Principles on open public sector information

May 2011

Report on review and development of principles

Protecting information rights — advancing information policy
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Office of the Australian Information Commissioner
GPO Box 2999
CANBERRA ACT 2601
Tel: 02 9284 9800
TTY: 1800 620 241 (no voice calls)
Email: enquiries@oaic.gov.au
Foreword

Open government is an ideal and a practice. As a democratic essential it enables members of the community to participate in government, hold government accountable, and draw knowledge and value from the information resources held by government in the service of the public.

Open government builds on those principles and requires practical strategies to make public sector information habitually available to the public.

Australian Government agencies have taken great strides in publishing and sharing information. Major projects, reports and guidelines are summarised in an issues paper, *Towards an Australian Government Information Policy*, published by the Office of the Australian Information Commissioner (OAIC) in November 2010. Many other projects are underway to implement the Government 2.0 Taskforce report, *Engage: Getting on with Government 2.0*. A key development was the launch of the data.gov.au site which now makes over 200 Commonwealth, State and Territory government data sets available for public download and reuse.

The OAIC has developed the *Principles on open public sector information* to further strengthen Australia’s open government reforms. First proposed in the 2010 OAIC issues paper, the Principles have been refined through a process of public consultation. A range of government agencies, specialist bodies and interested individuals have contributed to their development through written submissions and discussion on a public blog.

The central theme to emerge from the public consultation was strong endorsement of a set of Principles to promote open public sector information and drive government information policy.

The OAIC encourages agencies to embed the Principles in their internal policies and procedures on information management. By doing so they will help build a culture of proactive information disclosure and community engagement.

Prof John McMillan
Australian Information Commissioner

May 2011
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Introduction

The *Principles on open public sector information* (the Principles) form part of a core vision for government information management in Australia. They formally recognise that public sector information (PSI) is a national resource that should be published for community access and use. The Principles set out the central values of open PSI: information should be accessible without charge, based on open standards, easily discoverable, understandable, machine-readable, and freely reusable and transformable. Australian Government agencies are urged to embed the Principles in their policies and practices to become confident and proactive publishers of information.

This report outlines the development of the Principles following their release in draft form in November 2010 for consultation. The report discusses the comments that were received and explains revisions made. The final version of the Principles is available at Appendix A.

The report is divided into two main parts.

- The first part explains key aspects of the Principles such as the principles-based approach, the definition of PSI and how the Principles interact with the FOI Act. It also provides an overview of the consultation process and broad themes raised by stakeholders.

- The second part addresses each of the Principles in turn, outlining comments made on specific Principles and briefly explaining the changes and revisions made in response.

Background and consultation

To coincide with its launch on 1 November 2010, the Office of the Australian Information Commissioner (OAIC) released issues paper 1, *Towards an Australian Government Information Policy*. The paper drew together Australian reports and developments that advance Australian Government information policy. The issues paper also proposed ten draft principles on open PSI, focused on the publication of PSI by agencies and covering issues such as accessibility, discoverability and charging for access. The Information Commissioner invited comment on the issues paper and in particular the draft principles by 1 March 2011.

The OAIC received 29 written submissions. These were predominantly from government agencies, at both the state and federal level. Submissions were also received from interested individuals and organisations including the Public Interest Advocacy Centre, the Australian Information Industry Association, the Population Health Research Network and Google. A list of submissions received is at Appendix B.
The OAIC also ran a blog on govspace, a communications platform managed by the Department of Finance and Deregulation. For three weeks in February 2011 the draft principles and other matters relating to open PSI were discussed on the blog. The Information Commissioner contributed a post on the cultural shift required to achieve meaningful and lasting openness in government which also attracted a number of comments (see ‘Matters raised in the consultation’ below).

Key goals of open government are to encourage citizen collaboration in policy development and to promote online engagement. The blog enabled the OAIC to reach an active online community that is passionate about open government and open PSI. Additional benefits of the blog were that individuals who would not usually make a formal submission were able to contribute to the discussion and the OAIC could in turn respond rapidly to queries and comments.

During the three weeks of discussion, the blog received 42 comments from 19 users. The majority of comments related to the Principles. Additionally, the blog was mentioned in multiple other blogs, including eGov AU, Open and Shut, New Technologies for Libraries and the Parliamentary Librarian’s blog.

Analysis of submissions and blog comments appears below in ‘Matters raised in the consultation’ and the discussion of revisions to each Principle.

**A principles-based approach to open PSI**

When developing the draft principles, the OAIC deliberately chose a principles-based approach in order to ensure the principles could apply broadly, would be flexible in the face of technological advance, and would be relevant to a wide range of government agencies with varied information holdings.

The Principles seek to open up the possibilities of open PSI, allowing innovation and flexibility. They also seek to embed a deep understanding of the foundational concepts of open PSI, so that agencies can embrace the objectives that lie behind information management activities.

Pursuing a principles-based approach meant that the OAIC has not accepted some suggestions for adding further detail or more prescriptive direction. We nevertheless accept that separate and more detailed guidance could accompany some principles. Submissions raised the following items as warranting further development or more detailed guidance, either by the OAIC or in collaboration with other agencies:

- the scope of voluntary publication obligations on agencies, and accessibility of published information (Department of Education, Employment and Workplace Relations; Australian Securities and Investment Commission)

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1 This count excludes OAIC staff responses, comments relating to administrative matters and comments copied to the consultation email address.
• ‘how’ information should be managed or presented, including examples (Department of Innovation, Industry, Science and Research), practical guidelines and concrete initiatives (APS 200 Project), and specific and practical suggestions for implementing the Principles (Google)
• inclusion of a ‘client experience scenario’ to identify what will be different for clients because of the proposed policy (Australian Government Information Management Office (AGIMO))
• standards for government information management (Australian Bureau of Statistics (ABS); Hervé Senot)
• a grading system for different types of information based on sensitivity (Office of the Information Commissioner, Queensland)
• a consistent data classification scheme to guide whether and how information is released (Victorian Privacy Commissioner)
• clear guidance and standards on complaint and decision making processes at the Commonwealth level to help achieve nationally consistent standards (Information and Privacy Commission, NSW)
• the concept of ‘timeliness’ in publishing information (ABS)
• appropriate formats and whole-of-government approaches to data storage, visualisation and distribution (Craig Thomler, blog comment).

The OAIC will assess those suggestions with a view to identifying areas that would benefit from further guidance material.

Structure of the Principles
There were comments on the order and structure of the Principles. The Administrative Review Council suggested that Principle 10 (engaging the community) could be placed higher to emphasise its importance. Darron Passlow stressed that community consultation should drive the process of data release and that agencies should not ‘just dump all [their] available data on the unprepared public’. To emphasise that community engagement is both the goal of open government and the means by which it is achieved, Principle 10 has been moved forward to the position of Principle 2.

David Glynne Jones proposed a comprehensive restructure of the Principles in his submission, which involved reducing the number of principles to seven. His suggestions included combining Principles 4 (Findable information) and 7 (Open and accessible formats online) into a single principle that deals with information quality. The OAIC has adopted this suggestion and created the expanded

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2 Administrative Review Council, submission, p 1.
3 Darron Passlow, blog comments, 8 February 2011.
4 David Glynne Jones, submission, p 5.
Principle 5, ‘Discoverable and useable information’, which addresses discoverability and format.

Draft Principle 5 (Sound decision making processes) has also been merged with other principles. The order of the principles was also revised.

There are now eight principles that run as follows: (1) Open access to information – a default position, (2) Engaging the community, (3) Effective information governance, (4) Robust information asset management, (5) Discoverable and useable information, (6) Clear reuse rights, (7) Appropriate charging for access, (8) Transparent enquiry and complaints processes. This order is intended to broadly follow the information lifecycle.

The discussion of the Principles in this report follows the order of the draft principles as they appeared in the issues paper. The revised principles in their final order are at Appendix A.

Defining PSI

The purpose of the Principles is to create an effective information asset management framework for PSI. Defining PSI is therefore an important issue.

