

Submission on Part 14 of the FOI Guidelines (Disclosure Log), version 1.8

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I maintain [FOI Forest](#), which brings together the disclosure logs of Commonwealth agencies so they can be searched and explored in one place. I make this submission in a personal capacity, drawing on that experience.

I built FOI Forest out of frustration. There is no way to search across multiple agencies' logs, and many individual logs are themselves difficult to search. Their history often stops well short of what the agency has actually released. Information that the FOI Act requires to be published can therefore be challenging to find.

Each agency's disclosure log is checked every weekday and new entries are recorded as they appear. As at 4 September 2026, FOI Forest holds 29,512 disclosure log entries from 61 agencies, including entries recovered from archived versions of agency websites that no longer appear on any current log.

FOI Forest therefore provides a longitudinal perspective that a point-in-time review cannot, and covers agencies outside the scope of the OAIC's Disclosure Log Desktop Review – 2026. That review examined 30 agencies accounting for 75% of non-personal FOI requests in which access was granted in 2024–25. The patterns I observe are broadly consistent with the desktop review, while the broader FOI Forest dataset also identifies some additional issues with how disclosure logs operate in practice.

Disclosure log history should be preserved

The FOI Act is silent on how long information published under s 11C must remain available and does not expressly provide that publication may cease after a specified time. The two-year default suggested by the Guidelines is difficult to reconcile with the objects of the Act, which include facilitating and promoting public access to government information promptly and at the lowest reasonable cost. It can create avoidable duplication where material that has already been assessed and released later has to be found and provided again.

The distinction between a disclosure log entry and the released material associated with it matters here. The proposed Guidelines say that information listed on an entry should be retained even where documents or other information attached to the entry are removed, and describe the disclosure log as a valuable current and historical record. Despite this, the draft does not always maintain that distinction consistently. In practice, entire entries are disappearing from agency logs.

As at 4 September 2026, 5,959 entries held in FOI Forest do not appear on any current agency log, representing just over one-fifth of the dataset. In some agencies, the difference between the historical record and the current disclosure log is particularly large.

Table 1: Historical entries absent from selected current agency disclosure logs¹

Agency	Entries in FOI Forest	Entries on current log	Missing from current log
IP Australia	1,021	26	995 (97%)
Finance	606	119	487 (80%)
Services Australia	601	160	441 (73%)
Defence	1,365	453	912 (67%)
Health, Disability and Ageing	1,501	699	802 (53%)

What agencies say about these gaps varies. Services Australia states that it removes information after 12 months unless it has enduring public value, while Defence states a two-year period. Finance, IP Australia, and Health, Disability and Ageing do not state a retention period, but instead direct readers to the Australian Web Archive for earlier material.² These practices do not always make clear whether the agency is removing only the released material or the disclosure log entry itself. The FOI Forest data show that, in many cases, the entry itself is no longer present.

The Finance disclosure log illustrates the practical consequence of losing historical material. As at 4 September 2026, it has released documents about COMCAR 43 times since 2011, but only one of those entries remains on its current log.³ Someone looking for that material today would have no indication from the log that the other 42 releases had occurred. If the information is sought again, the applicant may need to make another request and Finance may need to process material it has already assessed and released. That is precisely the duplication disclosure logs are intended to avoid.

The “enduring public value” test does not solve the problem. Whether a release will matter in future cannot reliably be determined after one or two years. Its relevance may arise from later events, and the cost of retaining material that has already been processed and published needs to be weighed against the cost to both agencies and applicants when it has to be found and provided again.

Paragraph [14.93] also identifies the length of the disclosure log and the number and file size of documents as factors relevant to removal, but the size of a disclosure log does not appear to make long-term publication impracticable. Home Affairs has 5,769 log entries in FOI Forest, yet retains entries dating back to 2011.⁴ If an agency with more than 5,700

¹ Current log counts were calculated from Internet Archive snapshots captured on 4 September 2026: [IP Australia disclosure log](#); [Department of Finance disclosure log](#); [Services Australia disclosure log](#); [Department of Defence disclosure log](#); [Department of Health, Disability and Ageing disclosure log](#). FOI Forest counts are from the dataset as at 4 September 2026.

