



## Open Government – The New Agenda

### The Open Government Reform Package

- Legislative Reforms

*FOI (Removal of Conclusive Certificates) Act 2009; FOI Amendment (Reform) Act 2010; Australian Information Commissioner Act 2010*

- Gov 2.0 taskforce reforms

Recommendations to harness web technology to publish public sector information and engage citizens online; adopt Creative Commons licensing

- Blueprint for Reform of Australian Government Administration*

‘create more open government’ by using web technology to engage citizens and make government data publicly available

- Declaration of Open Government

*Informing* – adopt pro-disclosure culture; make information accessible

*Engaging* – collaborate with citizens on policy and service delivery

*Participating* – build consultative, participatory government

### Key features of FOI reforms

- FOI, privacy and information management policy integrated in single scheme

- OAIC given a comprehensive range of functions

complaint investigation; merit review; promoting open government; publishing guidelines; training and advice; monitoring agency administration; advising government

- New Information Publication scheme

Mandatory publication categories – eg ‘operational information’; disclosure log (s 11C)

Optional publication – ‘agency may publish other information’ (s 8(4))



## Open Government Reform

### Key features of FOI reforms (cont)

- Some exemptions recast as conditional exemptions, subject to a public interest balancing test (11B)

- Procedural reforms

FOI charges reduced; OAIC role in approving extension of 30 day FOI processing period; OAIC can make a 'vexatious applicant' declaration

- Archival open access period reduced from 30 to 20 years by 2020

- FOI Act extended to records of contracted service providers

- New FOI objectives (s 3)

- *'information held by Government is to be managed for public purposes, and is a national resource'*
- *'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'*

### Key messages for agencies

- The Government expects cultural change

*'we need to switch the mindset in the public service from information control to information sharing'* (Senator Ludwig)

- The reforms could impose an extra workload on agencies:

- An increase in FOI requests, especially for policy material
- Web publication of more material under the IPS

- Possible pressure points:

- There is an expectation of pro-active disclosure by agencies
- Individual FOI requests can play a defining role in open govt
- Individual disclosure issues can be a tension point between agencies and ministers



## The New Open Government Platform

### Government Information

a national resource

a personal record

a cornerstone of good government

### Information rights

access to government held information

protection of personal information

independent review of disputed decisions

## The role of the OAIC

*Protecting information rights – advancing information policy*