The report of the Government 2.0 Taskforce accepted the broad Organisation for Economic Co-operation and Development (OECD) definition of PSI: ‘information, including information products and services, generated, created, collected, processed, preserved, maintained, disseminated, or funded by or for the government or public institutions, taking into account [relevant] legal requirements and restrictions’.

The Guidelines on Licensing Public Sector Information for Australian Government Agencies issued by the Attorney-General’s Department take a more qualified view of PSI. The Guidelines state that ‘PSI can be thought of as material with the essential purpose of providing Government information to the public’. They encourage agencies to take a broad view of PSI but note that ‘material with the essential purpose of artistic expression … is unlikely to be treated as PSI for the purpose of the policy’. Some submissions expressed reservations about adopting a broad definition of PSI. The submission from the National Film and Sound Archive noted that many items in the national collection could be considered PSI under a broad definition and expressed concern that ‘complying with the principles …
would expose [the National Film and Sound Archive] to heightened copyright risks, jeopardise its stakeholder relationships and undermine its revenue raising initiatives.\textsuperscript{8} The submission further noted that the collections of some cultural institutions are exempt from the Freedom of Information Act 1982 (FOI Act) (s 13(1)) and stressed that the Attorney-General’s Department’s guidelines on licensing PSI note that artistic works will generally not fall under the policy.\textsuperscript{9} Stakeholders consulted during the roundtable meetings organised by the OAIC concerning the Information Publication Scheme (IPS) raised similar concerns. It was suggested that sweeping publishing requirements, especially under open licences, can inhibit revenue-raising and make universities and private sector bodies reluctant to collaborate with agencies.\textsuperscript{10}

The OAIC accepts those points and agrees that the definition of PSI needs to be broad but also qualified. Not all information held by agencies will be suitable for release under an open licence, nor be managed in the same way. The OECD definition recognises these limitations in referring to the need to take account of ‘legal requirements and restrictions’. This is expanded in the preamble to the OECD recommendation, which notes that, due to ‘legal requirements and restrictions, including intellectual property rights and trade secrets, effective and secure management of personal information, confidentiality and national security concerns’ the principles contained in the report ‘can be applied to a different extent to different categories of public sector information’.\textsuperscript{11}

The OAIC Principles state that information handling within agencies must take account of legal obligations and requirements, and the range of information holdings and responsibilities in agencies. The purpose of the Principles is to provide a high-level framework to guide agencies in publishing PSI. The principles-based approach to open PSI enables flexibility for agencies in applying the Principles, while fulfilling the common goal of making the broadest range of PSI freely available.

**Matters raised in the consultation**

Other general themes were raised in submissions and on the blog. Concerns about protecting the privacy of individuals when PSI is published were raised by the Office of the Victorian Privacy Commissioner,\textsuperscript{12} the Office of the Information Commissioner, Queensland\textsuperscript{13} and the Population Health Research Network.\textsuperscript{14} The

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\textsuperscript{8} National Film and Sound Archive, submission, p 1.

\textsuperscript{9} National Film and Sound Archive, submission, p 4–5; Attorney-General’s Department, *Guidelines on licencing public sector information for Australian Government agencies* p 3.

\textsuperscript{10} The OAIC invited Universities Australia to comment on this issue but did not receive a response.

\textsuperscript{11} OECD recommendation, note 5 above at p 4.

\textsuperscript{12} Office of the Victorian Privacy Commissioner, submission, p 2.

\textsuperscript{13} Office of the Information Commissioner, Queensland, submission, p 2.

\textsuperscript{14} Population Health Research Network, submission, p 2.
Office of the Information Commissioner, Queensland particularly noted that as more information becomes available, the potential for data-matching and aggregation makes it increasingly difficult to be confident that information has been effectively de-identified.

As well as its responsibilities in FOI and government information policy, the OAIC has functions under the *Privacy Act 1988*. The OAIC reminds agencies of the importance of individual privacy and draws attention to their obligations under the Privacy Act when publishing PSI. Revised Principle 4 (Robust information asset management) notes that agencies should identify personal information that requires protection. Agencies may publish lists of the types of information they hold without making the data itself available. This enhances the transparency of agency information handling without exposing personal information to inappropriate access.

The value of PSI to researchers was raised by the Population Health Research Network. The Population Health Research Network noted in its submission that it is supporting the development of data linkage capacity that can provide researchers with access to non-identifiable health data.\(^{15}\) The Victorian Spatial Council suggested that Principles around sharing information should be a key part of any Australian Government information policy.\(^{16}\) The OAIC encourages agencies to take the view, proposed by the Population Health Research Network, ‘that the beneficial use of government information should be maximised’ and be prepared to work with researchers with approved projects to access information that may not be suitable for general release.

An issue that attracted lively discussion, particularly on the blog, was the cultural shift required within the APS to achieve openness. ‘MG’ remarked that sometimes the greatest barrier to change is the perception that there is a barrier and suggested that commitment to change is the critical ingredient to achieving this shift.\(^{17}\) Craig Thomler described the reluctance to publish information on the part of some agencies as the ‘parent trap’.\(^{18}\) The reluctance, he suggested, stems from legitimate concerns including the quality of the data, potential for misuse or its potential to damage the government. He proposed that the solution lies in abandoning the notion that the government must decide what the public are ‘old enough’ to know and emphasise instead that public information belongs to the public. ‘M’ suggested that agencies might make data open from the time that it is first collected, to build better relationships between data producers and consumers.\(^{19}\) This sentiment was also found in Google’s submission, which suggested that agencies should seek to make data open as early as possible and in raw form, subject to appropriate disclaimers.\(^{20}\)

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15 Population Health Research Network, submission, p 2.
16 Victorian Spatial Council, submission, p 4.
17 MG, blog comment, 25 February 2011.
18 Craig Thomler, blog comment, 24 February 2011.
19 M, blog comment, 2 March 2011.
20 Google, submission, p 1.
The OAIC recognises that the publication of PSI can be contentious but expects that, if openness becomes the norm, agencies will in turn become accustomed to publishing greater quantities of information. Community engagement, to ensure that the information that the community wants is released and to foster trust will be critical to achieving the sort of relationship between government and community that Google and M envisage. A commitment to opening up government information is necessary at all levels of government to achieve real and lasting change. Promoting this change and driving momentum will be one of the key roles for the OAIC in the coming years.

A number of submissions raised the complex issue of social equity, namely how people without the Internet are to access PSI and participate in Government 2.0. The Public Interest Advocacy Centre raised the point that the Principles are largely concerned with information technology and potentially exclude people without access to the internet and other technology. The Centre argued that access to government information is a democratic right and that the cost of access should be minimal. They suggested that agencies should be required to provide additional or alternative methods of accessing information for those not able to access it online.

The OAIC agrees that open and accessible government should cater to all members of the community. Agencies must find ways to be flexible in the services they deliver. The FOI Act continues to provide an avenue for individuals wishing to access government information in alternative formats and the OAIC encourages agencies to provide information, beyond the scope of the FOI Act, in a suitable format, on request.

However, the focus of the Principles is primarily on information management in a connected world and the benefits that can flow from government adoption of new technologies, including Web 2.0 tools. Many of the key elements of open PSI are contingent on information technology. The internet allows wide distribution of information at minimal cost and enables agencies to disseminate information widely where previously the publishing costs would have been prohibitive. Information technology also enables data reuse in such a way that information can be significantly enhanced and manipulated for social and economic benefit. Technology is both the enabler and driver of new approaches to government information policy.

The Principles and freedom of information reform

Some submissions expressed uncertainty as to how the Principles will operate with regard to the FOI Act and especially Part 2 of the Act, which comprises the IPS.

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21 Submissions of the Public Interest Advocacy Centre, the Office of the Chief Information Officer, South Australia and the Administrative Review Council.