² Agency statements about retention and access to earlier material are from Internet Archive snapshots captured on 4 September 2026: [Services Australia disclosure log](#); [Department of Defence disclosure log](#); [Department of Finance disclosure log](#); [IP Australia disclosure log](#); [Department of Health, Disability and Ageing disclosure log](#).

³ FOI Forest, [Department of Finance disclosure log entries matching “COMCAR”](#), accessed 4 September 2026; [Department of Finance disclosure log](#), Internet Archive snapshot captured on 4 September 2026.

⁴ [Department of Home Affairs disclosure log](#), Internet Archive snapshot captured on 3 September 2026.

entries can retain its disclosure log back to 2011, it is difficult to see why a log containing far fewer entries should need to be truncated because of its size.

Not all historical loss appears to result from an explicit decision to remove older material. In some agencies, entries stop at points consistent with a website rebuild or migration, suggesting that the existing disclosure log was not carried across in full. The proposed Guidelines say that disclosure log entries should be retained even where attached documents are removed, but do not expressly address what should happen when the log itself is migrated or rebuilt.

Machinery of government changes create a similar problem. The former Department of Communications and the Arts provides one example. It was abolished in 2020 and its functions now sit with the Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts. The Department publishes disclosure logs for other predecessor bodies, which is a useful example of good practice. However, this does not include the former Department of Communications and the Arts.⁵ FOI Forest contains 106 entries from that department, recovered from archived captures.⁶ Finding them requires a reader to know that the former department existed, identify the agency that inherited its functions, locate the address of the former disclosure log, and then find archived captures.

Recommendations

1. Remove the wording in Annexure A that presents removal of released material after two years as the default, and amend [14.93] so that continued public availability is the ordinary course and removal the exception. Where released material is removed, the agency should explain why and indicate how it remains available.
2. Amend [14.92]–[14.93] and Annexure A to distinguish consistently between disclosure log entries and the documents or other information made available through or referred to by those entries. References to withdrawal, removal and archiving should make clear which is meant.
3. Amend [14.92] so that changes of government, ministers or portfolios are not, without more, presented as a reason for removing historical disclosure log entries or withdrawing released material.
4. Add to [14.91] that where an agency's functions transfer to another body, the successor agency should publish or link to the predecessor's disclosure log entries and make clear what historical material its log covers.
5. Add to [14.91] that when an agency website or disclosure log is migrated or rebuilt, existing disclosure log entries should be carried across.

⁵ [Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts disclosure log](#), Internet Archive snapshot captured on 4 September 2026.

⁶ FOI Forest counts are from the dataset as at 4 September 2026.

Archived copies are not a substitute for publication

Part 14 contemplates material being removed from a disclosure log and made available elsewhere. Footnote 20 says agencies will generally make older disclosure log documents available through Trove and should direct the public there. In practice, archived copies are incomplete and uneven.

The clearest example is the OAIC's own current disclosure log. Its first page has been captured 63 times by the Internet Archive and 27 times by the Australian Web Archive since March 2023. The second page has been captured only four times and seven times respectively, and neither archive has captured it since April 2025.⁷

This matters because pagination is common. The desktop review found that almost half of the 30 agencies it examined displayed their disclosure log with a fixed number of entries per page. An archive may therefore capture the first page of a disclosure log regularly while capturing later pages only occasionally, or not at all. As new entries are added and older entries move onto later pages, gaps can develop in the archived record even where the first page has been captured frequently.

The desktop review identified three agencies with separate pages for individual entries and described this as best practice because they can provide the released document, access information and a fuller description. From an archival perspective, however, each layer must be captured separately: the log, entry page and linked documents. If the description sits only on the entry page, an archived main log may preserve little more than a reference number and date.

The historical material recovered for FOI Forest demonstrates the limits of relying on archives in this way. Recovery has required working through archived captures agency by agency and page by page. Where a page or document was never captured, it cannot be reconstructed from the archive. The number of historical entries identified through FOI Forest is therefore necessarily incomplete. Web archives remain valuable, but they are not equivalent to continued publication by the agency, and the Guidelines should not assume that directing a user to an archive preserves meaningful access.

