Australian Government

Office of the Australian Information Commissioner

Office of the Australian Information Commissioner

International Access to Information Day

OAIC

Welcome to Country

Violet Sheridan

Senior Ngunnawal Elder

Australia's rich data assets

Person Level Integrated Data Asset (PLIDA)
*formerly MADIP

Census of Population and Housing

Australian Census Longitudinal Dataset

Registries Death Data

DOMINO Centrelink Administrative Data

Data Exchange

Visa information & citizenship grants

Traveller data

Payment Summary

ATO Client Register

Personal Income Tax Return

Single Touch Payroll

Business Ownership

FAMILIES & HOUSEHOLDS

SOCIAL SUPPORT

MIGRANTS

INCOME & TAXATION

DISABILITY

PMP

National Disability Insurance Scheme

Survey of Disability, Ageing, and Carers

EDUCATION

HEALTH

Australian Immunisation Register

National Health Survey

Pharmaceutical Benefits Scheme

Medicare Consumer Directory

Medicare Benefits Schedule

Apprentice & Trainee

Total VET activity

Australian Early Development Census

Higher Education

Business Longitudinal Analytical Data Environment (BLADE)

An economic data tool to provide a better understanding of the Australian economy and businesses performance over time.
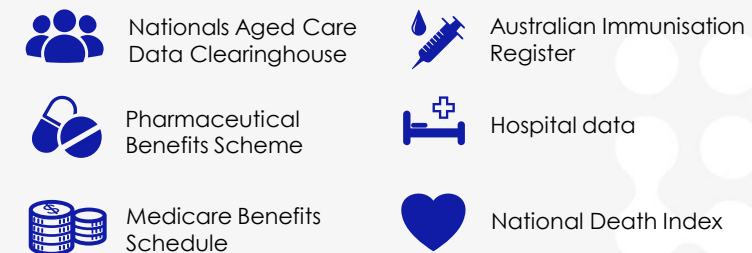
BLADE currently contains data on all active businesses from 2001-02 to 2018-19, sourced from:

- ABS Business Register
- Australian Taxation Office: Business Activity Statements (BAS), Business Income Tax (BIT) filings and Pay as You Go (PAYG) summaries
- ABS surveys: Business Characteristics Survey (BCS),Management Capabilities Module (MCM), Economic Activity Survey (EAS), Business Expenditure on Research and Development (BERD), Private Non-Profit Expenditure on Research and Development (PNPERD), Survey of Research and Experimental Development, Government (GOVERD)
- Intellectual Property Australia: Intellectual Property Longitudinal Research Data (IPLORD)
- Department of Foreign Affairs and Trade Merchandise trade data

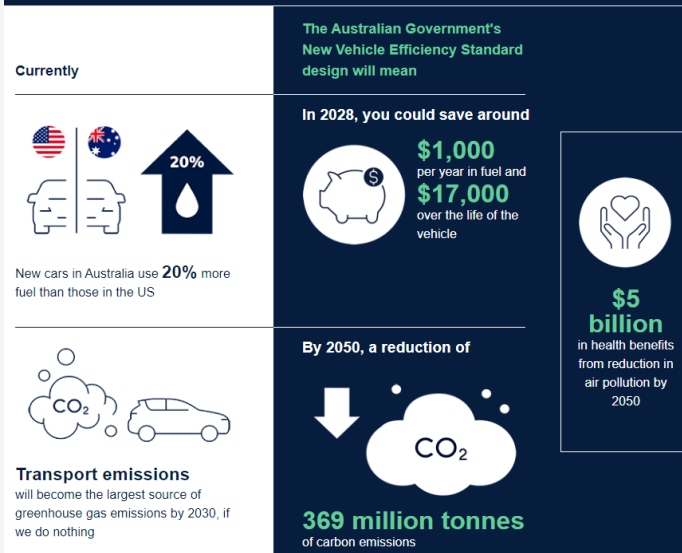## National Health Data Hub
*formerly NIHSI

Data available from 2010-11 onwards from the following data sources:

Nationals Aged Care Data Clearinghouse

Australian Immunisation Register

Pharmaceutical Benefits Scheme

Hospital data

Medicare Benefits Schedule

National Death Index

Using data to deliver better government policies, programs and services

New Vehicle Efficiency Standard

Why do we need a New Vehicle Efficiency Standard?

Currently

New cars in Australia use **20%** more fuel than those in the US

Transport emissions
will become the largest source of greenhouse gas emissions by 2030, if we do nothing

The Australian Government's New Vehicle Efficiency Standard design will mean

In 2028, you could save around

$1,000 per year in fuel and
$17,000 over the life of the vehicle

By 2050, a reduction of

369 million tonnes of carbon emissions

$5 billion in health benefits from reduction in air pollution by 2050

COVID-19 Vaccination Rollout Program

Total COVID-19 vaccine doses

Australia's COVID-19 Vaccine Program

Data as at: 11 Oct 2023

68.8m total vaccine doses administered
+32.6k weekly increase

65+ years
4.5m individuals aged 65 years and over have received a vaccination

18-64 years
15.2m individuals aged 18 to 64 years have received a vaccination

5-17 years
2.5m individuals aged 5 to 17 years have received a vaccination

NSW **21.3m** +10.5k weekly increase

VIC **17.9m** +8.3k weekly increase

QLD **12.9m** +4.7k weekly increase

WA **7.4m** +2.1k weekly increase

TAS **1.6m** +1.1k weekly increase

SA **4.8m** +2.5k weekly increase

ACT **2.2m** +3.2k weekly increase

NT **643.7k** +162 weekly increase

Key: m = million   k = thousand

JobKeeper Scheme

Utilising existing Australian Taxation Office data through:

- Single Touch Payroll (STP)
- Business activity statements (BAS)

The government established the JobKeeper stimulus payment to assist Australian individuals and business owners significantly impacted by COVID-19.

Data Availability and Transparency Act Scheme

DATA Scheme Safeguards

Data Sharing Purposes

Sharing of Australian Government data must be in the public interest, and for one of three purposes:

- government service delivery
- informing government policy and programs
- research and development.