22 Public Interest Advocacy Centre, submission, p 6 and 8.
The FOI Act and the IPS provide a legislative framework for disclosure of government information to the public. In particular, the IPS will underpin a pro-disclosure culture in the Australian Public Service, where agencies initiate the release of information in addition to responding to individual requests for information. The IPS came into effect on 1 May 2011. It requires agencies covered by the FOI Act to:

- publish an agency plan that explains how the agency will comply with its IPS obligations (ss 8(1) and 8(2)(a))
- publish specified categories of information (s 8(2))
- consider proactively publishing other government information (s 8(4)).

The Principles provide a set of core concepts to guide publication of government information, including information released under the IPS. They complement the provisions of the IPS while also guiding agencies on the release of PSI more broadly, beyond the requirements of the FOI Act. Moreover, the Principles give prominence to the idea of information reuse and the associated issues of open licensing, appropriate formats and metadata standards. This is a central tenet of open PSI and essential if the full potential of government information is to be realised.

The Information Commissioner has also published guidelines on the IPS which encourage agencies to have regard to the Principles on open PSI. The guidelines encourage agencies to publish information in addition to their requirements under the FOI Act and note that the Act does not limit or restrict publication of information by agencies, including information that is exempt from disclosure under the FOI Act (s 3A).

The Principles are non-binding on agencies, and apply broadly to the spectrum of Australian Government agencies and their varied information holdings. The Information Commissioner can issue guidelines under s 93A of the FOI Act to which agencies must have regard (the IPS guidelines mentioned above are an example of this). The Principles on open PSI are not of that kind and are intended to inform information management policy in agencies more broadly.

**The Principles and other legislative requirements**

A few submissions sought to add caveats to various Principles, stating that a Principle did not override a particular legal obligation on the agency (for example, the record keeping requirements of the Archives Act 1983). This point has been taken up and is noted at a couple of points in the Principles. Further, as noted above, the Principles are non-binding on agencies and should not interfere with other legislative requirements.

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The Principles in practice

The Information Commissioner has a responsibility under the FOI Act to monitor the operation of the IPS in Australian Government agencies that are subject to the Act. An element of that role is to review the operation of the IPS in each agency, in conjunction with the agency, by 1 May 2016 (s 9(1)). The Commissioner will have regard to the Principles in undertaking that review.

Two other steps will be taken to encourage agencies to embed the Principles in their internal policies and procedures on information management. First, it is expected that the Information Advisory Committee (IAC) will play a key role when established in advancing the objectives of the Principles and supporting the momentum on open PSI.24 Secondly, the OAIC will establish a working group of interested stakeholders, including agencies and community members.

The IAC and the working group will assist the OAIC in monitoring implementation of the Principles in agencies and assess areas where agencies require further support or guidance.25 This will strengthen the close interaction of the Principles with other government information policies and legislation, with a view to establishing the Principles as a central point of consonance in the information policy sphere. The OAIC, in consultation with the IAC and working group, also proposes to review the operation of the Principles over the next 18 months to assess their take-up and success.

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24 The IAC is established under the Australian Information Commissioner Act 2010 s 27 and plays a role in assisting and advising the Information Commissioner in matters relating to the performance of the Information Commissioner functions, which extend to government policy and practice on information management.

25 Related to the establishment of a working group were comments made by the APS 200 Project that OAIC work with relevant agencies to produce an implementation strategy for the Principles, see APS 200 Project, submission, p 3.
Discussion of the Principles

This section summarises the comments received by the OAIC on the ten draft Principles published in the issues paper. The draft Principles are reprinted below, though each has been revised and they have been reduced to a new set of eight Principles that are published in Appendix A

Draft Principle 1: Open access to information – a default position

Information held by the Australian Government is a valuable national resource. As recommended by the Government 2.0 Taskforce, unless there are compelling reasons to the contrary, access to that information should be open, that is:

- free
- based on open standards
- easily discoverable
- understandable
- machine-readable, and
- freely reusable and transformable.

This places a proactive and pro-disclosure obligation on agencies to:

- use information technology to disseminate public sector information, particularly by publishing information online
- maximise the amount of information that is published voluntarily, rather than waiting for specific requests under the FOI Act, and
- apply a presumption of openness when deciding whether and how to publish public sector information.

Comments received

Principle 1 drew significant comment, particularly from written submissions. Comments generally supported the Principle, recognising that agencies should proactively identify information for release.

- The ABS noted that while it is important that a Government information policy should mandate standards for Government information, it is not necessary in a high level policy to define the standards. 26
- The Department of Education, Employment and Workplace Relations noted that while the Principle is desirable, working towards this position is resource intensive. Clear parameters on voluntary publication obligations and greater

26 ABS, submission via email.
guidance on whole of government issues such as accessibility would be beneficial. 27

- The Victorian Spatial Council believes that there should be a wide definition of ‘openness’ or ‘accessibility’. In particular, information must be available, accessible, accurate, complete, current and consistent, and users must know it exists. 28 Others also suggested that the default position should be access to high quality information in a timely manner. 29

- The Council of Australian University Librarians considered the Principle should be extended to require open access to research outputs and research data generated through publicly funded research, especially research funded via the Australian Research Council and the National Health and Medical Research Council. 30

- The Office of the Chief Information Officer, South Australia suggested that the Principle would benefit from reference to the Government Information Licensing Framework and Creative Commons. 31

- The Public Interest Advocacy Centre strongly supported the Principle but expressed concern that the Principle relied too heavily on information technology. It suggested that the Principle be amended to make it clear that government agencies should be required to provide additional or alternative methods of accessing information by people who are not able to access information online. 32

- David Glynne Jones suggested that machine-readable was too specific and should be replaced by ‘readily accessible’ with machine-readability as an example of this. 33

- On the blog, Steve Davies suggested that a tendency to over classify information due to the risk averse nature of the public service represents a major challenge. Greater guidance and examples are required to assist agencies and public servants to classify documents correctly in a world of open information. 34

27 Department of Education, Employment and Workplace Relations, submission, p 1.
28 Victorian Spatial Council, submission, p 3.
29 Department of Health, Western Australia, submission via email; Katerina Hegney, blog comment, 23 February 2011.
30 Council of Australian University Librarians, submission, p 2.
31 Office of the Chief Information Officer, South Australia, submission via email.
32 Public Interest Advocacy Centre, submission, p 5. This issue discussed above at ‘Matters raised in the consultation’.
33 David Glynne Jones, submission, p 2.
34 Steve Davies, blog comment, 8 February 2011.
While supporting the Principle, a number of submissions drew attention to the exception to openness where ‘there are compelling reasons to the contrary’.

- The Attorney-General’s Department supported retention of the phrase ‘unless there are compelling reasons to the contrary’, as it recognises that the principle of open access is not absolute.\(^{35}\)

- However the Public Health Research Network and Google cautioned that exceptions and criteria for departing from the Principle should be clearly articulated, transparent and justifiable.\(^{36}\) Google suggested that the OAIC define a closed list of parameters within which compelling reasons may be found, and ensure that there is openness, oversight and assessment as to reasonableness and consistency.\(^{37}\)

- The Office of the Victorian Privacy Commissioner submitted that as part of applying a presumption of openness, there needs to be a uniform and consistent data classification scheme to determine whether and how information should be released. Any data classification scheme must be properly understood and utilised across agencies to reduce the risk of information being disclosed inappropriately. No document containing personal information should be presumed to be openly accessible.\(^{38}\)

**OAIC response**

Principle 1 states the central vision for open PSI in Australia. The Principle has been revised to convey more directly that PSI should be published according to a presumption of openness and that agencies should adopt a proactive publication stance. The detail as to how this vision should be realised is now taken up in later Principles.

A number of submissions commented on the exception to openness, ‘compelling reasons to the contrary’. The OAIC has modified this exception to refer to a ‘legal need’ to protect information from disclosure or publication. This need may arise for various reasons that include data security and personal and business confidentiality. Openness should nevertheless be the default position.

