**Open Government Reform**

**The Open Government Reform Package**

* Legislative reforms

*FOI (Removal of Conclusive Certificates) Act 2009; FOI Amendment (Reform) Act 2010; Australian Information Commissioner Act 2010*

* Policy reforms

Gov 2.0 taskforce reforms; *Blueprint for Reform of Australian Government Administration;* Declaration of Open Government

Themes: pro-disclosure culture through web publication of public sector information (PSI); citizens engaged online; re-use of PSI permitted by open licensing

**Key FOI changes**

* FOI, privacy and information management policy integrated in a single scheme and a new office (OAIC)
* OAIC given comprehensive functions and powers

complaint investigation; merit review; promoting open government; publishing guidelines; training and advice; monitoring agency administration; advising government

* FOI application process improved

email applications; no application fee and reduced charges; agencies encouraged to seek OAIC approval to extend 30 day processing period; OAIC vexatious application declaration power; internal review optional

* FOI exemptions re-defined and narrowed

Cabinet exemption narrowed – ‘dominant purpose of submission’ test

Some exemptions recast as ‘conditional exemptions’, subject to overriding public interest test

Acts specifies factors favouring access and irrelevant factors that cannot be considered

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* FOI Act extended from 1 Nov to contracted service providers, as to records of services provided to the public
* Archival open access period reduced from 30 to 20 years by 2020
* New FOI objects clause

‘*Information held by Government is to be managed for public purposes, and is a national resource’*

‘*Increase public participation in Government processes, with a view to promoting better informed decision making*

*‘Increase scrutiny, discussion, comment and review of the Government’s activities*

* New publication requirements from 1 May 2011
* Information Publication Scheme, with additional web publication requirements – Information Publication Plan; ‘operational information’; and other information published by agencies
* **‘**Disclosure log’ – publication within 10 days of information of details of FOI releases

**Key messages for agencies**

* The Government expects cultural change and agency leadership

‘*we need to switch the mindset in the public service from information control to information sharing’* (Senator Ludwig)

* The reforms could impose extra work on agencies:
  + An increase in FOI requests, especially for policy material
  + Web publication of more material under the IPS
* Possible pressure points:
* Moving information from the intranet to the web
* Dealing with FOI test case requests/sensitive FOI requests, that aim to test the secrecy/disclosure boundary
* Adequacy of agency record keeping – pressure to move to ERM
* Ministerial interest in individual disclosure decisions of agencies
* Media disquiet at disclosure log mechanism