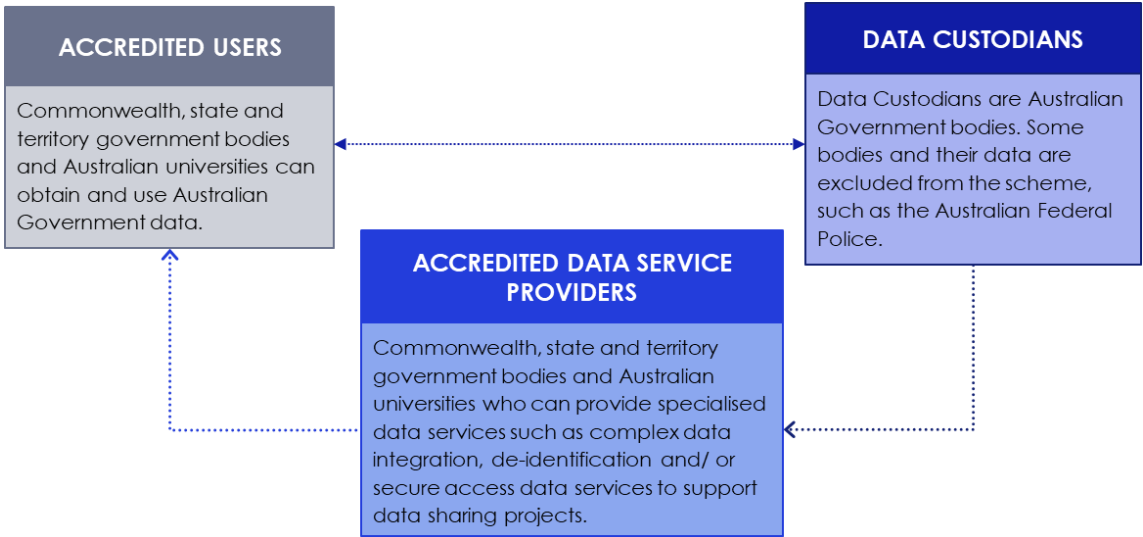Data cannot be shared for the purpose of enforcement or compliance.

Accreditation

- Commonwealth, state and territory government bodies and Australian universities can be an Accredited User or Accredited Data Service Provider.
- The Minister or National Data Commissioner may grant accreditation.

Data Requests

- Data Custodians have no duty to share but must provide reasons to Accredited Users if refusing a data sharing request.

DATA Scheme Operation

ACCREDITED USERS

Commonwealth, state and territory government bodies and Australian universities can obtain and use Australian Government data.

DATA CUSTODIANS

Data Custodians are Australian Government bodies. Some bodies and their data are excluded from the scheme, such as the Australian Federal Police.

ACCREDITED DATA SERVICE PROVIDERS

Commonwealth, state and territory government bodies and Australian universities who can provide specialised data services such as complex data integration, de-identification and/ or secure access data services to support data sharing projects.

Data Sharing Principles

- Data Sharing Principles must be applied to all data sharing.
- The Principles manage data sharing risk by applying controls on the project, people, setting, data and output.

Privacy Protections

- The DATA Scheme works with the *Privacy Act 1988* to protect personal information.
- The privacy protections minimise the sharing of personal information, prohibit the re-identification and storage of data or access of personal information outside Australia.
- Express consent is always required to share biometric data.

DATA Scheme Safeguards

Regulation and Compliance

- National Data Commissioner handles complaints, conducts monitoring and assessment activities and investigations.
- National Data Commissioner can issue directions and seek civil and/or criminal penalties.

Transparency and Reporting

National Data Commissioner must:

- Keep public registers of Data Sharing Agreements, Accredited Users and Accredited Data Service Providers.
- Prepare an Annual Report on participation and operation of the DATA Scheme.

Data Sharing Agreements

- Arrangements, including the application of the data sharing principles, must be documented in a Data Sharing Agreement.
- Agreements that meet scheme requirements must be registered by the National Data Commissioner to take effect.

Data Discovery
Supporting agencies to develop data inventories and build an Australian Government Data Catalogue to help users find data

Dataplace
A digital platform for scheme participants and others to manage data requests and support administration of the DATA Scheme

DATA Scheme Activity

Dataplace Users	Australian Government Data Catalogue	Accredited Data Users	Accredited Data Service Providers	Data Sharing Requests	Data Sharing
104 organisations **completed onboarding**	**59,591** **records available** on the Australian Government Data Catalogue **16** **agencies contributing** records directly from their data inventory	**28** **data users accredited**	**12** **data service providers accredited**	**12** **data requests** under the Scheme **23** **general requests** made through Dataplace	**4** **data sharing agreements** under the Scheme **11** **general data sharing**

Accredited Entities

Australian Government Agency

- Attorney-General's Department
- Australian Bureau of Statistics
- Australian Commission on Safety and Quality in Healthcare
- Australian Institute of Family Studies
- Australian Institute of Health and Welfare
- Australian Securities and Investments Commission
- Department of Education
- Department of Employment and Workplace Relations
- Department of Finance
- Department of Health and Aged Care
- Department of Industry, Science and Resources
- Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Department of Social Services
- Department of the Treasury
- Productivity Commissioner

State or Territory Government Agency

- ACT Chief Minister, Treasury and Economic Development Directorate
- Department of Health WA
- NSW Department of Customer Service
- NSW Health Administration Corporation
- NSW Ministry of Health
- Queensland Department of Transport and Main Roads
- Queensland Health
- Queensland Treasury
- Victorian Department of Health
- Western Australian Department of the Premier and Cabinet

Australian University

- Monash University
- The University of Adelaide
- The University of Melbourne
- The University of New South Wales
- The University of Queensland
- The University of Sydney
- The University of Western Australia

Key

- Accredited Data User Only
- Accredited Data Service Provider Only
- Accredited as a data user and a data service provider

More Information

Australian Government Data Catalogue and Dataplace

Search the Catalogue to find data assets held by Australian Government agencies and use Dataplace to make requests for Australian Government data.

🖥 www.dataplace.gov.au

Subscribe to DataPoints

Data news and updates from the Commissioner straight to your inbox!

🖥 www.datacommissioner.gov.au/subscribe

DATA Scheme Guidance and Info Sessions

Public resources and registration links to our monthly webinars.

🖥 www.datacommissioner.gov.au/resources

Contact the ONDC

✉ information@datacommissioner.gov.au

📞 https://www.datacommissioner.gov.au/contact-us

Follow us on LinkedIn for data news

in @Office of the National Data Commissioner

Addressing public expectations of use of AI in government

Chris Fechner
Chief Executive Officer

dta.gov.au

Australian Context

FOI allows individuals to see what information government holds about them, and to seek correction of that information if they consider it wrong or misleading.