Many submissions suggested additional detail that could be included in the Principle. Some of these suggestions have been taken up in later Principles, such as the Principle ‘Clear reuse rights’ which now includes reference to Creative Commons licences as suggested by the Office of the Chief Information Officer, South Australia. As noted in the introduction, separate and more detailed guidance will assist the implementation of some Principles and the OAIC will seek to provide this guidance in conjunction with other key agencies.

\(^{35}\) Attorney-General’s Department, submission, p 2.
\(^{36}\) Population Health Research Network, submission, p 3.
\(^{37}\) Google, submission, p 8.
\(^{38}\) Office of the Victorian Privacy Commissioner, submission, p 2.
Draft Principle 2: Effective information governance

Information held by Australian Government agencies is a core strategic asset that should be managed effectively by:

- a senior executive information champion, such as a Chief Information Officer within the agency, who is responsible for agency information, management and governance, and
- an information governance body with responsibility for:
  - maximising the integrity, security and availability of the agency’s information
  - establishing and maintaining strategic planning processes for information resources management
  - providing leadership and direction in the preparation of the agency’s plan for complying with Part II of the FOI Act under s 8(1)
  - ensuring the agency’s information management policies incorporate open access principles and authorise the routine and proactive disclosure of information, and
  - ensuring that the agency engages appropriately with stakeholders about access to information.

Comments received

Comments on this Principle supported the appointment within agencies of a senior executive information champion to have responsibility for overseeing information management and governance, and as an advocate for open access to information.39

- While supporting the role of information champion, the Australian Securities and Investments Commission and the Australian Information Industry Association suggested that it would be more effective for a new position to be created that is separate from pre-existing positions such as the information technology role of Chief Information Officer. It was suggested that there is a conceptual difference between the role of a person entrusted with leadership of information technology systems and the role of ‘information champion’ who is to be responsible for agency information, management and governance.40

- David Glynne Jones questioned the effectiveness of an information champion role and proposed as an alternative that responsibility and accountability for effective governance and management of information in any public agency must sit with the head of agency, as it does for other core assets and resources.41

39 National Archives of Australia, submission, p 2; Public Interest Advocacy Centre, submission, p 6.
40 Australian Securities and Investments Commission, submission, p 2; Australian Information Industry Association, submission, p 4; See also Dominic Dalgliesh, blog comment, 8 February 2011.
41 David Glynne Jones, submission, p 3.
• A commenter on the blog cautioned that the establishment of a new information champion may be appropriate for larger agencies but may not be feasible for smaller agencies.42

• In addition to establishing an information champion role, the Department of Health, Western Australia recommended the linkage of information management to agency key performance indicators or funding arrangements.43

• Submissions welcomed recognition of the need to engage appropriately with stakeholders about access to information and suggested that stakeholder consideration is particularly important when making decisions about release of material.44 The Population Health Research Network advocated for the inclusion of both researchers and community representatives on the proposed agency information governance body.45

• The National Archives of Australia suggested that the Principle could be further strengthened by placing emphasis on ensuring that agencies’ information management policies incorporate disclosure in accordance with the administrative and legislative framework.46

• The ABS noted that a national statistical policy would provide more effective governance with regard to statistical information.47

• The Department of Innovation, Industry, Science and Research suggested that it may be beneficial if the detail on ‘how’ information should be managed is presented as examples or guidance. Agencies then have a degree of flexibility to tailor systems and processes to best suit their particular organisational structure and meet the goal of that Principle.48

OAIC response

The OAIC recognises that the roles of Chief Information Officer and information champion have different emphases and may not always be interchangeable. Similarly, it may not always be feasible for smaller agencies to dedicate a staff member solely to this role. However, the OAIC believes that there is value in having such a role to ensure that information is managed as a core strategic asset. It is also preferable that someone other than the CEO have this role, to ensure it is a specialist role rather than one of a number of CEO general agency responsibilities.

42 Spectre, blog comment, 8 February 2011.
43 Department of Health, Western Australia, submission via email; Katerina Hegney, blog comment, 23 February 2011.
44 Attorney-General’s Department, submission, p 2; Population Health Research Network, submission, p 3; National Archives of Australia, submission, p 3.
45 Population Health Research Network, submission, p 3.
46 National Archives of Australia, submission, p 3.
47 ABS, submission via email.
48 Suggestions for further detail or guidance to support the Principles have been addressed above in ‘A principles-based approach to open PSI’.
The information champion, supported by an information governance body, should provide leadership and strategic direction in planning information resource management and ensuring compliance with the relevant legislative and policy requirements. The OAIC accepts the National Archives of Australia’s suggestion that the information champion should ensure that information policies consider appropriate publication. Principle 2 has been amended to reflect the ongoing work of ensuring compliance with the IPS and other legislative requirements on information management and publication.

Effective engagement with stakeholders is essential if the release of PSI is to result in benefits to the community. Including stakeholders from outside the agency on information governance bodies, as the Population Health Research Network suggested, is a possible means of achieving this engagement. The Principle has been revised to reflect the importance of strong leadership and planning to achieving effective information management.

**Draft Principle 3: Robust information asset management frameworks**

Effective management of information throughout its lifecycle can be achieved by:

- developing and maintaining inventories or registers of an agency’s key information assets
- identifying the custodians of those assets and defining the custodians’ responsibilities
- adequately describing information assets using appropriate metadata
- documenting known limitations on data quality and caveats on data use
- deciding in advance whether information is suitable for publication
- preserving the agency’s information assets for appropriate periods of time
- training staff in information management, and
- protecting information commensurate with the risk of harm that could result from the loss, misuse, or unauthorised access to or modification of such information.

**Comments received**

The submissions supported the inclusion of this Principle as part of establishing a culture of open access to government held information and considered that a robust information management framework is essential to underpin open access.49

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49 Public Interest Advocacy Centre, submission, p 7; Victorian Spatial Council, submission, p 3.
Ensuring government held information is properly managed maximises the ability of the public to access that information.

The National Archives of Australia submitted that the Principle could be enhanced by including reference to ‘documenting known limitations on data use arising from contractual matters relating to intellectual property, agreements with other jurisdictions and private sector companies’. The National Archives of Australia submitted that documenting such limitations would ensure that important limitations are understood and data used in accordance with them. Additionally, documentation would enable limitations to be challenged.  

- Setting consistent standards in information management and developing robust and adequately detailed policies to provide clear guidance to agencies were recommended by the Information and Privacy Commission, NSW to support this Principle and the Principles on ‘Governance’ and ‘Findable information’. A robust compliance strategy was also recommended as a means of supporting these Principles and affording them sufficient value and importance.

- The Office of the Information Commissioner, Queensland suggested that to assist agencies in effectively and securely managing information it may be beneficial to develop a grading system for different types of information based on sensitivity. Assigning a harm rating may assist in protecting information commensurate with the risk of harm.

- Several stakeholders commented on the importance of ensuring that data is clearly described using appropriate quality metadata and ensuring that asset register entries are kept up to date to ensure that the register remains a useful resource and reflects current information.

- The use of information management standards was identified by Hervé Senot as an important tool to enhance reusability and interoperability of information. While the Council of Australian University Librarians acknowledged that considerable work has been done to ensure effective management of research outputs and data, there is a need for strategic ongoing investment in research information management.

- Training staff in information management and promoting understanding of the value of open information were identified by commenters on the blog as a key requirement for successful implementation of this Principle. Good training and

50 National Archives of Australia, submission, p 3.  
51 Information and Privacy Commission, NSW, submission, p 4.  
52 Office of the Information Commissioner, Queensland, submission, p 2.  
54 Hervé Senot, submission via email.  
55 Council of Australian University Librarians, submission, p 2.
leadership will be essential for effective cultural change and management of information.\textsuperscript{56}

- The Australian Information Industry Association, while strongly supporting the Principle, acknowledged that the gap between the current situation and the position described in the Principle is considerable and a substantial body of work and continued effort will be required to achieve the proposed outcome.\textsuperscript{57}

- David Glynne Jones agreed with the inclusion of the Principle but did not support the proposal for implementation. He suggested that the Principle was too technical and failed to address all levels of planning, decision making, management and accountability. He further considered that the Principle did not adequately address the management of information as a core strategic asset.\textsuperscript{58}

\textit{OAIC response}

The OAIC believes that robust information asset management, combined with strong leadership on information governance, will lay the foundation for ensuring that the beneficial uses of PSI can be maximised. Training staff in information management, as highlighted by some submissions, will be essential for agencies to ensure that information management policies are implemented. The establishment of clear areas of responsibility and lines of authority will help to make certain that other necessary advances in the prioritisation of information management, as identified by the Council of Australian University Librarians and the Australian Information Industry Association, are made.