Recommendations

6. Amend [14.93] and replace footnote 20 to make clear that agencies should not assume that released material or disclosure log content no longer maintained on the agency's website will remain available through an external archive. Before directing the public to an archive, agencies should confirm that the relevant material is actually available, including later pages of paginated logs and separate disclosure log entry pages.
7. Add to the "Design and contents of the disclosure log" or "Facilitating access" sections that agencies should consider the effect of page structure on long-term

⁷ Capture counts and dates calculated from the [Internet Archive capture history for page 1 of the OAIC disclosure log](#), [Internet Archive capture history for page 2](#), [Australian Web Archive capture history for page 1](#), and [Australian Web Archive capture history for page 2](#), accessed 4 September 2026.

accessibility and archiving. Where pagination or separate entry pages are used, essential information about each release should not be available only on subsidiary pages that may not be captured by external archives.

Many disclosure log entries do not identify what was released or when

The desktop review found that 25 of the 30 agencies it examined provided sufficient information for at least 80% of their disclosure log entries. Across the broader set of agencies in FOI Forest, there are some more substantial gaps.

Descriptions

The Australian Electoral Commission's disclosure logs from 2022 onwards contain no description of the subject matter in individual entries.⁸ Some entries link to a schedule of released documents, but the level of detail varies: some schedules give meaningful document titles, while others identify material only as "Document 1", "Document 2" and so on. Other entries provide only the released files. A reader may therefore need to open a separate schedule or download the files simply to determine whether an entry is relevant. This is difficult to reconcile with [14.47], which says that a description should allow the public to understand what the released documents contain and make an informed decision about whether to obtain them.

The AEC was not among the 30 agencies examined in the desktop review. Treasury, which was, presents a different problem. Of the entries it published during the period assessed by the review, over 40% have descriptions of two words or fewer.⁹ Eight separate Treasury releases during this period are described simply as "Advertising". Other entries in the same period include "TikTok", "Scams", "Sponsorship", "Op-Ed", "Costings", and "Bulk billing". These labels identify a topic, but not what documents were released, who they concerned or the period they covered. Where several entries use the same label, they also give a reader no way to distinguish one release from another.

A two-word threshold is a crude measure, and I use it because it is reproducible. It will miss longer descriptions that are still difficult to distinguish. For example, the ABC has entries with descriptions including "Complaints in FY25 about specified topic", and "Documents re project".¹⁰ They are longer than two words, but still give a reader little basis for deciding whether the released material is relevant.

Dates

Dates on a disclosure log are necessary to assess compliance with the requirement in s 11C(6) to publish within 10 working days. The desktop review illustrates the problem: only 10 of the 30 agencies published both the date access was given and the date the corresponding disclosure log entry was published. The OAIC had to use archived

⁸ [Australian Electoral Commission disclosure log](#), Internet Archive snapshot captured on 4 September 2026.

⁹ [Department of the Treasury disclosure log](#), Internet Archive snapshot captured on 3 September 2026.

¹⁰ [ABC disclosure log](#), Internet Archive snapshot captured on 4 September 2026.

snapshots and Right to Know records as alternative ways of assessing timeliness, and even then could not assess four agencies because there was insufficient information.

The broader FOI Forest dataset shows some still less informative practices, mostly at agencies outside the scope of the desktop review. The Fair Work Commission publishes no date against its entries at all, APRA publishes only a month, and the AEC only a year.¹¹ None of those three agencies was included in the review. AUSTRAC, which was included, also publishes only a year.¹²

Compliance with s 11C(6) can only be assessed from the disclosure log itself where both the access date and publication date are provided. A single full date at least allows the missing date to be sought from another source, as the desktop review did. A month or year is less useful again.

FOI Forest records the date on which each disclosure log entry was first observed during weekday monitoring. This will generally be close to the date on which the entry was added, although it should not be treated as a definitive publication timestamp. The [FOI Forest dataset](#) is publicly available, and I would be happy to assist the OAIC with using or interpreting these fields for future monitoring or review work.

Direct access to documents

The desktop review found substantial improvement in direct access to released documents. In 2021, 34% of reviewed agencies required members of the public to contact them to obtain any documents listed on their disclosure logs. In 2026, that figure had fallen to 13%.

The broader FOI Forest dataset confirms that some agencies still do not publish released documents directly through their disclosure logs. Since July 2025, nine of the 61 agencies I track have published no released documents through their disclosure logs.