FOI enhances the transparency of policy making, administrative decision making and government service delivery.

A community that is better informed can participate more effectively in the nation's democratic processes.

The Information Publication Scheme (IPS) encourages Australian Government agencies to release information to the public proactively. It is intended to encourage greater openness and transparency in government and reflects the pro-disclosure goals of the Freedom of Information Act 1982 (FOI Act).

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Australian Context

Australians expect that Government will adopt AI.

Australians do not have a high degree of trust that Government can use AI and avoid harms.

There is apprehension from Government agencies and what they can and should use AI for.

With rapidly evolving capabilities in AI, Government agencies are struggling to build and maintain expertise.

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Australian AI Ethics

Human, societal and environmental wellbeing
AI systems should benefit individuals, society and the environment.

Human-centred values
AI systems should respect human rights, diversity, and the autonomy of individuals.

Fairness
AI systems should be inclusive and accessible and should not involve or result in unfair discrimination against individuals, communities or groups.

Privacy protection and security
AI systems should respect and uphold privacy rights and data protection and ensure the security of data.

Reliability and safety
AI systems should reliably operate in accordance with their intended purpose.

Transparency and explainability
There should be transparency and responsible disclosure so people can understand when they are being significantly impacted by AI and can find out when an AI system is engaging with them.

Contestability
When an AI system significantly impacts a person, community, group or environment, there should be a timely process to allow people to challenge the use or outcomes of the AI system.

Accountability
People responsible for the different phases of the AI system lifecycle should be identifiable and accountable for the outcomes of the AI systems, and human oversight of AI systems should be enabled.

Responsible use of AI in government policy

What
Policy governing use of all forms of AI in the public sector

Who
All non-corporate Commonwealth entities

When
From 1 September 2024

Where
digital.gov.au

Embrace benefits

Strengthen public trust

Adapt over time

- This policy provides a unified approach for government to engage with AI confidently, safely and responsibly, and realise its benefits.
- The adoption of AI technology and capability varies across the APS.
- This policy is designed to unify government's approach by providing baseline requirements on governance, assurance and transparency of AI.
- This will remove barriers to government adoption by giving agencies confidence in their approach to AI and incentivising safe and responsible use for public benefit.

- This policy aims to strengthen public trust in government's use of AI by providing enhanced transparency, governance and risk assurance.
- One of the biggest challenges to the successful adoption of AI is a lack of public trust around government's adoption and use.
- Lack of public trust acts as a handbrake on adoption. The public is concerned about how their data is used, a lack of transparency and accountability in how AI is deployed and the way decision-making assisted by these technologies affects them.
- This policy addresses these concerns by implementing mandatory and optional measures for agencies, such as monitoring and evaluation of performance, be more transparent about their AI use and adopt standardised governance.

- This policy aims to embed a forward leaning, adaptive approach for government's use of AI that is designed to evolve and develop over time.
- AI is a rapidly changing technology and the scale and nature of change is uncertain.
- This policy has been designed to ensure a flexible approach to the rapidly changing nature of AI and requires agencies to pivot and adapt to changes in the technological and policy environment.

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Policy expectations on use of AI in Government

Accountable Officials

Transparency of application by agencies

Knowledge and training

Commonwealth AI Assurance Framework

dta
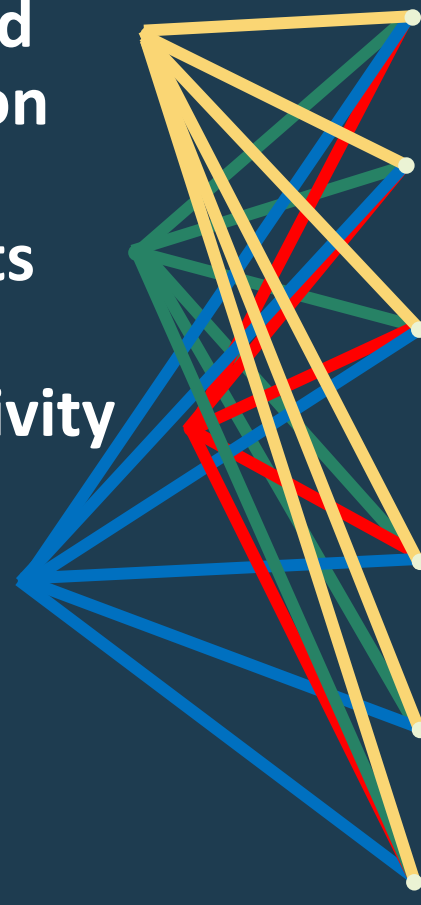
Major Digital Projects Annual Report

Australian Government
Digital Transformation Agency

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Data and Digital Strategy   Government Architecture   Advice   Projects   News   About   Careers   Contact

Home > Setting up major digital projects for success

Setting up major digital projects for success

30 August 2024

The Australian Government currently has more than 100 digital projects underway. These projects are delivering the world class data and digital capabilities needed to realise simple, secure and connected services for Australians. From early 2025, annual reporting on these projects will ensure Australians know how they're performing.

Creating the conditions for digital projects to succeed depends on insights from across in-flight projects being captured effectively at the centre of government. With the benefit of recent reforms, the Australian Government is now one of only a handful of governments in the world that has a deep level of cross-government understanding of its digital projects. This understanding has directly shaped recent improvements which are already delivering results – and we're just getting started.

RSS feeds

Our feeds

Sign-up for DTA updates

If you would like to receive email notification when we publish news and blogs, please fill in the form.

* indicates required

Email address *

First name

Australian Government
Digital Transformation Agency

dta

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Amanda Cattermole

CEO Australian Digital Health Agency

25 September 2024

Australian Government
Australian Digital Health Agency

Acknowledgement of Country

The Australian Digital Health Agency acknowledges the Traditional Custodians of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to Elders past and present.

