structure.

Figure 6: Extent of governance and structural arrangements

Base: All agencies (n=191)



Further analysis of the extent of governance and structural arrangements by specific agency characteristics

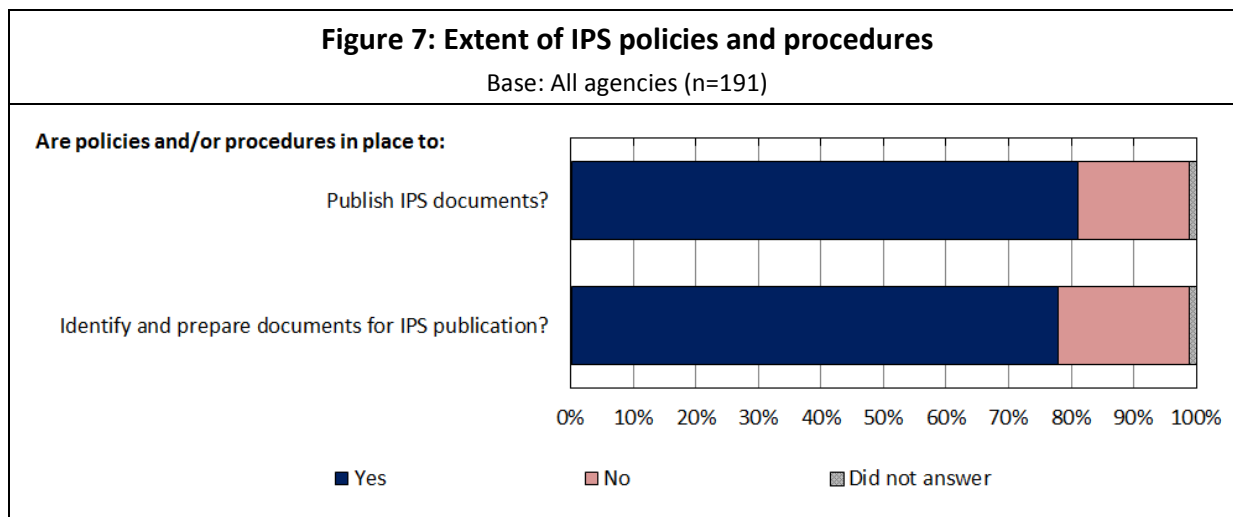
While 3 of the 4 very large agencies indicated that they had formal IPS governance structures in place, this contrasted with only 42 per cent of large agencies. The large agency result was similar to micro agencies (39 per cent) and below the result for small and medium agencies (both 52 per cent).

Those agencies that had no FOI requests were the least likely to indicate that they had a formal IPS governance structure in place (43 per cent), while those with very high numbers of FOI requests were the most likely (67 per cent).

The extent to which IPS policies and procedures have been established

Figure 7 shows that around four-fifths of agencies indicated that they had relevant IPS policies and procedures in place regarding:

- ◆ publishing IPS documents (81 per cent); and
- ◆ identification and preparation of documents for IPS publication (78 per cent).



Further analysis of the extent of IPS policies and procedures by specific agency characteristics

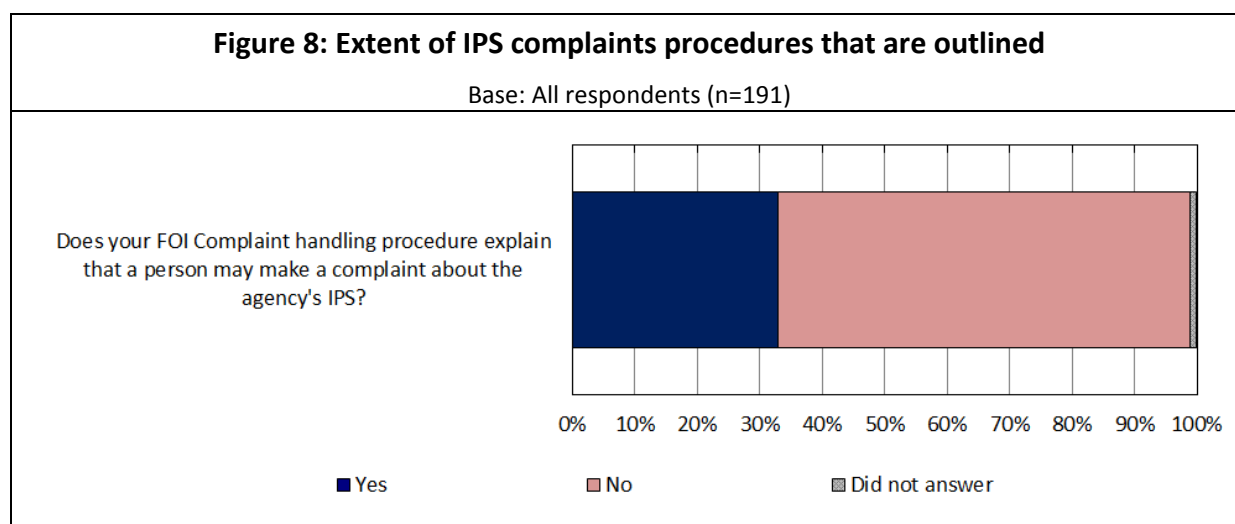
The extent to which agencies indicated that they had policies and procedures in place tended to increase with both the size of the agency and the number of FOI requests that they had received during 2010-11.

