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FOI fact sheet 4

The information publication scheme for Australian Government agencies

Reforms to the *Freedom of Information Act 1982* (the FOI Act) in 2010 promote a pro-disclosure culture across government and build a stronger foundation for greater openness and transparency in government. The reforms introduced a new information publication scheme for Australian Government agencies. The scheme aims to transform the freedom of information framework from one that responds to individual requests for access to documents to one that requires agencies to take a proactive approach to publishing information.

Elements of the scheme

The information publication scheme:

- requires Australian Government agencies to publish information publication plans
- specifies categories of information that must be published
- provides a means for agencies to proactively publish other government information.

The scheme does not apply to a small number of security and intelligence agencies that are exempt from the FOI Act.

What is an information publication plan?

Each agency must publish (on its website) a plan showing how it proposes to meet the requirements of the information publication scheme. The plan must indicate:

- what information the agency proposes to publish
- how (generally on its website), and to whom (generally to the Australian community), the agency proposes to publish the information
- how the agency otherwise proposes to comply with the scheme.

What information are agencies required to publish?

The FOI Act specifies nine categories of information that agencies must publish, in addition to the information publication plan:

1. details of the agency's structure (for example, in the form of an organisation chart)
2. details of the agency's functions, including its decision making powers and other powers affecting members of the public
3. details of statutory appointments of the agency
4. the agency's annual reports
5. details of consultation arrangements for members of the public to comment on specific policy proposals
6. information in documents to which the agency routinely gives access in response to requests under the FOI Act
7. information that the agency routinely provides to Parliament
8. details of an officer (or officers) who can be contacted about access to the agency's information or documents under the FOI Act
9. the agency's operational information (which is information that assists the agency to exercise its functions or powers in making decisions or recommendations that affect members of the public. This includes the agency's rules, guidelines, practices and precedents relating to those decisions and recommendations.)

What other information can agencies publish under the scheme?

The FOI Act expressly recognises that information held by the Australian Government is a national resource and is to be managed for public purposes.

Agencies may publish other information they hold that falls outside the nine categories listed above. For example, the agency may hold for their own purposes statistical information which researchers and other members of the public would find useful.

The scheme does not require agencies to publish information that is restricted, for example, if a document is exempt under the FOI Act or its publication is prohibited under other legislation.

How will I know if the information is up-to-date?

Agencies must ensure that information published under the information publication scheme is accurate, up-to-date and complete.

Are there any charges for accessing the information?

The intention of the scheme is that agencies will publish freely accessible information on their websites.

There may be circumstances, however, where it is not practical for an agency to publish information or data to its website. In making information available in another form, an agency may incur costs (including reproduction costs). The agency can decide to impose a charge to recoup these publishing costs. Where charges apply, the details will be published on the agency's website.

What is the Information Commissioner's role?

The Information Commissioner, in conjunction with the agency, will review the operation of each agency's scheme every five years.

The Commissioner can also issue guidelines on the scheme (to which agencies must have regard), and provide assistance to agencies through information, advice and training. The Commissioner may also make a determination that certain kinds of information should not be published under the scheme.

The Information Commissioner can also investigate an agency's compliance with the scheme's requirements.

I don't think an agency is complying with the scheme — can I make a complaint?

Yes. Anyone can complain to the Information Commissioner about an agency's performance in relation to the information publication scheme.

You may lodge a complaint in writing in one of the following ways:

Online:	www.oaic.gov.au
Post:	GPO Box 5218, Sydney NSW 2001
Fax:	+61 2 9284 9666
Email:	enquiries@oaic.gov.au
In person:	Level 3, 175 Pitt Street, Sydney, NSW 2000

The complaint must identify the agency against whom the complaint is made. The Information Commissioner's staff can help you with lodging your complaint.

Does the Information Commissioner have to investigate my complaint?

No. The Information Commissioner can decide not to investigate, or not to continue to investigate, a complaint.

More information on how to make a complaint is in [How do I make an FOI complaint?](#)

For further information

GPO Box 5218 Sydney NSW 2001 | P 1300 363 992 | E enquiries@oaic.gov.au

Or visit our website www.oaic.gov.au

The information provided in this resource is of a general nature. It is not a substitute for legal advice.