> "
> With the right short and long term policy settings, incentives and appropriate regulatory framework I believe digital health represents the single greatest opportunity to transform health care in Australia.
>
> **The Hon Mark Butler MP**
> **Minister for Health and Aged Care**
> **Summit on Clinical Governance in Digital Health**

Australian Government
Australian Digital Health Agency

My Health Record – A legislative foundation for information sharing

Ensures **consumers have choice** and control and can be appropriately represented

Provides a dedicated framework **balancing data sharing needs with consumer privac**y

Mitigates potential risks through **robust criteria for participation** and proportionate sanctions
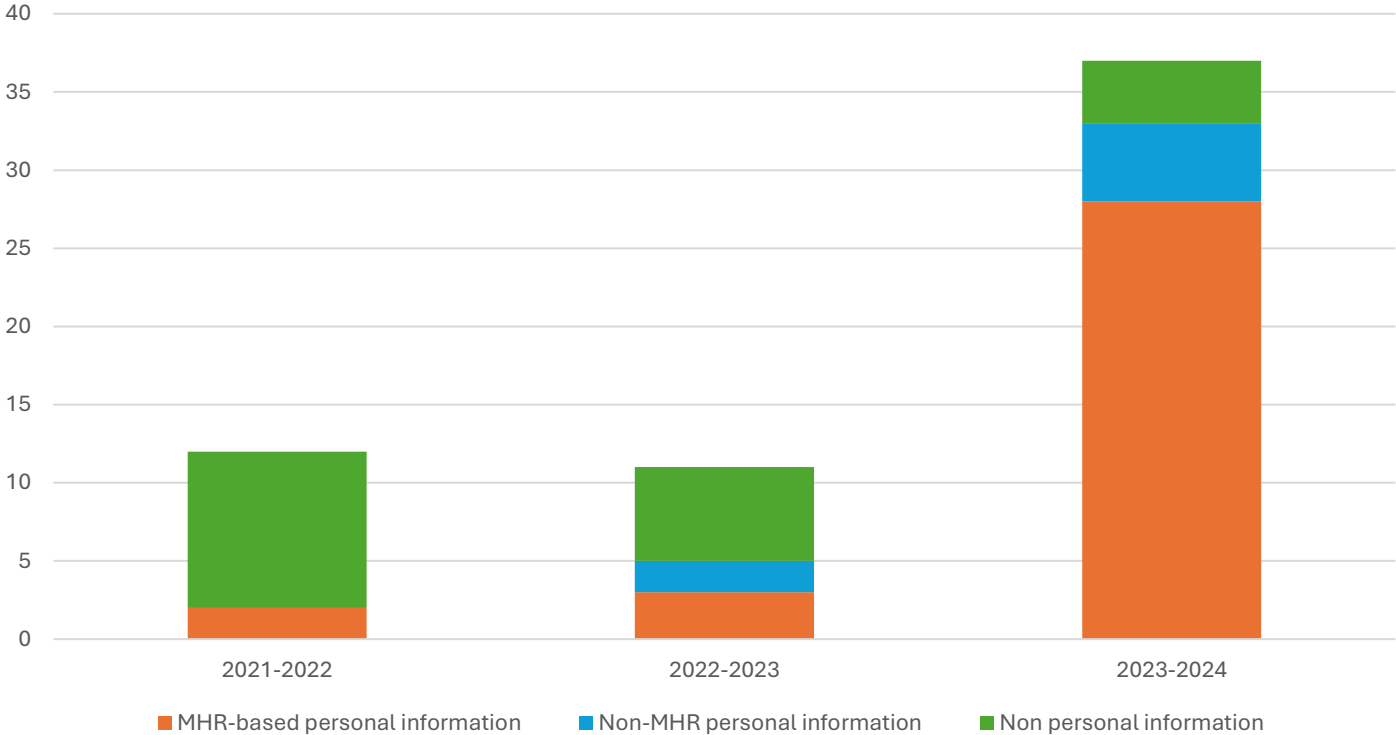
Additional **protections and controls which reflect community expectations** in an opt-out operating environment

Governance arrangements that **separate data custody, operations and** between entities with the right expertise

Australian Government
Australian Digital Health Agency

Freedom of Information (FOI) at the Agency

No. FOI requests received by the Australian Digital Health Agency over a 3 year period

Legend: MHR-based personal information | Non-MHR personal information | Non personal information

Digital health adoption continues to grow

GP
99% of GPs are now registered
99% have used My Health Record

Pharmacy
99% of pharmacies are now registered
99% have used My Health Record

Public Hospital
97% of public hospitals are now registered
95% have used My Health Record

Specialist
56% of specialists are now registered
32% have used My Health Record

Aged Care
39% of aged care are now registered
8% have used My Health Record

More info here (as of August 2024)
Statistics (digitalhealth.gov.au)

Australian Government
Australian Digital Health Agency

Over **24M** total **My Health Records**

More than **23M records** have data in them

Over **99%** of all records

The volume of records with data in them has grown by over **580K** in the last year.

5.39M — Jan 2019
13.2M — Jan 2020
20.27M — Jan 2021
22.43M — Jan 2022
23.0M — Jan 2023
23.5M — Jan 2024
23.88M — **August 2024**
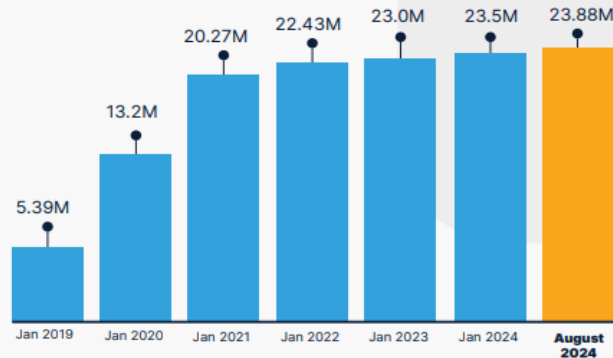
578K records in the last year

18K+ people checked who had accessed their record this month

57K+ people placed advanced access controls in their records

More info here (as of August 2024)
Statistics (digitalhealth.gov.au)

Australian Government
Australian Digital Health Agency

The future of health is digital

Consumers want access to their health information

Healthcare providers want digital innovations to deliver integrated and high-quality care

Governments are seeking better outcomes from their investments and to ease pressure on the health system and workforce

86%
of consumers want to use digital technologies to access information during healthcare events

> *It will make it a lot easier if all of our medical records are in one place that all health services that have access can get. I hate explaining my health background all the time or I end up seeing a new GP etc slows down consult'*
> **Consumer survey respondent**

70%
of healthcare providers want digital innovation to deliver integrated and high-quality health care

> *We need better communication and capabilities to access information from various providers so we can spend less time on admin and more time on patient centred care.*
> **Health provider – individual; survey respondent**