- ◆ Only 60 per cent of small agencies indicated that they had policies and procedures in place to identify and prepare documents for IPS publication, compared with at least 75 per cent to 83 per cent of larger agency categories. Less than 70 per cent of micro and small agencies indicated that they had policies and procedures in place to publish IPS documents, compared with 75 per cent to 92 per cent of larger agency categories.
- ◆ All three agencies that had very high numbers of FOI requests indicated that they had policies and/or procedures in place to identify and prepare IPS document and publish them, while 92 per cent of agencies with high numbers of FOI requests indicated that they had policies and procedures in place to publish IPS documents.

IPS complaints management

Figure 8 shows that one-third of agencies indicated that their FOI complaints handling procedure explains that a person may make a complaint about the agency's IPS plan, while two-thirds indicated that it did not.

- ◆ Only 5 agencies indicated that they had received complaints specifically related to their IPS since 1 May 2011. Each of these agencies indicated that they received a single complaint.



Resources allocated to IPS functions

Agencies indicated that they allocated an average 4.9 staff to perform IPS functions and duties within their agency. The number of staff allocated to IPS functions ranged from zero to 38 staff.

Further analysis of resources allocate to IPS functions by specific agency characteristics

The number of staffing resources allocated to IPS functions tended to increase with size of agency and number of FOI requests.

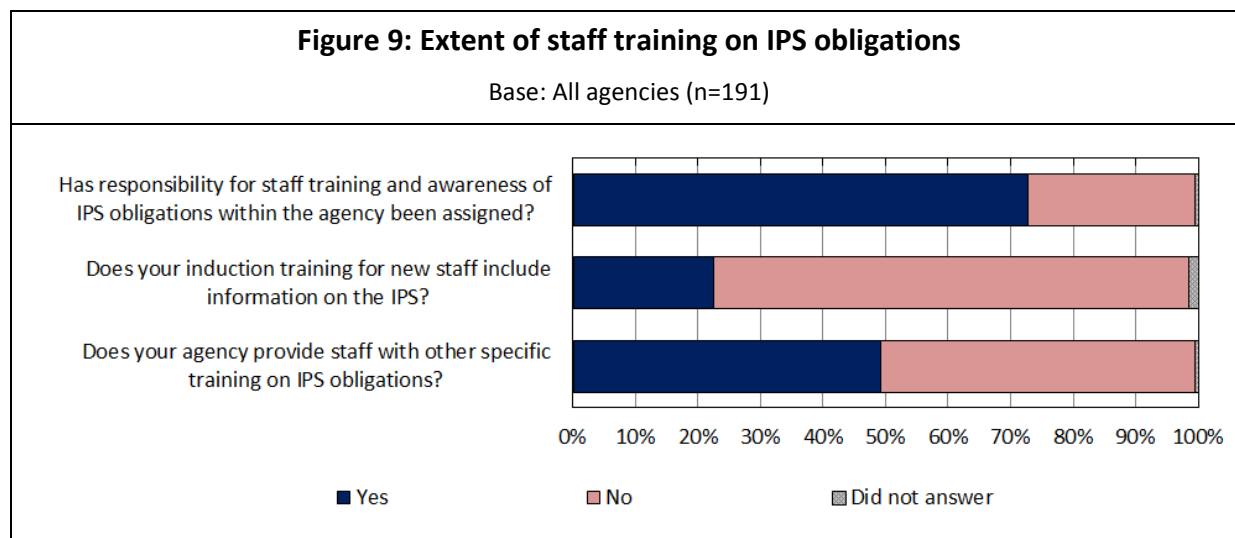
- ◆ The average number of staff allocated to IPS functions increased progressively by size of agency from 3.0 for micro agencies to 8.5 for large agencies. The four very large agencies, however, only allocated an average of 3.3 staff to these functions.
- ◆ Similarly, there was a progressive increase in the number of staff allocated to IPS functions from 3.7 for those who had received no FOI requests to 9.3 for those who had received a high number of FOI requests. The three agencies who had received very high numbers of FOI requests only allocated 4.0 staff to these functions⁷.

⁷ The similar pattern to the results for this question between agency size and number of FOI requests reflects a general correlation between agency size and number of requests, including that two of the four very large agencies also had a very high number of FOI requests.

Staff training and awareness about IPS

Figure 9 shows that while 73 per cent of agencies indicated that responsibility for staff training and awareness of IPS had been assigned to an area or position within their agency, agencies were much less likely to have actually implemented IPS training.

- ◆ Twenty-three per cent of agencies indicated that they had included IPS training for new staff as part of their induction process.
- ◆ Forty-nine per cent of agencies indicated that they had provided staff with other specific training on their IPS obligations (see Figure 9 below).



Further analysis of IPS training by specific agency characteristics

A higher proportion of micro agencies indicated that they included IPS as part of their induction training (27 per cent) than the overall average. However, micro agencies were less likely than any of the larger sized agency categories to indicate that they provide other specific IPS training (27 per cent).