Information must be managed appropriately according to its sensitivity and according to other contractual requirements, as the Office of the Information Commissioner, Queensland and the National Archives of Australia noted.

The OAIC has amended the Principle to reflect these needs. As noted in the introduction to this report, the OAIC has generally not incorporated suggestions for more detailed or prescriptive guidance in the interests of keeping the Principles high-level and flexible. Other suggestions, regarding the application of metadata and open standards have been taken up elsewhere in the Principles.

\textsuperscript{56} Hannah Mattner, blog comment, 8 February 2011; Steve Davies, blog comment, 24 February 2011.

\textsuperscript{57} Australian Information Industry Association, submission, p 4.

\textsuperscript{58} David Glynne Jones, submission, p 4.
Draft Principle 4: Findable information

In keeping with the principle that public sector information is a valuable national resource, potential users should be readily able to discover the information an agency has published, and identify assets the agency holds but has not published. This can be achieved by:

- ensuring that published information has high quality metadata through implementation of the Australian Government Locator Service (AGLS) Metadata Standard
- applying search engine optimisation strategies to ensure that all published information can be indexed by search engines, and
- publishing the agency’s information asset register to enable both internal and external users of information to identify the available information resources from a single source.

Comments received

Many of the submissions on this Principle focused on the need for high-quality metadata to enable users to locate information. Creating and maintaining this metadata should be a priority. The Victorian Spatial Council, AGIMO and Australian National Data Service also noted that the AGLS is not the only important metadata schema and that agencies should consider others.

- The National Library of Australia emphasised that indexation by search engines and persistent identification of online resources are important to findability.

- The Australian Information Industry Association and Office of the Information Commissioner, Western Australia expressed concern that the necessary techniques and tools are not widely understood or employed in the public sector. The Office of the Information Commissioner, Western Australia suggested that staff should be trained in records management.

- The ABS suggested that the concept of ‘findable information’ should be broadened to ‘discoverable information’, which would capture the importance of users being able to access data that was previously unknown to them. The ABS also noted that dynamic content cannot appear in asset registers as it does not exist as a separate entity until it is created.

59 Council of Australian University Librarians, submission, p 2; Australian National Data Service, submission, p 2; ABS, submission via email; National Library of Australia, submission, p 4.
60 AGIMO, submission, p 5–6; Australian National Data Service, submission, p 2; Victorian Spatial Council, submission, p 3.
62 Australian Information Industry Association, submission, p 5; Office of the Information Commissioner, Western Australia, submission, p 2.
63 ABS, submission via email.
• The ABS and Population Health Research Network both acknowledged that some information is not suitable for public release. The Population Health Research Network advocated that there should nevertheless be registers of this information to enable the public to identify assets that are held unpublished.

• The Department of Education, Employment and Workplace Relations suggested that the Principle should also address how users without internet access might access information.

• On the blog, ‘Spectre’ queried the viability of creating and maintaining information asset registers.

**OAIC response**

The OAIC embraces the concept of ‘discoverability’, whereby users are readily able to identify information that is useful to them without prior knowledge of what is available. High-quality metadata, consistent with the appropriate standard, is essential to allow information to be located and linked. The revised Principle directs agencies to maximise discoverability through high quality metadata.

The OAIC acknowledges that creating and maintaining an information asset register may be a complex task for agencies with significant information holdings. The OAIC believes, however, that asset registers are important to robust information asset management. Publishing information asset registers should facilitate access to and reuse of information and help prevent duplication of information produced by agencies. The OAIC also recognises that some information is not suitable for publication as it contains personal and sensitive information but supports the listing of this information in a de-personalised form in asset registers so that those with a specific need can identify it in order to seek access.

Some suggestions, regarding staff training and information asset management, have been addressed elsewhere, particularly in the Principles regarding effective information governance and information asset management. Given the similar aims of draft Principles 4 and 7, the OAIC has combined them into a single Principle, ‘Discoverable and useable information’.

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64 ABS, submission via email; Population Health Research Network, submission, p 2.
65 Department of Education, Employment and Workplace Relations, submission, p 2.
Draft Principle 5: Sound decision making processes

Sound agency decision making in relation to open access to public sector information can be achieved by:

- ensuring clear lines of authority to make information publication decisions
- establishing mechanisms for potential users of information to apply for release of unpublished information outside of the FOI Act
- making timely decisions
- embedding the presumption that agency information should be published free, on open licensing terms, unless there are compelling reasons to the contrary
- identifying where relevant appropriate alternatives to not publishing information, such as publishing subject to caveats or disclaimers, and
- imposing controls to avoid personal information being published inappropriately or inadvertently in a data set.

Comments received

Comments on this Principle were generally supportive although some submitters noted the tension between open access to public sector information and the need to protect certain types of information, such as personal information, from inappropriate publication. The Office of the Victoria Privacy Commissioner acknowledged that while sound agency decision making can be achieved by imposing controls to avoid personal information being published inappropriately or inadvertently, most data that agencies hold contains personal information and as such privacy controls should be considered first and foremost.

Submitters suggested that the Principle should be expanded to make reference to other types of information exempt from publication under legislation or agreement, such as commercial-in-confidence information, information subject to legal professional privilege and information that is security classified. Referencing these types of information may provide greater guidance as to information that may need to be legitimately protected from public disclosure.

The need for guidance to assist agencies in achieving sound decision making was also addressed in submissions:

- The Information and Privacy Commission, NSW suggested that clear guidance and standards on complaint and decision making processes at the Commonwealth level would be highly beneficial to achieve nationally consistent standards.

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67 Office of the Information Commissioner, Queensland, submission, p 1; Public Interest Advocacy Centre, submission, p 7; Victorian Spatial Council, submission, p 3.
68 Office of the Victorian Privacy Commissioner, submission, p 2.
69 Attorney-General’s Department, submission, p 2; National Archives of Australia, submission, p 3.
70 Information and Privacy Commission, NSW, submission, p 4.
• The Population Health Research Network also recommended that this Principle include reference to establishing transparent and justifiable criteria for decision making in relation to open access to public sector information.71

• The ABS noted that this Principle introduces the concept of timeliness, though it is limited to the timeliness of decision making in agencies. While a high level statement about timeliness is appropriate to the Principle, it is recommended that the concept be drawn out in more detail and expanded in subsequent policy.72

Additionally, Google encouraged agencies to release information early in its lifecycle and raised the option of releasing information marked as ‘beta’ or otherwise labelled to indicate limitations as to quality or vetting and accompanied by an appropriate disclaimer as to reliability.73

**OAIC response**

The suggestions and comments on this Principle were generally for greater detail or guidance to be given to agencies. As discussed in the introduction, the OAIC has chosen high-level Principles that are flexible enough to be useful to a wide range of Australian Government agencies and avoid limiting agency discretion. When reviewing draft Principle 5, the OAIC found that the content of the Principle overlapped significantly with other Principles and in order to reduce repetition has removed ‘Sound decision making’ as a Principle.

As submissions noted, protecting personal information must be an essential part of decision making about information release. This is addressed by the Principle ‘Robust information asset management’. Other types of information that submissions noted may be exempt from publication or require particular care are also addressed in this Principle. The suggestions concerning complaint and decision making processes are addressed by the Principle ‘Transparent enquiry and complaint processes’. Other points concerning the need for leadership on information management are addressed by the Principle ‘Effective information governance’. The need for sound decision making processes emerges strongly from the revised Principles as integral to all aspects of information management.