Australian Government
Australian Digital Health Agency

Sharing by default reporting to My Health Record

Consumer

Healthcare providers

Health system
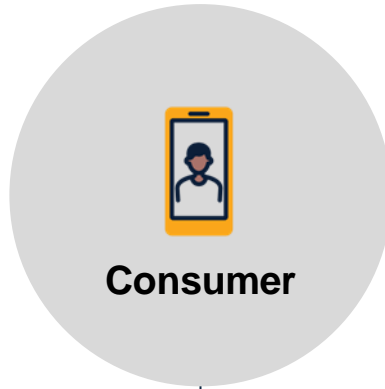
Consumer
Improved continuity of care
Avoidance of duplicate diagnostic services saving time and money
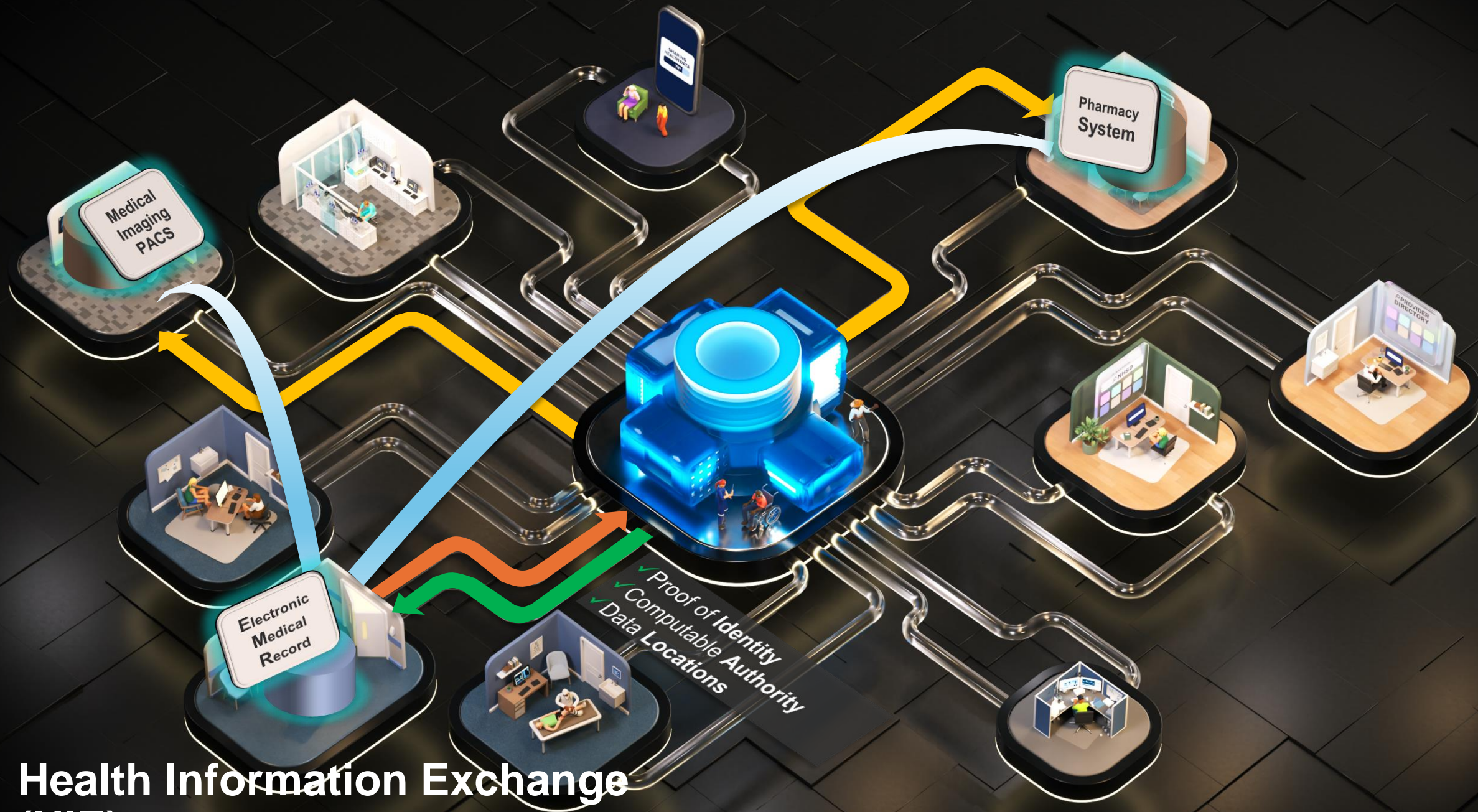
Healthcare providers
Reduce the time required to gather key information
Support better decision-making at the point of care

Health system
Reduced cost burden from unnecessary duplication
Improves the safe and high-quality care provided by healthcare professionals

Australian Government
Australian Digital Health Agency

Medical Imaging PACS

Pharmacy System

Electronic Medical Record

✓ Proof of **Identity**
✓ **Computable** Authority
✓ **Data** Locations

Health Information Exchange (HIE)

WEB: digitalhealth.gov.au

EMAIL: help@digitalhealth.gov.au

PHONE: General enquiries 1300 901 001

My Health Record Helpline 1800 723 0471

Australian Digital Health Agency

@AuDigitalHealth

@AuDigitalHealth

Australian Government

Office of the Australian Information Commissioner

Overview of the FOI landscape

- Commissioners' and FOI Priorities
- Statistics and jurisdiction update
- 2023 Information Publication Scheme Review
- FOI Practitioners' Survey
- New guidance, tools and resources
- Recent IC review decisions

OAIC

Commissioners' priorities

1. Promote Open Government to better serve the Australian community

2. Increase OAIC FOI regulatory and case management effectiveness

3. Uplift agency capability in the exercise of FOI functions

4. Make FOI compliance easier

OAIC

Freedom of information priorities

Priority 1 – Promote Open Government to better serve the Australian Community	Priority 2 – Increase OAIC FOI regulatory effectiveness	Priority 3 – Uplift of agency capability	Priority 4 – Make FOI compliance easier for agencies
Increase public participation in government decision making	Reduce the backlog of IC reviews and improve timeliness	Improve first instance decision making	Facilitate public reporting and agency self-assessment and reporting
Ensure that information held by Government is managed for a public purpose and is a national resource	Enhance the regulatory impact of IC reviews	Identify and elevate practitioner capability gaps	Promote low cost, high impact compliance practices