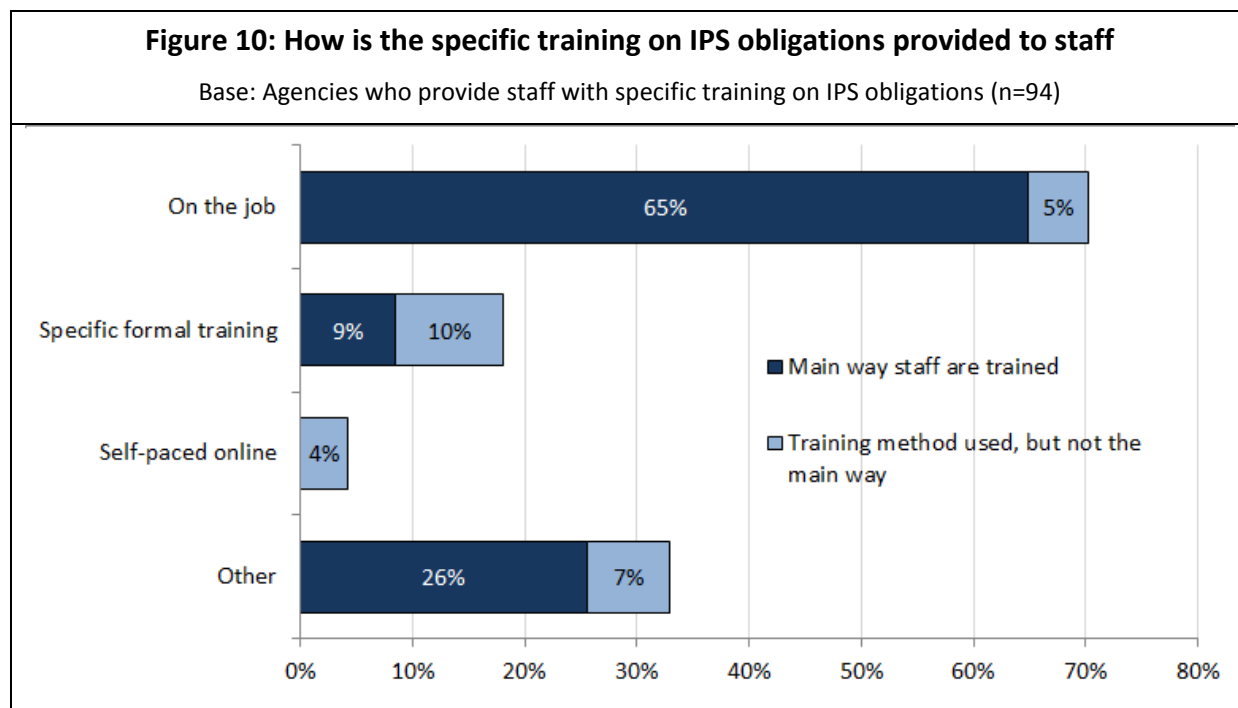
The extent of specific IPS training tended to increase with the number of FOI requests received in 2010-11, from less than half of those with no requests (46 per cent) or a low number of requests (33 per cent), to 100 per cent of those with a very large number of requests.

Figure 10 shows that most IPS training is delivered on the job. Of the 94 agencies who provide specific training on IPS obligations:

- ◆ seventy per cent provide 'on the job' training on IPS obligations, with 65 per cent using this as their main way of delivering IPS training;
- ◆ eighteen per cent of agencies use specific formal training as their main method of delivering training, with nine per cent using this as their main way of delivering IPS training; and

- ◆ four per cent provide self-paced online training (but none use this as their main IPS training method).

The 31 agencies who indicated that they provide an 'other' form of specific IPS training most commonly provided information seminars on the IPS, used OAIC training activities as a way to train staff or indicated that they provided IPS training in a consolidated training session which also covered FOI issues.



2.3. Criterion Three: IPS Entry

Agencies generally indicated a high degree of compliance with publishing required information on their website. This is reflected in a very high risk mitigation index result of 88.4 for agencies' IPS entry. This is a positive result given that this criterion has been identified by the OAIC as the most important of the five IPS criteria (as reflected in its high weight in the overall risk mitigation index – see page 8).

Despite these positive results, the survey also showed scope for improvement regarding:

- ◆ recording of exception decisions in information registers; and
- ◆ compliance with requirements for imposing fees and charges for access to IPS information.

