



Sent by email only: foidr@oaic.gov.au

24 February 2023

Dear OAIC,

The Australian Taxation Office (ATO) welcomes the opportunity to provide submissions in response to OAIC's draft consultation guidelines on the Information Publication Scheme (IPS).

We have reviewed the draft consultation guidelines and would like to make comments principally on one aspect of the guidelines, which indicates that an agency's operational information should be either published on an agency's IPS page or linked to it. In our view, this is not a requirement of the FOI Act and given the breadth of what is considered an agency's operational information, this requirement is not practicable for agencies such as the ATO.

Paragraphs 13.23 – 13.25 of the guidelines outline that if an agency has information published on their website which complies with the requirements under Part II of the FOI Act, the same information should also be published as an IPS entry, or a link be contained on the agency's IPS page.

As outlined in paragraph in 13.151, we appreciate that it is easier for the public to locate information published by each agency under the IPS if there is a consistent approach by agencies.

That said, we note that Part II of the FOI Act is silent on the requirement to have an IPS page with IPS entries on an agency's website. This is confirmed in paragraph 13.151 of the guidelines which provides that the FOI Act does not specify the format of publication of information an agency must publish under the IPS.

While we do not have issues with having an IPS page on our website and in general do not have an issue with most of the information referred to in subsection 8(2) of the FOI Act being part of an IPS page, there are practical difficulties with requiring an agency's operational information to be treated in the same way. In saying this, we note that in paragraph 13.152 you have linked the information in subsection 8(2)(c) and 8(2)(j) of the FOI Act. This is problematic because the information referred to in subsection 8(2)(c) is a small subset of information whereas an agency's operational information has the potential to be much greater.

The ATO has approximately 10,000 webpages on our website and devotes a significant amount of resources on maintaining information we share with the public. In our view, our operational information, which is a large amount of information, fits more easily into the logic of our wider website than it does in or linked to our IPS page which is much smaller. Moreover, any requirements

to continually maintain links to a constantly evolving set of information would require a substantial amount of resources that are already being used to maintain our web presence.

Therefore, noting the guidelines are aspirational, we suggest that any link between the IPS page and an agency's operational information be made "if practicable" rather than a one size fits all approach.

Please do not hesitate to contact us should you have any queries or require further information.

Yours faithfully

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Assistant Commissioner
Australian Taxation Office