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IC reviews on hand

IC reviews on hand

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24
Received	178	461	507	524	373	510	633	802	928	1,067	1,225	1,954	1,649	1,766
Finalised	26	254	419	646	482	454	515	610	659	829	1017	1374	1518	1748
On hand at period close	152	359	447	325	216	272	390	582	851	1,089	1,297	1,877	2,008	2,026

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IC reviews received - as a percentage

	2010–11	2011–12	2012–13	2013–14	2014–15	2015–16	2016–17	2017–18	2018–19	2019–20	2020–21	2021–22	2022–23	2023–24
Agency requests received	23,605	24,764	24,944	28,463	35,550	37,996	39,519	34,438	38,879	41,333	34,797	34,236	34,219	34,706
IC reviews received	178	461	507	524	373	510	633	802	928	1,067	1,225	1,954	1,649	1,766
% of all FOI requests	1%	2%	2%	2%	1%	1%	2%	2%	2%	3%	4%	6%	5%	5%

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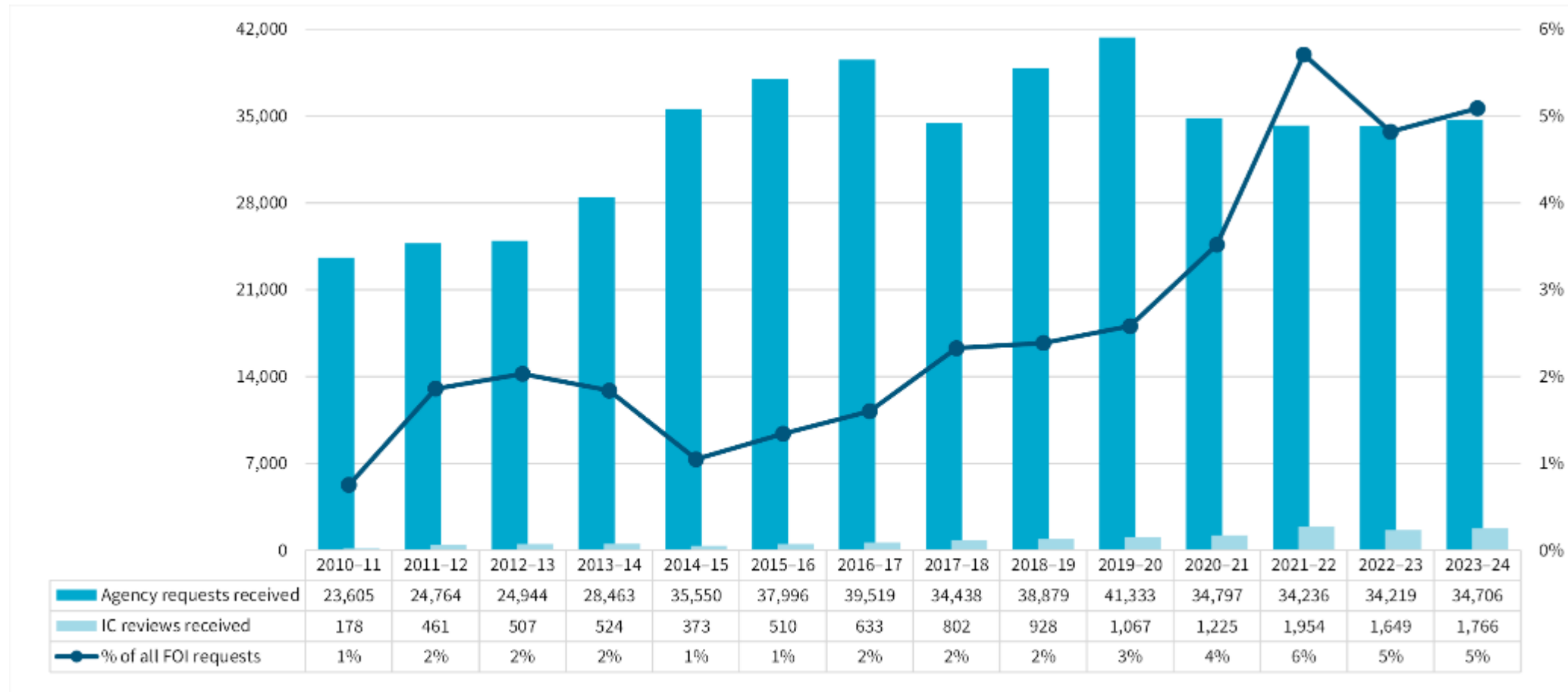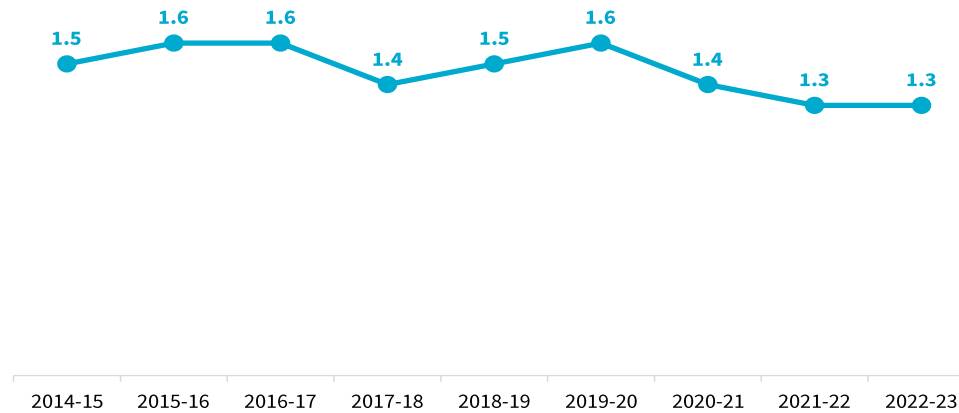
Agency Statistics - Australian Government FOI statistics (2014 to 2023)

Formal applications received per capita (Commonwealth)

Applications per capita (per 1,000 population)

Year	Value
2014-15	1.5
2015-16	1.6
2016-17	1.6
2017-18	1.4
2018-19	1.5
2019-20	1.6
2020-21	1.4
2021-22	1.3
2022-23	1.3

Percentage of all decisions made within the statutory timeframe (Cth)