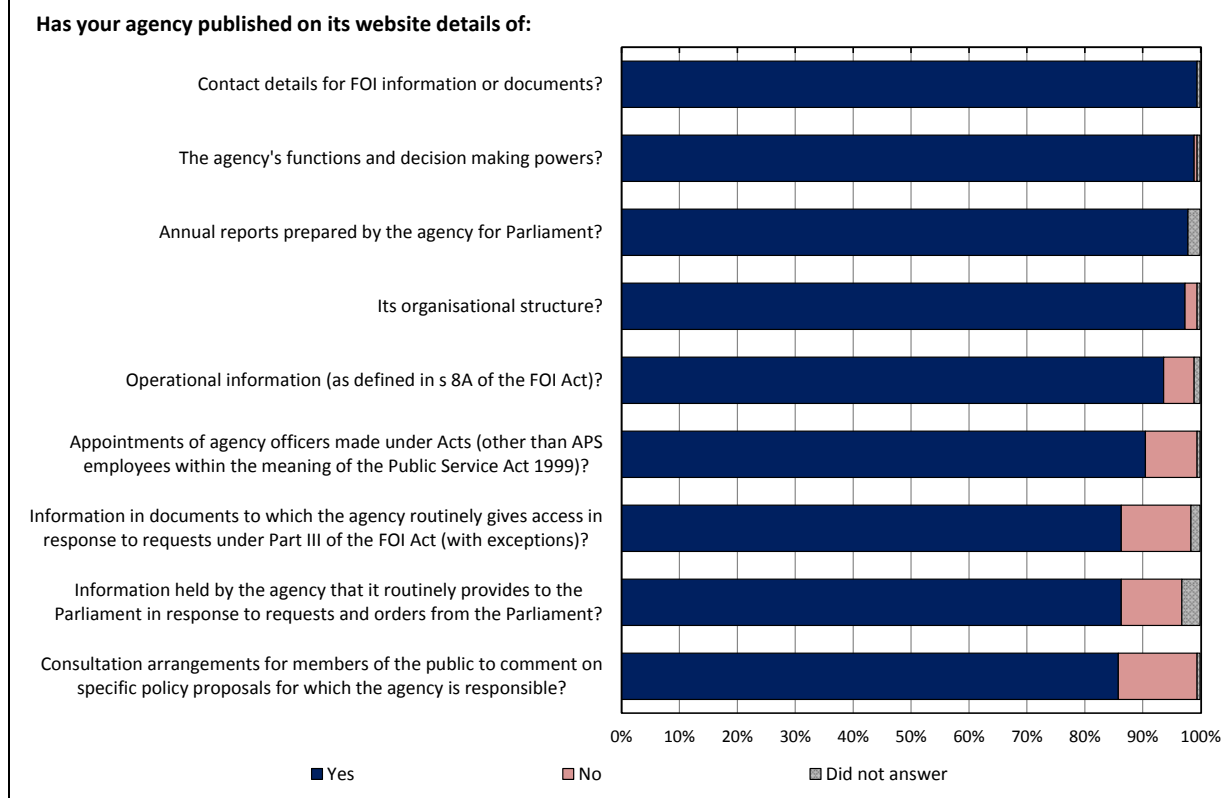
Information required to be published under the FOI Act

Figure 11 shows that over 85 per cent of agencies indicated that they publish each of the required types of information on their website. This is a strong result, particularly for the four types of information published by over 95 per cent of agencies. The other types of information included:

- ◆ operational information, as defined in s 8A of the FOI Act (94 per cent);
- ◆ appointments of agency officers made under Acts (91 per cent);
- ◆ information held by the agency that it routinely provides to the Parliament in response to requests and orders from the Parliament (89 per cent);
- ◆ information in documents to which the agency routinely gives access in response to requests under Part III of the FOI Act (88 per cent); and
- ◆ consultation arrangements for members of the public to comment on specific policy proposals for which the agency is responsible (86 per cent).

Figure 11: Information required to be published under the FOI Act

Base: All respondents (n=191)



Further analysis of information required to be published under the FOI Act by specific agency characteristics

While there was no clear trend in the extent to which agencies published required information by agency size, there was a strong relationship by the number of FOI requests received in 2010-11.

- ◆ All agencies with a high or very high number of FOI requests in 2010-11 indicated that they published each of the required information types presented in Figure 11.

Other information to be published under the IPS

In addition to the information that agencies are required to publish on their websites under the FOI Act (as presented in Figure 11), agencies are advised that they may publish other information as part of the IPS. The FOI Guidelines indicate that agencies are generally best placed to identify the types of other information that should be published in this context, consistent with the principles in the FOI Act that information held by government is a national resource and should be managed for public purposes.

The survey showed that 71 per cent of agencies indicated that they have a mechanism in place for identifying other information that could be published under the IPS.

Exceptions – personal and business information

The FOI Act provides that an agency is not required to publish personal or business information as part of its IPS entry if it would be unreasonable to publish that information. Agencies will generally not publish information given to an individual or business applicant in response to an FOI request that is personal to that applicant.

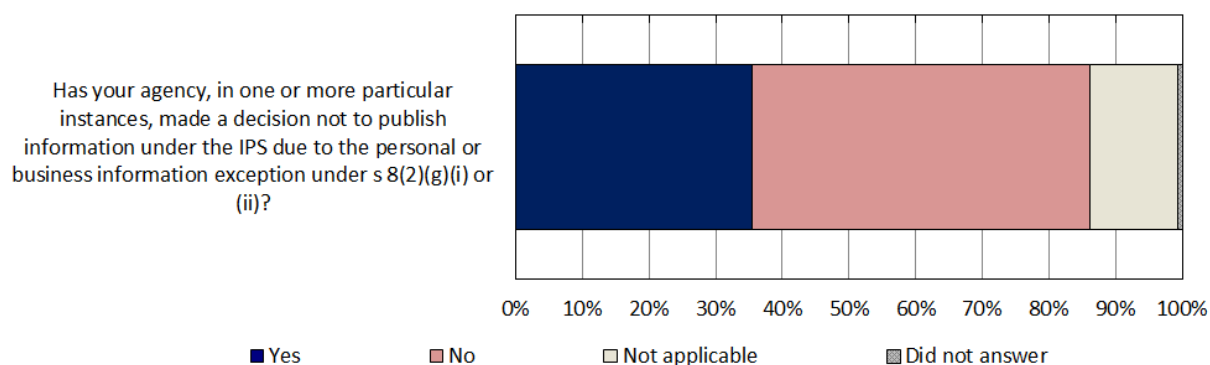
In these circumstances, agencies are encouraged by the Information Commissioner to record this in an IPS information register, including the title of the document to which an exception applies and the reason it was not published under the IPS.

Survey results indicate that 36 per cent of agencies have, in one or more instances, made a decision not to publish information under the IPS due to the personal or business information exception (see Figure 12).