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72 ABS, submission via email.
73 Google, submission, p 10.
Draft Principle 6: Transparent complaint processes

Agency decision making about information publication should be transparent. This can be supported, within the agency’s information governance framework, by an internal complaints procedure to handle complaints from the public about agency publication decisions outside the requirements of the FOI Act. A transparent complaints procedure will:

- be published
- explain how complaints will be handled
- set timeframes for resolving complaints
- identify possible remedies and outcomes of complaints, and
- require decision makers to provide written reasons for all decisions.

Comments received

This Principle drew some interesting suggestions. Comments generally supported the Principle, recognising that a transparent and effective complaint handling process will help to build public confidence. The Public Interest Advocacy Centre and Public Health Research Network expressed support. Additionally:

- The Law Council of Australia suggested that the complaints procedure should also explain the review and appeals process, as these form an important part of complaint handling.74
- The Department of Education, Employment and Workplace Relations asked for clarification of whether the requirement for decision makers to provide written reasons for decisions refers only to decisions relating to complaints or all decisions on access or publication.75
- The Australian Information Industry Association suggested that graphic representation of the complaints process may be useful and further suggested that the Principle should address governance and application of remedies to give force to the Principle.76
- David Glynne Jones suggested that the Principle be rolled into an ‘effective stakeholder management’ Principle.77
- Craig Thomler suggested that publication of all complaints, anonymised if necessary, would give greater transparency of the complaint handling process and enable identical complaints to be addressed at a single time.78

74 Law Council of Australia, submission, p 1.
75 Department of Education, Employment and Workplace Relations, submission, p 3.
76 Australian Information Industry Association, submission, p 6.
77 David Glynne Jones, submission, p 4.
78 Craig Thomler, blog comment, 15 February 2011.
**OAIC response**

The OAIC believes that complaint handling is sufficiently important to form a separate Principle. The Principle has, however, been expanded to cover enquiries and complaints as the two often merge in agency dealings with the public. A transparent enquiries and complaints procedure should make any review processes clear, as suggested by the Law Council of Australia. The clarification requested by the Department of Education, Employment and Workplace Relations has been made.

Regarding the Australian Information Industry Association’s suggestions, the OAIC believes that it is important to allow agencies discretion in determining the detail of their complaint handling processes; the suggested graphic representation of the process could provide a clear and simple explanation but that is a decision best left to agencies. The same applies to Craig Thomler’s suggestion of publishing a log of complaints to increase transparency and highlight areas which are consistently problematic. As Mr Thomler himself noted, privacy issues may be a concern when publishing complaints.

**Draft Principle 7: Open and accessible formats online**

The economic and social value of public sector information is enhanced when it is published online in formats that are human-readable and compatible with the Web Content Accessibility Guidelines endorsed by the Australian Government in February 2010. Information should so far as possible be published in a format that is:

- open
- machine-readable, and
- searchable and indexable by commonly used web search applications.

**Comments received**

Comments received on this Principle predominantly concerned the need for data to be made available in formats that are interoperable to maximise reusability. Some submissions raised concerns about equity of access across the community while others noted the potential burden on agencies of making large amounts of information available in various formats.

- The Public Interest Advocacy Centre and Office of the Chief Information Officer, South Australia, noted that, to be truly accessible, the needs of the disadvantaged in the community, including those without internet access, must be considered.79

79 Public Interest Advocacy Centre, submission, p 5 and 8; Office of the Chief Information Officer, South Australia, submission via email.
• David Glynne Jones suggested that this Principle form part of an overarching ‘information quality’ Principle.\textsuperscript{80}

• Three submissions noted that there is an apparent tension in the Principle between the desire for human-readable and machine-readable formats. AGIMO and Daniel Black, on the blog, suggested that machine readability is more important, even suggesting that machine-readability should be its own Principle.\textsuperscript{81} The Australian Information Industry Association, by contrast, argued that a balance should be struck between machine-readable and human-readable formats.\textsuperscript{82}

• The ABS suggested renaming this Principle ‘useable information’ to reflect not only the importance of open and accessible formats but the presentation of data in ways that allow users to master its use quickly and remember how to use it.\textsuperscript{83}

• Five submissions, including those of AGIMO and Google, commented on the importance of open formats.\textsuperscript{84} These submissions stressed that data sets should not be designed for use on proprietary systems and suggested that release in multiple formats would maximise reusability. Formats should also be designed with the long-term preservation and accessibility of data in mind. The National Library of Australia noted that common formats are important not only for the data itself but also for describing online resources.\textsuperscript{85}

• Craig Thomler suggested via the blog that the OAIC should work with AGIMO to provide guidance on appropriate formats and whole-of-government approaches to data storage, visualisation and distribution.\textsuperscript{86}

• AGIMO proposed the following rewording:

  The economic and social value of public sector information is enhanced when it is published online in formats that are machine-readable and conformant to the \textit{Web Content Accessibility Guidelines version 2} (WCAG 2.0), endorsed by the Australian Government in November 2009. Information should, so far as possible, be published in open and standards-based formats.\textsuperscript{87}

\textsuperscript{80} David Glynne Jones, submission, p 4.
\textsuperscript{81} AGIMO, submission, p 3; Daniel Black, blog comment, 22 February 2011.
\textsuperscript{82} Australian Information Industry Association, submission, p 6.
\textsuperscript{83} ABS, submission via email.
\textsuperscript{84} AGIMO, submission, p 3; Information and Privacy Commission NSW, submission, p 4; Council of Australian University Librarians, submission, p 2; Google, submission, p 10–11; Hervé Senot, submission via email.
\textsuperscript{85} National Library of Australia, submission, p 5.
\textsuperscript{86} Craig Thomler, blog comment, 15 February 2011.
\textsuperscript{87} AGIMO, submission, p 3.
**OAIC response**

Selecting appropriate formats is essential to making data reusable in the short term and to its long term preservation. Open formats offer superior accessibility and reusability and reduce the need for expensive proprietary software, which can be a bar to access. Selection of appropriate formats from the outset of the information lifecycle will remove the need for extensive reformatting prior to publication, which will reduce the cost and administrative burden to agencies. The OAIC has adopted the concept of ‘useability’, to recognise that information should be presented in formats that are accessible and also easy to use.

Commenters noted the tension between human-readable and machine-readable formats. Machine-readable formats are desirable as the majority of data manipulation and recombination is done by machine and publication in these formats maximises reusability, which is a key goal of publishing PSI. The OAIC recognises that adoption of machine-readable formats alone risks excluding sections of the community without access to the necessary equipment. The issues of social equity and the ‘digital divide’ are discussed in greater detail in the introduction. The OAIC recognises that publication online and in machine-readable formats is frequently the most efficient option for agencies. However, the OAIC strongly supports information being made available in alternative formats on request.

The content of this Principle now forms part of the Principle ‘Discoverable and useable information’.

**Draft Principle 8: Appropriate charging for access**

The principle of open access to public sector information requires that the cost of access to individuals is not unreasonably restrictive. Appropriate charging for access to information can be achieved by:

- not charging more than the additional marginal cost of providing access to published information, and in particular excluding from calculation cost associated with producing the information
- using methods of publication, particularly online publication, that minimise the cost to the agency of providing individual access to the information
- not imposing charges except as authorised by law, including the FOI Act, and
- supporting any charges that are imposed for agency publications or information in an agency policy that explains the basis for charges and is published and regularly reviewed.
Comments received

Comments received on this Principle were divided. A number, such as the Australian National Data Service and the Public Interest Advocacy Centre, supported free access, noting that cost could be a significant barrier to accessibility. The Australian Information Industry Association proposed that information generated with public funds is arguably already public property. Other submissions, while supporting free or low-cost access as the ideal, noted the potential cost to agencies in preparing, disseminating and maintaining information.