Percentage of all decisions made

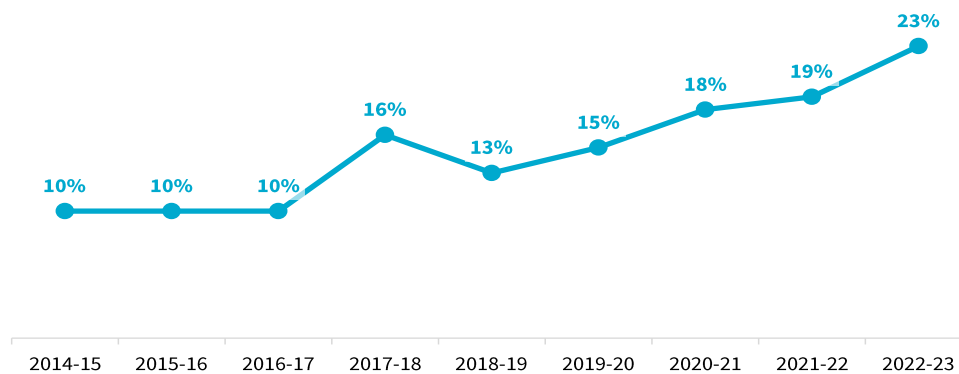| Year	Value
2014-15	95%
2015-16	79%
2016-17	58%
2017-18	85%
2018-19	83%
2019-20	79%
2020-21	77%
2021-22	70%
2022-23	74%
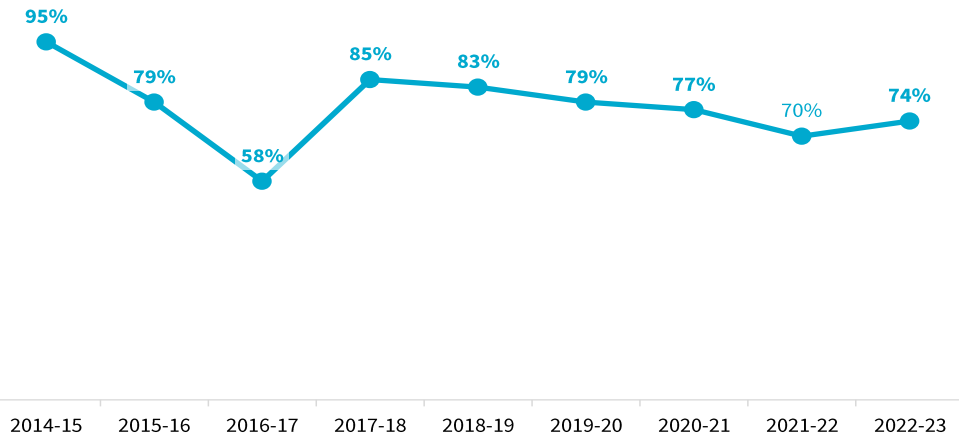
* Data not available for QLD, and only available from 2017-18 for WA and NT

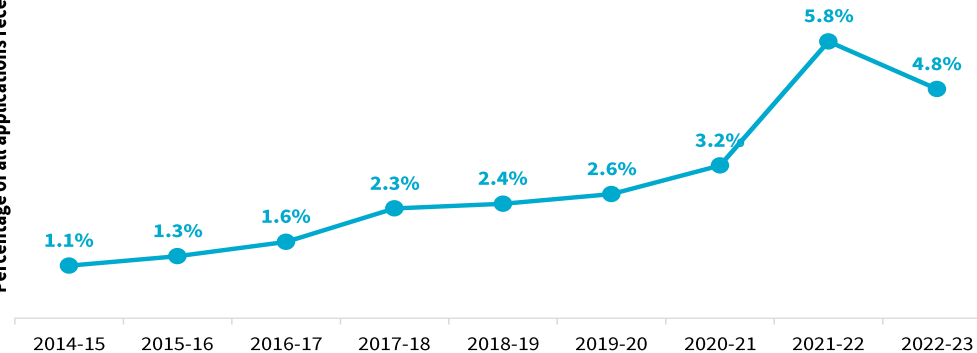## Percentage of all decisions made on formal applications/pages where access was refused in full (Cth)

Percentage of all decisions made

Year	Value
2014-15	10%
2015-16	10%
2016-17	10%
2017-18	16%
2018-19	13%
2019-20	15%
2020-21	18%
2021-22	19%
2022-23	23%

Percentage of applications received which are reviewed by the jurisdiction Information Commissioner (Cth)

Percentage of all applications received

Year	Value
2014-15	1.1%
2015-16	1.3%
2016-17	1.6%
2017-18	2.3%
2018-19	2.4%
2019-20	2.6%
2020-21	3.2%
2021-22	5.8%
2022-23	4.8%

OAIC

2023-24 Australian Government FOI jurisdiction update

- **34,706 FOI requests received**

- **72% of all requests sought access to personal information** and 28% 'other' (non-personal) information

- **21% of all requests were granted in full**. **55%** of all requests were granted in **part** and **24%** of all requests were **refused**

- **Personal privacy (s 47F) most applied exemption** (39% of all exemptions claimed) followed by ss 47E, 47C, 38 and 37

- **15% fewer practical refusal notices issued 2023-24** (2,450 notices). 38% of these requests were subsequently processed

- **15% less collected in charges**

- **74% of requests decided in time**

- **2,481 new entries added to agency disclosure logs -** however only 75% of these made documents available to the public directly from agency websites

- **7% decrease in internal review** applications with **55%** of internal reviews **affirming** the original decision.

OAIC

Information Publication Scheme (IPS) Review 2023

Compliance with the IPS is an ongoing statutory responsibility under the FOI Act

Results showed continued commitment to the IPS

Results also provide persuasive evidence that there is much to be done to realise the objects of the FOI Act in managing government-held information for public purposes and as a national resource

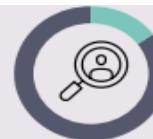OAIC

Information Publication Scheme

2023 agency survey findings

Information Publication Scheme

About the survey

196
Australian Government agencies (94%) participated in the IPS agency survey in 2023

↑ up from 190 (82%) in 2018

54%
were micro, extra small or small agencies (up to 250 staff)

15%
conducted a review of the operation of their IPS in conjunction with the Information Commissioner prior to participating in the survey

↑ up from 6% in 2018

62%
have an officer who participates in the OAIC's Information Contact Officers Network

↑ up from 53% in 2018

The survey showed a continued **strong commitment** across the Australian Government to the IPS

Accessibility of IPS documents

82%
indicated that most or all IPS documents conform to Web Content Accessibility Guidelines 2.0

↑ up from 69% in 2018
↑ up from 50% in 2012

IPS governance and administration

78%
have appointed a senior executive officer to lead IPS compliance in their agency

90%
have published an **agency IPS plan** on their website

82%
said they **don't charge** for information required or permitted to be published under the IPS

↑ up from 73% in 2018
↑ up from 68% in 2012

Agencies were most likely to publish:

Annual reports (99%)

Functions and decision-making powers (97%)

Contact details to access information on agency websites (97%)

Organisation structure (96%)

Information released in response to FOI requests via an agency disclosure log (95%)

OAIC

2023 agency survey findings

Information Publication Scheme

Areas for improvement

1. Strategy

Have a strategy to increase open access to information.