- ◆ The survey showed that less than half (45 per cent) of these agencies reported that they recorded this decision in an IPS information register.

Figure 12: Extent to which agencies have made a decision not to publish information due to a business or personal information exception

Base: All respondents (n=191)



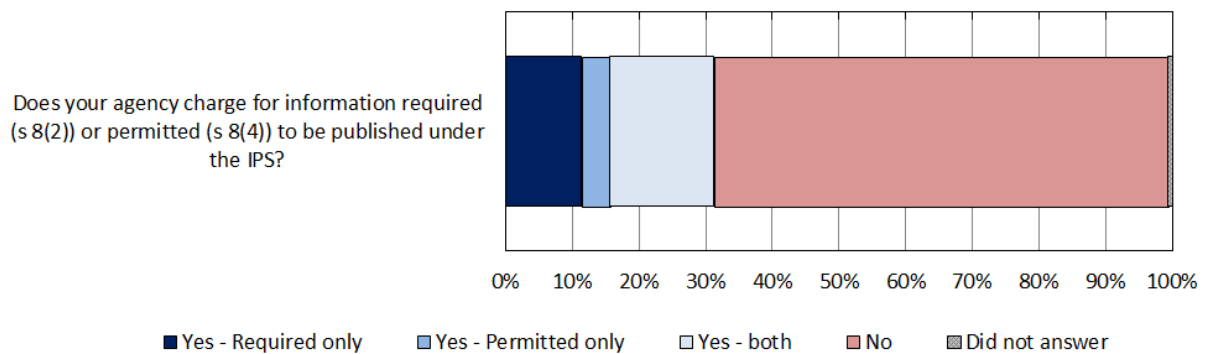
Fees and charges

Except in limited circumstances, agencies must provide information published under the IPS free of charge to the community. Only when information under the IPS cannot be downloaded from a website (non-web based documents) can an agency charge for specific reproduction or incidental costs. In these circumstances, these costs must be published under the IPS *before* any charge is imposed.

Figure 13 shows that 32 per cent of agencies indicated that they impose charges for information under the IPS. This figure also shows that 12 per cent of agencies impose fees for information required under the FOI Act, four per cent for information that is permitted under the FOI Act and 16 per cent for both required and permitted information.

Figure 13: Extent to which agencies impose fees and charges for accessing IPS information

Base: All respondents (n=191)



How agencies impose fees and charges under the IPS

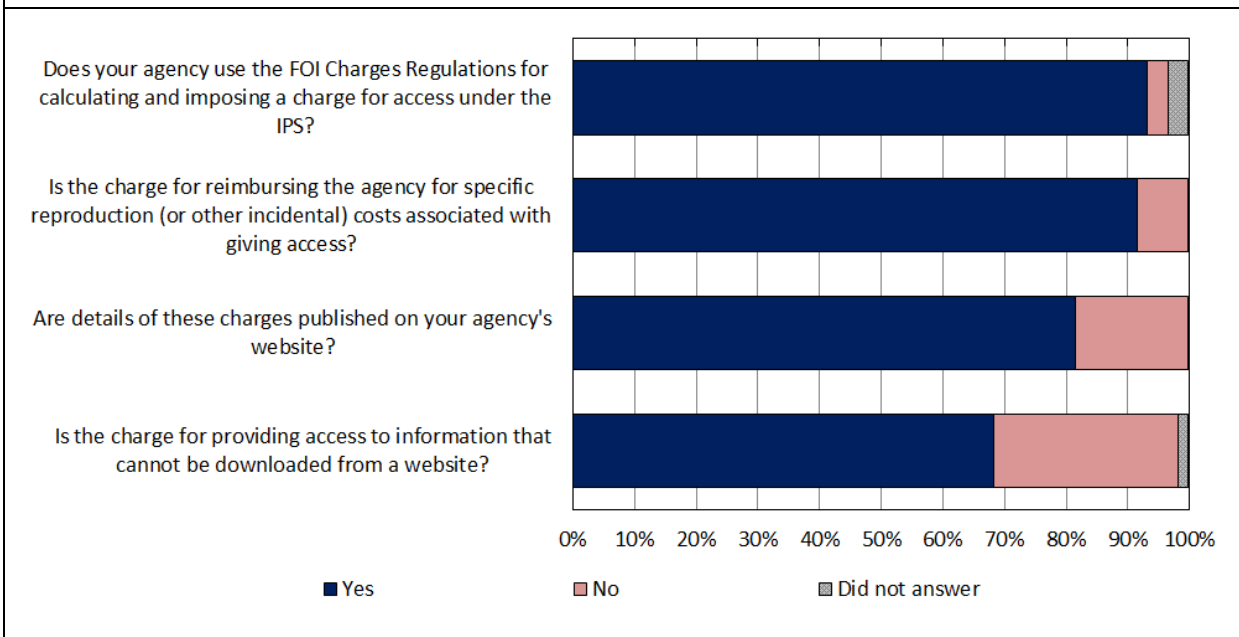
The survey found that 97 per cent of agencies that impose fees and charges for access to IPS information use the FOI Charges Regulations for calculating and imposing these charges.