The proposed Guidelines are already clear about the preferred approach. Paragraph [14.11] says that providing details of how information can be obtained should be used only where it is not possible to upload the documents, and that relying on this method where publication is possible does not further the objects of the FOI Act. The desktop review similarly found that where documents were available only on request, agencies often gave no explanation for why direct download was not possible.

A technical impediment such as file size or the need for specialist software can explain why a particular document cannot be published. It does not readily explain an agency-wide practice of publishing no released documents at all. The fact that most agencies in the FOI Forest dataset routinely publish documents also suggests that this is not an inherent limitation of operating a disclosure log.

There is also evidence of agencies moving backwards. CSIRO, CASA and the Fair Work Commission previously published documents for at least some disclosure log entries but

¹¹ Internet Archive snapshots captured on 3 or 4 September 2026: [Fair Work Commission disclosure log](#), [Australian Prudential Regulation Authority disclosure log](#); [Australian Electoral Commission disclosure log](#).

¹² [AUSTRAC disclosure log](#), Internet Archive snapshot captured on 4 September 2026.

no longer routinely do so.¹³ This is harder to explain as a technical limitation, as each agency has previously demonstrated that it can publish released documents through its disclosure log. The overall improvement identified by the OAIC is real, but these examples show why the Guidelines should address cases where an agency generally does not publish released documents, not only cases where a particular document cannot be published.

Recommendations

8. Amend [14.47] to make clear that every entry should contain a description sufficient to identify what was released. A reference number, document type or single topic label should not ordinarily be sufficient, and where several releases concern the same subject their descriptions should clearly distinguish between them.
9. Amend [14.41] so that publication of the date access was given and the date of publication is expected for every disclosure log entry, rather than merely recommended.
10. Amend [14.11] to make clear that the exception for documents that cannot be uploaded applies to particular documents or particular technical impediments. Where an agency does not publish released documents as a general practice, its disclosure log should explain why.

Document type should be specified for all entries

Paragraph [14.48] recommends specifying document type only where a document is not available for download. It is useful in either case: a reader deciding whether to open a 300-page PDF benefits from knowing whether it is a briefing pack, email chain or report.

Recommendations

11. Amend [14.48] so that agencies are encouraged to specify document type for every disclosure log entry, whether or not the documents are directly downloadable.

The disclosure log itself should ordinarily be HTML

Paragraph [14.58] encourages agencies to publish information on the disclosure log as a machine-readable or searchable PDF, or in HTML. A searchable PDF may be appropriate for documents published through the log, but it is a poor format for the log itself. I am aware of one agency, the Australian Digital Health Agency, that publishes its disclosure log this way.¹⁴ In practice, it makes the log noticeably harder to use. A PDF log is also less readily integrated with website search, external indexing, and reuse. The proposed

¹³ Examples of earlier publication of released documents: [CSIRO disclosure log 2019–20](#), Internet Archive snapshot captured on 4 September 2026; [Civil Aviation Safety Authority disclosure log](#), Australian Web Archive snapshot captured on 6 January 2016; [Fair Work Commission disclosure log](#), Australian Web Archive snapshot captured on 16 December 2021. Current practice assessed from disclosure log entries dated from 1 July 2025 in FOI Forest as at 4 September 2026.

¹⁴ [Digital Health Agency disclosure log](#), Internet Archive snapshot captured on 4 September 2026.

Guidelines themselves note that HTML text allows information to be indexed and discovered by external search engines.

Recommendations

12. Amend [14.58] to state that HTML should be the preferred format for the disclosure log itself, and that agencies should avoid publishing the log as a PDF. Machine-readable or searchable PDFs may still be appropriate for documents published through the log.

Disclosure logs should support automated feeds

Paragraph [14.63] encourages online channels and automated feeds to make disclosure log content available for reuse. Version 1.7 expressly mentioned RSS, mainly as a past example; the proposed version removes that reference.

RSS or Atom feeds are well suited to disclosure logs because they allow individuals and third-party services to identify new entries automatically without repeatedly checking or scraping agency websites. Unlike social media, they do not depend on a particular platform and can provide a simple structured record of new entries directly from the agency.

Recommendations

13. Amend [14.63] to encourage agencies to provide an RSS or Atom feed, or a similar automated feed, for new disclosure log entries.