Around a third of agencies currently have such a strategy in place (29%, down from 35% in 2018).

This strategy should actively identify information that can be published in compliance with privacy and secrecy requirements.

2. Asset management

Invest in information asset management.

Only 20% of agencies maintain an IPS information register (down from 38% in 2018) and only 34% of the remaining agencies intend to develop one in the next 12 months (down from 53% in 2018).

Establishing and maintaining an information register was the single most commonly identified challenge agencies faced in publishing information (36%, up from 18% in 2018).

3. Identify connections

Identify connections between information released under FOI, information published on the disclosure log and what should be routinely published.

Less than half of agencies have mechanisms for identifying other information that can be published under the IPS (42%, down from 59% in 2018 and 72% in 2012).

4. Publish proactively

Consider the categories of information published proactively.

Agencies were least likely to publish:

- consultation arrangements for the public to comment on agency policy proposals (75%, up from 72% in 2018 but down from 86% in 2012)
- information in documents to which agencies routinely give access in response to FOI requests (73%, down from 79% in 2018 and 86% in 2012).

5. Training

Use training to increase the culture of proactive publication.

Only 55% of agencies have assigned responsibility for the management or coordination of staff training and awareness of IPS obligations.

6. Promote feedback mechanisms

Promote how to make a complaint or provide feedback.

67% of agencies' websites provided information about how to complain about an agency's IPS entry. 87% of agencies did not receive any complaints specifically related to the IPS in 2022–23.

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FOI Practitioners' Survey

147 Australian Government agencies (71%) completed the OAIC FOI Practitioners' Survey

82% of agencies reported the FOI Guidelines were the most used resource to assist them in performing FOI Act functions

Over half of agencies indicated they use OAIC resources at least weekly (32%), fortnightly (13%) or monthly (13%).

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FOI Practitioners Survey – training findings

Most agencies use **Informal, on the job training** (79%) and **Internal Resources** (69%) to provide FOI Act training within their agency, while 42% provide this training via the AGS and 39% via their internal legal services.

84% per cent of agencies are subscribed to receive the OAIC's ICON alerts.

The three most frequently used OAIC resources are **FOI Guidelines** followed by the **FOI Essentials Toolkit** and general **website publications** (3.29).

Agencies considered certain resources more helpful including: fact sheets/aids to explain specific issues, templates, e-learning modules, flow charts and process guidance.

More than **60%** of agencies reported subject matter guidance would assist most

- **Conditional exemptions** (73%)
- **Exemptions** (71%)
- **Decision making** (68%)
- **Procedural requirements** (64%)
- **Practical refusals** (63%).

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OAIC existing guidance includes

- FOI Guidelines

- IC review practice documents

- Revised IC review Procedure Directions

- Checklists, handouts and templates

- Sample FOI notices

- Video – 12 tips for decision makers

- FOI Essentials Toolkit

- Range of general resources – see Freedom of information guidance for government agencies webpage

- Webinar series for FOI practitioners

- ICON and Information Matters

New and upcoming OAIC Guidance, Tools and Resources

- FOI Guidelines updates

- Information Publication Scheme 'individual agency reports'

- Agency Self-Assessment Tool

- E-learning modules

- New practice guidance for ministerial offices and agencies supporting ministerial offices

- Upcoming webinars on complaints and vexatious applicant declarations

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Information Commissioner review decisions

Recent decisions covering:

- Adequacy of searches (s 24A)

- Charges (s 29)

- Practical refusal reason (s 24AA)

- Documents of a Minister

- Irrelevant matter and removal of staff names (s 22)

- Legal professional privilege (s 42)

- Secrecy provisions (s 38)

- Conditional exemptions including (s 47F)

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IC review decisions

- **Searches:** *Trevor Kingsley Ferdinands and Department of Defence (Freedom of information)* [2024] AICmr 182 (29 August 2024)

- **Charges:** *'ABX' and Department of Veterans' Affairs (Freedom of information)* [2022] AICmr 57 (29 July 2022) (ABX)

- **Cost of calculating and collecting charge:** *'ALN' and Department of Home Affairs (Freedom of information)* [2024] AICmr 136 (1 July 2024) (ALN)

- **Practical refusal:** *'AMX' and Department of Foreign Affairs and Trade (Freedom of information)* [2024] AICmr 177 (AMX)

- **Documents of a Minister:** *Paul Farrell and the Prime Minister of Australia (Freedom of information)* [2024] AICmr 183 (30 August 2024)

- **Secrecy provisions:** *'AFV' and Services Australia (Freedom of information)* [2023] AICmr 125 (14 December 2023) (and related matters) (AFV)

- **Legal Professional Privilege:** *'ACV' and Tertiary Education Quality and Standards Agency (Freedom of information)* [2023] AICmr 3 (1 February 2023) (ACV).

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IC review decisions and what agencies are doing well

- Agency's engagement with the OAIC is generally productive

- Agencies often process requests in accordance with the OAIC decision – rather than seeking AAT review

- Agencies often incorporate learnings into their FOI processes

- Agencies are seen to be engaging productively with applicants

- Some agencies are proactively facilitating access outside FOI

- IC reviews for *charges* decisions has *dropped*

- The OAIC has seen a reduction in the number of Complaints *received.*

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Tips for the IC review process

- Effectively communicate with applicants at the decision stage

- Keep comprehensive records of searches undertaken and provide to the OAIC as early as possible

- Provide revised submissions based on recent IC review decisions

- Ensure estimates in practical refusals are accurate and supported by evidence

- Don't assume the OAIC is an expert in your agency's secrecy provisions and be consistent

- Consider providing access even in circumstances where exemptions may apply.

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Australian Government

Office of the Australian Information Commissioner

Thank you

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