The survey also found that a considerable minority of agencies impose fees and charges for reasons outside those allowed under the FOI Act. Figure 14 shows that:

- ◆ eight per cent of these agencies indicated that the charge was *not* for reimbursing specific reproduction or incidental costs associated with giving access to the information;
- ◆ eighteen per cent of these agencies indicated that details of these charges were *not* published on their agency website; and
- ◆ thirty per cent of these agencies indicated that the charge was *not* for providing access to information that cannot be downloaded from a website.

Figure 14: How agencies impose fees and charges for accessing IPS information

Base: All respondents (n=191)



2.4. Criterion Four: IPS Information Architecture

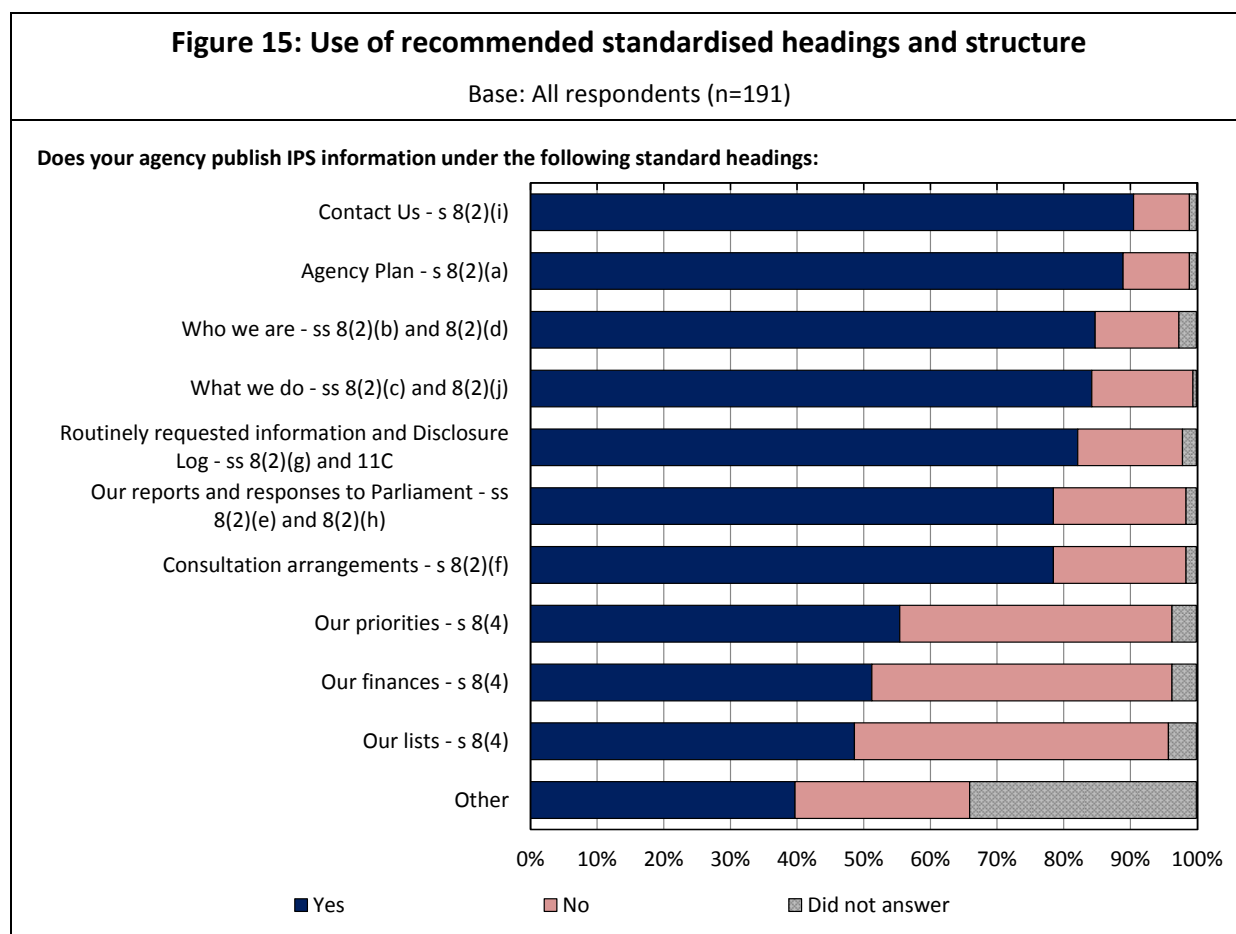
The survey showed a moderate IPS Risk Mitigation Index for result of 70.5 for criterion four – IPS Information Architecture.

Use of recommended standardised headings and structure

Although agencies are not *required* to use the headings or language specified in the FOI Act for presenting their IPS information, the Information Commissioner has advised that it would be easier for the public to locate IPS information if there was a consistent format of publication on agency websites. As such, the FOI Guidelines recommend the use of ten headings for the Agency Publication Framework. Figure 15 shows that:

- ◆ more than three-quarters of agencies use seven out of 10 of the recommended headings; and
- ◆ a considerably smaller share of agencies use the remaining headings – ‘Our priorities’ (58 per cent), ‘Our finances’ (53 per cent) and ‘Our lists’ (51 per cent).

