

Open Access Strategy 2020

Purpose

This strategy is designed to guide the ACT Ombudsman to meet the open access requirements set out in *Freedom of Information Act 2016* (FOI Act).¹

The FOI Act requires ACT agencies to routinely publish government information proactively, in accordance with the pro-disclosure objectives of the FOI Act. This is to ensure that members of the public need to make an access application as a last resort, if the information they are seeking is not available online.

This strategy outlines how the Office will take a pro-active approach to providing access to **open access information**, consistent with the open access obligations outlined in the FOI Act, including:

- what information will be made publicly available
- how it will be made available
- how published information will be reviewed to ensure that it remains accurate, up-to date and complete, and
- when information may not be made publicly available because it is contrary to the public interest, and how we will publish our reasons for these decisions.

Objective

The ACT Ombudsman will identify and publish open access information in a timely manner consistent with the principles outlined below.

1. Open access information will be made available to the ACT community, unless it has been assessed as contrary to the public interest to release the information — that is, access to information is the default position from which the ACT Ombudsman operates.
2. Information will be assessed for release with a pro-disclosure bias, consistent with the FOI Act.
3. Open access information will be accurate, up to date, and complete.
4. Open access information will be easily accessible to all members of the ACT community, for example by complying with the web content accessibility guidelines, level AA (available at w3.org), or by being made available in hard copy without charge, on request.
5. Open access requirements will be considered when documents are created by our Office.

¹ The Commonwealth Ombudsman is currently the ACT Ombudsman. As a Commonwealth agency, the Office of the Commonwealth Ombudsman is not subject to the provisions of ACT legislation, but has similar obligations under the Information Publication Scheme (IPS) in Part II of the *Freedom of Information Act 1982* (Cth). This strategy is, however, designed to cover the publication of documents related to the ACT Ombudsman's functions under the FOI Act and to ensure consistency with the Open Access Obligations in this Act.

What information will be published?

The ACT Ombudsman will proactively publish the following categories of information unless it is assessed as being *contrary to the public interest information*:

- Functional information about our Office, including:
 - our [organisation chart](#)
 - [who we are](#) and [what we do](#)
 - our values
 - information about our employment conditions, including the current [enterprise agreement](#)
 - [contact details](#) for the ACT Ombudsman
 - what information we hold and how you can access it, and
 - information about our service standards and our performance against these standards.
- Documents tabled in the ACT Legislative Assembly, including our annual reports.
- Other reports, including submissions (where release will not interfere with our investigations).
- [Policy](#) documents, including:
 - strategies that inform how we do our work (where release will not interfere with our investigations)
 - [guidelines](#) on Ombudsman reviews of FOI access decisions
 - complaints handling policies, and
 - the standard operating procedures followed by our Office, where they inform how we implement our legislative responsibilities and approach noncompliance with legislation for which we are responsible.
- The ACT Ombudsman [disclosure log](#).

What information will not be released?

Information will not be published by the ACT Ombudsman where it is *contrary to the public interest information*, as defined in s 16 of the FOI Act.

Such information could include policy documents comprising of law enforcement information that is assessed as being contrary to the public interest (for example, where the information, if disclosed, could prejudice a current investigation or law enforcement methodology or procedures).

If our Office is considering **not** publishing a document, the relevant business area, must assess whether the information is contrary to the public interest to disclose, taking into account the FOI Act and the best practice approaches outline in the ACT Ombudsman FOI guidelines.

If a single document includes both open access information and contrary to the public interest information, our Office will, as far as practicable, make the open access information publicly available, with the contrary to the public interest information redacted.

When a decision has been made by the ACT Ombudsman not to publish information, our Office will instead publish a description of the information, why the information is contrary to the public interest, and a statement outlining review rights. This will apply to documents not released in full, or only released in part.

How will information be assessed for release?

Our Office will proactively identify and assess information that can be published on the ACT Ombudsman website.

When producing a document relevant to the work of the ACT Ombudsman, the team producing the document should create the document so that it is in a format and style appropriate for publication as open access information.

Staff awareness and senior executive commitment

This strategy and our approach to open access will be communicated to existing staff via induction, the Intranet and other appropriate internal communication channels.

The Ombudsman and senior executive are committed to open access and will communicate this commitment to staff.

Where and how will information be published?

Open access information will be published on the ACT Ombudsman website, and will comply with the web content accessibility guidelines.

ACT community members will also be able to contact our Office to request hard copies of open access information.

How will the information be kept up to date?

Open access information published on our website will be reviewed on a quarterly basis to ensure it remains current, with more regular updates made to functional information where required.

Relevant policies, procedures and guidelines created and updated by our Office will also be published as they are updated, as will documents tabled in the ACT Legislative Assembly. The ACT Ombudsman disclosure log will also be updated as access applications are decided by the Office.

Background

Open access and the FOI Act

Part 4 of the FOI Act provides for an Open Access Information Scheme (OAIS) under which ACT agencies and Ministers have obligations to proactively release Government information. The OAIS is designed to increase government accountability, and to promote a culture of openness and transparency in government

Section 23 of the FOI Act sets out the types of information that is considered to be open access information. Section 24 provides that an agency or Minister must make open access information publicly available unless it is assessed as being contrary to the public interest information under s 16 of the FOI Act.

The ACT Ombudsman has published a [guideline](#) which outlines best practice in terms of OAIS compliance.

Role of the ACT Ombudsman

In addition to its own obligations to pro-actively release information under the FOI Act, the ACT Ombudsman is required to monitor the operation of the FOI Act, including the publication of open access information by agencies and Ministers. More information is available at ombudsman.act.gov.au

Please note: This document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the ACT Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document. For the most up-to-date versions of cited Acts, please refer to legislation.act.gov.au.