- Several submissions noted a tension between the statement in Principle 1 that information should be free and the discussion of ‘appropriate charging’ in Principle 8.
- Google argued that Government should not devote resources to developing consumer interfaces, even in partnership with private enterprise, but should rather focus on making raw data available and encouraging its reuse. Similarly, Hervé Senot suggested that agencies should focus on releasing data, not application implementations, and that this approach would help to reduce costs.
- ASIC’s submission noted that it is permitted to charge fees under the Corporations (Fees) Regulation 2001.
- The Public Interest Advocacy Centre recommended that the Principle be amended to emphasise that access to information is part of a person’s fundamental democratic rights and therefore the cost of access should be minimal.
- Four submissions mentioned the issue of cost-recovery for agencies and the ABS suggested that the Principle should have reference to the Australian Government Cost Recovery Guidelines. The National Film and Sound Archive argued that some agencies, especially cultural institutions, need to impose charges in order to fulfil their functions.
- The cost of producing and maintaining data was also raised. The Victorian Spatial Council argued that pricing decisions are based on the assumption

88 Australian National Data Service, submission, p 2; Public Interest Advocacy Centre, submission p 8.
89 Australian Information Industry Association, submission, p 7.
90 Victorian Spatial Council, submission, p 4; National Library of Australia, submission, p 1.
91 Office of the Chief Information Officer, South Australia, submission via email; Australian Information Industry Association, submission, p 7; Queensland Regional Groups Collective, submission, p 1.
92 Google, submission, p 12.
93 Hervé Senot, submission via email.
94 Australian Securities and Investments Commission, submission, p 3.
95 Public Interest Advocacy Centre, submission, p 8.
96 ABS, submission via email; National Library of Australia, submission, p 1; National Film and Sound Archives, submission, p 6; National Archives of Australia, submission, p 4.
that the additional cost of supplying information to users is marginal once it has been created. There are high costs, however, in maintaining dynamic data sets and appropriate discovery and access infrastructure. Their submission suggested that any revenue obtained from distributing spatial information be reinvested in maintaining the data.97 The Council of Australian University Librarians, however, opposed information access being treated as a source of income.98

**OAIC response**

Minimising the cost to the public in accessing PSI is important to maximising its accessibility. This Principle now directs agencies to provide access at the lowest reasonable cost, which recognises that cost should not be a bar to accessing information but also that agencies will decide, in some cases, to apply charges. The Principle also recognises that some charges are authorised by law, including the FOI Act. As discussed in the introduction, the OAIC encourages agencies to think broadly and creatively when assessing their information holdings and to maximise what can be released. This Principle is not, however, intended to prevent cultural institutions from charging for admission to exhibitions or for reproduction of material in national collections.

The OAIC agrees that agencies should have regard to the *Australian Government Cost Recovery Guidelines* but has not included this in the text of the Principle. These Guidelines recommend that, in the case of information produced for the Australian community and where that information product will not be diminished by consumption by others, agencies should favour free release. The OAIC also encourages agencies to publish information in formats and through means that minimise the cost of dissemination and access.

**Draft Principle 9: Clear reuse rights**

The economic and social value of public sector information is enhanced when it is made available for reuse on open licensing terms. The *Statement of Intellectual Property Principles for Australian Government Agencies* requires government agencies subject to the *Financial and Management Accountability Act 1997* to consider licensing public sector information, upon release, under an open access licence.

**Comments received**

Comments received focused on the need for clear and consistent guidance for agencies releasing information. Commenters suggested that the Principle could define ‘clear reuse rights’ and ‘open licences’ and identify potential barriers.99

97  Victorian Spatial Council, submission, p 4.
98  Council of Australian University Librarians, submission, p 2.
99  Office of the Chief Information Officer, South Australia, submission via email; ‘M’, blog comment, 2 March 2011.
• The submissions received from the Office of the Chief Information Officer, South Australia and the Australian National Data Service suggested that the Principle should refer to the *Government Information Licencing Framework* (GILF) developed by the Queensland Government Chief Information Officer.100

• The Australian Information Industry Association suggested that the *Intellectual Property Principles for Australian Government Agencies* (Intellectual Property Principles) issues by the Attorney-General’s Department should be given primacy.101

• On the blog, Graham Greenleaf noted that there is no requirement in the Principle for agencies to release information under a licence.102

• Two commenters on the blog warned against allowing exclusive access rights to PSI, as this ultimately defeats the purpose of releasing the information to the community.103

• The submissions from Google, the ABS, and the National Library of Australia supported the release of data under Creative Commons licences and noted the efforts of some agencies, such as the ABS and the Department of Broadband, Communications and the Digital Economy, in that area.104

• One comment on the blog argued that agencies should be discouraged from applying additional restrictions beyond those identified by the Creative Commons Foundation, as this can reduce the effective ‘openness’ of information.105

• The National Film and Sound Archive expressed concern about its ability to obtain consent to publish third-party material under open licences and suggested that such a requirement could compromise its relationship with its stakeholders.106

**OAIC response**

Agencies must adopt a consistent approach to licensing PSI to build public confidence about reusing it. As noted by a number of submissions, Creative Commons licences offer a system that is easy for agencies to implement and the public to understand and that imposes minimal restrictions on reuse.

100 Office of the Chief Information Officer, South Australia, submission via email; Australian National Data Service, submission, p 3.
101 Australian Information Industry Association, submission, p 7.
102 Graham Greenleaf, blog comment, 14 February 2011.
103 Darron Passlow, blog comment, 8 February 2011; Daniel Black, blog comment, 22 February 2011.
104 Google, submission, p 13; ABS, submission via email; National Library of Australia, submission, p 5. The use of Creative Commons Licences by the ABS was also noted by Dean Turner, blog comment, 2 March 2011.
105 ‘M’, blog comment, 2 March 2011.
106 National Film and Sound Archives, submission, p 6.
The Principle now reflects the requirement in the *Guidelines on Licensing Public Sector Information for Australian Government Agencies* that agencies decide on a licence when publishing PSI. The Principle also acknowledges that the Intellectual Property Principles recommend the Creative Commons BY standard. Additional consultation with the Attorney-General’s Department confirmed that GILF is being redeveloped for use nationally and will be known as AUSGOAL. It is a framework that will assist agencies in identifying the correct licence to use if the CC-BY licence is not appropriate. The Principle now also directs agencies to AUSGOAL for further guidance.

The *Guidelines on Licensing Public Sector Information for Australian Government Agencies* issued by the Attorney-General’s Department note various categories of information held by agencies that are unlikely to be appropriate for release under open licences. These include ‘material held by cultural institutions for the value of its expression’ and material that is commercially or culturally sensitive. This point is taken up in the Principles, balanced against the recommendation that agencies seek to minimise restrictions on reuse when releasing PSI.

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**Draft Principle 10: Engaging the community**

In keeping with Australian Government policy that agencies embrace online engagement in policy design and service delivery, the community can participate in agency decision making in relation to publication of public sector information. This can be done by:

- consulting with the community in deciding which information an agency will prioritise for publication
- encouraging the community to identify errors in published information, to give feedback to the agency about the quality, completeness and usefulness of published information, and to tell the agency about productive reuse of the information, and
- responding, either individually or in a public statement, to any comment received from the community.

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**Comments received**

In general, submissions were in favour of Principle 10 and tended to encourage strengthening and broadening its scope. Some submissions suggested greater involvement of the community in agency PSI processes, although the Australian Information Industry Association expressed concern that long consultation periods might slow the release of PSI.\textsuperscript{107}

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\textsuperscript{107} Australian Information Industry Association, submission, p 8.
• The ABS pointed out that there needs to be a genuine commitment from agencies to respond to community input and that agencies need to be responsive to meeting community needs regarding the useability of PSI. The Information and Privacy Commission, NSW also emphasised the importance of agencies actively consulting with the community and adopting an approach that goes beyond simply posting PSI online.

• The Administrative Review Council suggested that the Principle be re-ordered to appear earlier.

• The Information and Privacy Commission, NSW suggested that Principle 10 support and encourage agency use of Web 2.0 and social media tools to engage with the public. It also noted that agencies having the necessary ICT to support community engagement is key to achieving this outcome.