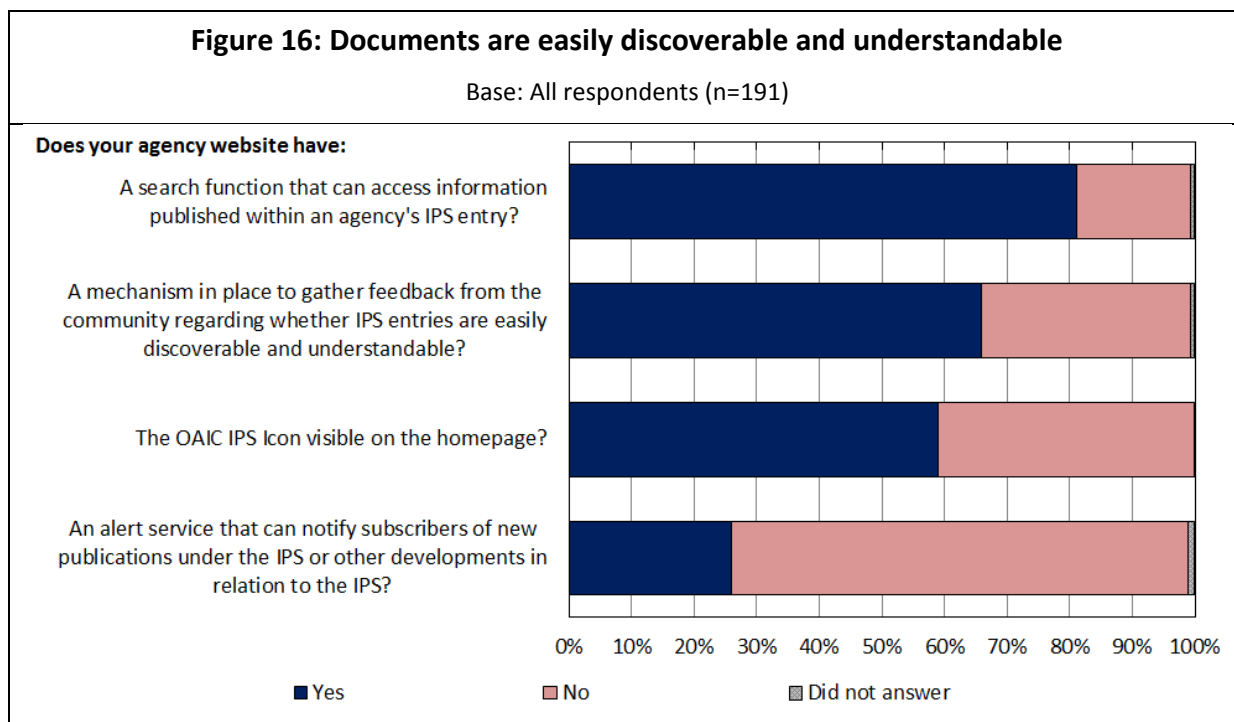
This figure also shows that 40 per cent of agencies indicated that they use an ‘other’ heading to publish IPS information. The most common ‘other’ headings identified by these agencies included ‘Our submissions’, ‘Our policies’ and ‘Operational information’.



Documents are easily discoverable and understandable

A guiding principle to help agencies meet their IPS obligations is that information published under the IPS should be easily discoverable and understandable. Figure 16 shows that there was wide variation in the proportion of agencies that provided access to a range of website features that may assist in this regard. These included:

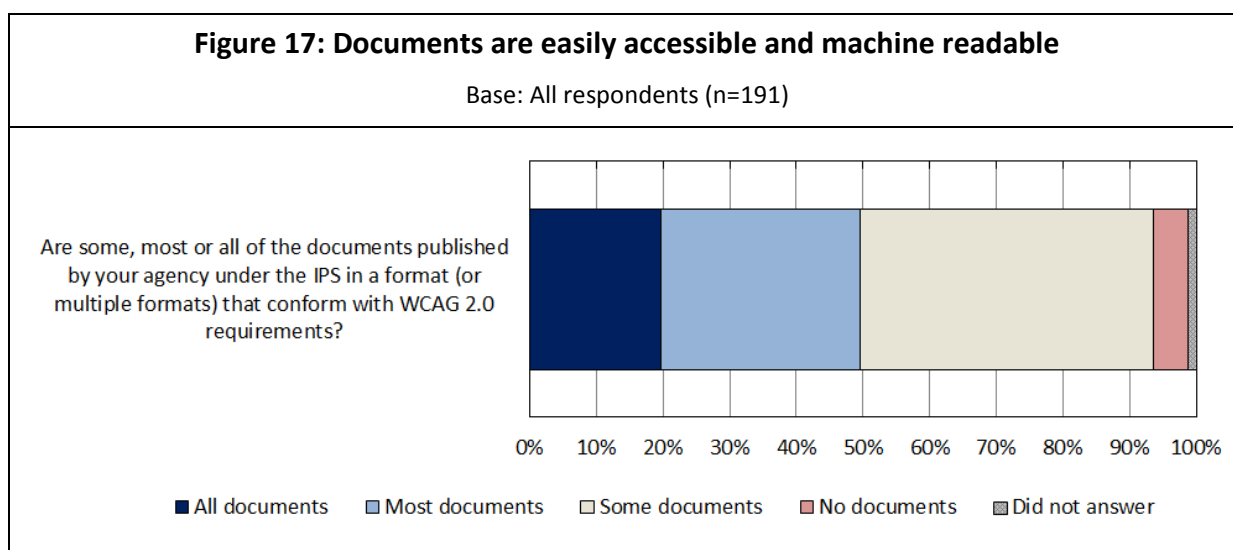
- ◆ eight-one per cent of agencies reported that they enable discoverability by providing a search function for their website;
- ◆ a smaller proportion of agencies indicated that they have a mechanism on their website to gather feedback from the community on the ease of finding and understanding their IPS entries (66 per cent) and include the IPS Icon on the homepage of their agency website (59 per cent); and
- ◆ twenty-six per cent of agencies indicated that they had an alert service that notifies subscribers of new publications.



Documents are easily accessible and machine readable

The FOI Guidelines state that accessibility of published information by all members of the community is an important principle underlying the IPS. Web Content Accessibility Guidelines (WCAG) 2.0 cover a wide range of recommendations for making Web content more accessible.

Figure 17 shows that 20 per cent of agencies indicated that the documents they have published under the IPS are in a format (or multiple formats) which conform to WCAG 2.0 requirements, while a further 30 per cent indicated that most of their documents comply, 44 per cent indicated that some documents comply and five per cent indicated that none of their documents comply.



Further analysis of information required to be published under the FOI Act by specific agency characteristics

The survey showed that smaller agencies were more likely to indicate widespread conformance of their documents with WCAG 2.0.

- ◆ Around three-fifths of micro (61 per cent) and small (60 per cent) agencies indicated that all or most of their IPS documents conform with WCAG 2.0, compared with 58 per cent of medium agencies and 50 per cent of both large and very large agencies.

Only one of the three agencies with very large number of FOI requests indicated that their IPS documents conform with WCAG 2.0 requirements.

2.5. Criterion Five: Agency Compliance Review

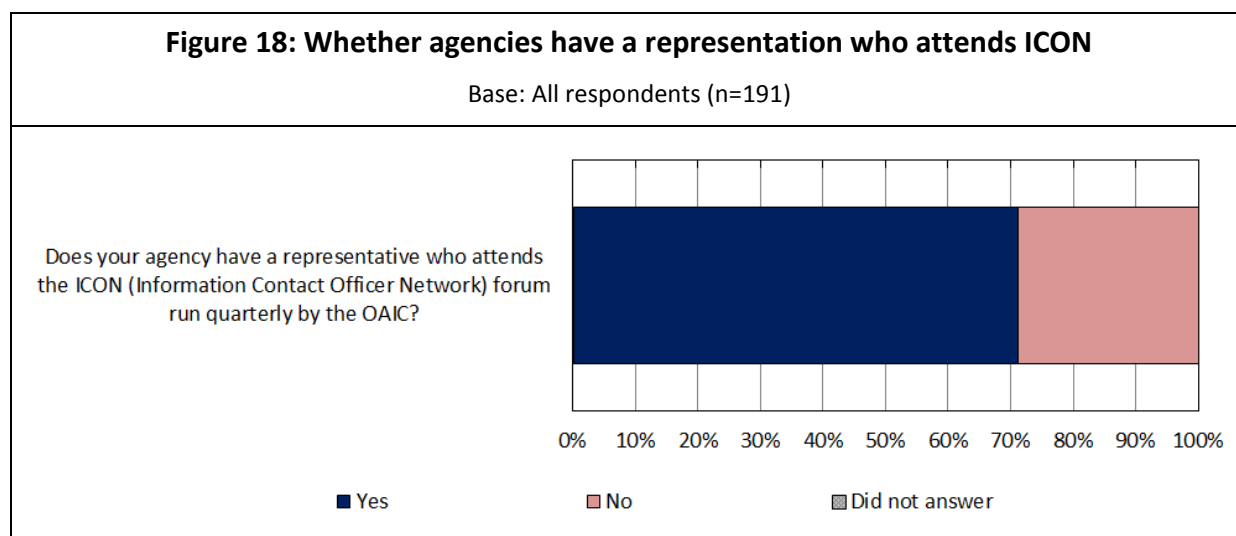
The FOI Act requires that each agency complete a review of its IPS compliance by 1 May 2016 in conjunction with the Information Commissioner. Two early steps an agency can take to prepare for the IPS review are to have complaint handling arrangements in place and to join the Information Contact Officer Network (ICON).

The survey showed that while almost three-quarters (71 per cent) of agencies had a representative who attended ICON, well under half explained that complaints could be made against the agency's IPS under within their FOI complaints procedures (see page 21⁸).

Attendance at ICON forums

Figure 18 shows that 71 per cent of agencies indicated that they have a representative who attends the ICON (Information Contact Officer Network) forum.

Agencies' open-ended comments about their experiences with the IPS revealed positive feedback regarding the ICON forums. However, some agencies indicated that they would like to attend the ICON forum but are challenged by geographical constraints.



Further analysis of attendance at ICON by specific agency characteristics

The survey results reveal that agencies of a larger size and with a higher number of FOI requests in 2010-11 were generally more likely to have had an agency representative attend the ICON forum.

- ◆ All agencies who had a high to very high volume of FOI requests in 2010-11 indicated that they had a representative attend the forum, compared with around three-fifths of agencies with a low number of requests (59 per cent) or no requests (60 per cent).
- ◆ Only 43 per cent of micro agencies and 60 per cent of small agencies indicated that they had a representative at the ICON forum, compared with 96 per cent of large agencies and around three-quarters of medium-sized and very large agencies.

⁸ Questions about complaints handling procedures were included under Criterion Five in the questionnaire. However, OAIC decided to include them in the calculation of the Risk Mitigation Index for Criterion Two. The survey results for complaints handling can therefore be found in the section on Criterion Two on page 19.