• Both the Public Interest Advocacy Centre and the Office of the Chief Information Officer, South Australia noted that the community can also generate PSI and should therefore be involved more broadly, as developers of information, not just as users. The Population Health Research Network also favoured the community being involved in all stages of policy design.

• The Council of University Librarians stressed the importance of effective consultative mechanisms which promote open access while respecting community issues and concerns regarding that access.

• Google and a commenter on the blog both stressed that community engagement is an ongoing rather than a static process and suggested that Principle 10 be amended to reflect this view.

• Craig Thomler, commenting on the blog, suggested that Government needs to take responsibility for stimulating community interest in PSI and its uses, such as by providing ways for schools and universities to access and reuse PSI in innovative ways. Steve Davies, also commenting on the blog, emphasised the importance of taking practical steps towards building a culture in the public service that advocates for citizens and is responsive to their input.

108 ABS, blog comment, 2 March 2011.
109 Information and Privacy Commission NSW, submission, p 5.
110 Administrative Review Council, submission, p 1.
111 Information and Privacy Commission, NSW, submission, p 5.
112 Public Interest Advocacy Centre, submission, p 9; Office of the Chief Information Officer, South Australia, submission via email.
113 Population Health Research Network, submission, p 5.
114 Council of Australian University Librarians, submission, p 3.
115 Google, submission, p 13; Darron Passlow, blog comment, 8 February 2011.
116 Craig Thomler, blog comment, 15 February 2011.
117 Steve Davies, blog comment, 24 February 2011.
OAIC response

The release of vast amounts of unwanted PSI to the public is not the end goal of these Principles. Building collaborative relationships between government and the community, enhancing transparency and building trust in government and encouraging community participation in policy making are key goals of Government 2.0. Community consultation and participation are central to achieving these goals. For this reason, the OAIC has elevated this Principle to second place in the finalised Principles.

In recognition of the comments received about the capacity of the community to contribute to all stages of policy design and the collection and creation of PSI, the OAIC has broadened the scope of this Principle. It now acknowledges the ability of the community to provide useful input regarding the quality, completeness, usefulness and accuracy of published information. Comments also noted that the community increasingly accesses government services and information online. The Principle now also explicitly encourages agencies to utilise Web 2.0 tools to engage the community, as suggested by the Information and Privacy Commission, NSW.
### Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ABS</td>
<td>Australian Bureau of Statistics</td>
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<tr>
<td>AGIMO</td>
<td>Australian Government Information Management Office</td>
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<tr>
<td>FOI Act</td>
<td><em>Freedom of Information Act 1982</em></td>
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<tr>
<td>GILF</td>
<td>Government Information Licensing Framework</td>
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<td>IPS</td>
<td>Information Publication Scheme</td>
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<td>OAIC</td>
<td>Office of the Australian Information Commissioner</td>
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<tr>
<td>PSI</td>
<td>Public sector information</td>
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<tr>
<td>WCAG 2.0</td>
<td>Web Content Accessibility Guidelines version 2</td>
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Appendix A: Final version of the Principles on open PSI

The Principles on open PSI are non-binding and do not override other legal obligations on agencies. Agencies should have regard to relevant legislation, including (but not limited to) the Privacy Act 1988, the Archives Act 1983 and the Freedom of Information Act 1982.

**Principle 1: Open access to information – a default position**

Information held by Australian Government agencies is a valuable national resource. If there is no legal need to protect the information it should be open to public access. Information publication enhances public access. Agencies should use information technology to disseminate public sector information, applying a presumption of openness and adopting a proactive publication stance.

**Principle 2: Engaging the community**

Australian Government policy requires agencies to engage the community online in policy design and service delivery. This should apply to agency information publication practices. Agencies should:

- consult the community in deciding what information to publish and about agency publication practices
- welcome community feedback about the quality, completeness, usefulness and accuracy of published information
- respond promptly to comments received from the community and to requests for information
- employ Web 2.0 tools to support community consultation.

**Principle 3: Effective information governance**

Australian Government agencies should manage information as a core strategic asset. A senior executive ‘information champion’ or knowledge officer in the agency should be responsible for information management and governance, including:

- providing leadership on agency compliance with the Information Publication Scheme and Disclosure Log
- ensuring agency compliance with legislative and policy requirements on information management and publication
- managing agency information to ensure its integrity, security and accessibility
- instigating strategic planning on information resource management
• ensuring community consultation on agency information policy and publication practices.

The senior officer should be supported by an information governance body that may include people from outside the agency.

**Principle 4: Robust information asset management**

Effective information management requires agencies to:

• maintain an asset inventory or register of the agency’s information
• identify the custodian of each information holding and the responsibilities of that officer
• train staff in information management
• establish clear procedures and lines of authority for decisions on information publication and release
• decide if information should be prepared for publication at the time it is created and the form of publication
• document known limitations on data quality
• identify data that must be managed in accordance with legislative and legal requirements, including requirements relating to data security and protection of personal information, intellectual property, business confidentiality and legal professional privilege
• protect information against inappropriate or unauthorised use, access or disclosure
• preserve information for an appropriate period of time based on sound archival practices.

**Principle 5: Discoverable and useable information**

The economic and social value of public sector information can be enhanced by publication and information sharing. This requires that information can easily be discovered and used by the community and other stakeholders. To support this objective agencies should:

• publish an up to date information asset register
• ensure that information published online is in an open and standards-based format and is machine-readable
• attach high quality metadata to information so that it can be easily located and linked to similar information using standard web search applications
• publish information in accordance with the *Web Content Accessibility Guidelines version 2* (WCAG 2.0) endorsed by the Australian Government in November 2009.
Principle 6: Clear reuse rights
The economic and social value of public sector information is enhanced when it is made available for reuse on open licensing terms. The Guidelines on Licensing Public Sector Information for Australian Government Agencies require agencies to decide licensing conditions when publishing information online. The default condition should be the Creative Commons BY standard, as recommended in the Intellectual Property Principles for Australian Government Agencies, that apply to agencies subject to the Financial and Management Accountability Act 1997. Additional guidance on selecting an appropriate licence is given in the Australian Government Open Access and Licensing Framework (AUSGOAL).

Principle 7: Appropriate charging for access
The FOI Act requires agencies to facilitate public access to information at the lowest reasonable cost. This Principle applies when information is provided upon request or is published by an agency. Other Acts also authorise charges for specific documents or information access.

Agencies can reduce the cost of public access by publishing information online, especially information that is routinely sought by the public. Charges that may be imposed by an agency for providing access should be clearly explained in an agency policy that is published and regularly reviewed.

Principle 8: Transparent enquiry and complaints processes
Agency decision making about information publication should be transparent. This can be supported, within the agency’s information governance framework, by an enquiry and complaints procedure for the public to raise issues about agency publication and access decisions. The procedure should be published, explain how enquiries and complaints will be handled, set timeframes for responding, identify possible remedies and complaint outcomes, and require that written reasons be provided in complaint resolution.
Appendix B: List of submissions received

- Symone McIntyre
- APS 200 Project on Public Sector Innovation
- Office of the Chief Information Officer, South Australia
- Office of the Information Commissioner, Queensland
- Hervé Senot
- Office of the Victorian Privacy Commissioner
- Office of the Information Commissioner, Western Australia
- Department of Health, Western Australia
- Law Council of Australia
- Victorian Spatial Council
- Population Health Research Network
- Australian Bureau of Statistics
- National Library of Australia
- Department of Innovation, Industry, Science and Research
- Council of Australian University Librarians
- David Glynne Jones
- Australian Securities and Investment Commission
- Australian Information Industry Association
- Australian National Data Service
- Google
- Public Interest Advocacy Centre
- National Film and Sound Archive
- Department of Education, Employment and Workplace Relations
- National Archives of Australia
- Queensland Regional Natural Resource Management Groups Collective
- Administrative Review Council
- Department of Finance and Deregulation
- Information and Privacy Commission, New South Wales
- Attorney-General’s Department