

Authorised proactive release of government information

Who is this information for?

For public sector agency staff.

Why is this information important?

This Fact Sheet provides guidance and a self-assessment tool to assist in considering authorised proactive release of government information.

Relevant legislation

This Fact Sheet is based on the following legislative provisions:

Government Information (Public Access) Act 2009 (GIPA Act) part 2 div 1

Government Information (Public Access) Regulation 2018 (GIPA Regulation) cl 8

Overview

A key intention of the GIPA Act is to encourage proactive public release of government information by NSW public sector agencies: s 7. The GIPA Act authorises agencies to make any government information publicly available unless there is 'an overriding public interest against disclosure of the information'. This is referred to as 'authorised proactive release'.

This Fact Sheet:

- describes government information
- describes what authorised proactive release is
- explains the rationale and benefits of proactive release
- describes an agency's annual reporting obligation
- identifies some good practices in proactive release
- suggests a set of questions that agencies can apply to ensure its program for the authorised proactive release of information meets both the letter and spirit of the GIPA Act.

What is government information?

'Government information' means information contained in a record held by an agency: s 4. 'Record' is defined broadly as meaning any document or other source of information compiled, recorded or stored in written form or by electronic process, or in any other manner or by any other means: sch 1 cl 10. Keep in mind that a person's knowledge is not a 'record'.

What is authorised proactive release? 'Proactive' release may include release of any government information or datasets that are compiled, recorded or stored in printed or electronic form.

Further information about what a proactive release program is and how agencies should review and report on the information released proactively can be found in the [IPC's Guide to reporting on agency GIPA operations](#).

Why should agencies proactively release information?

There are a number of benefits that flow from effective proactive release, such as:

- **improved service delivery** – by increasing agency efficiency and responsiveness; providing information to the community faster leading to greater customer satisfaction
- **increased community participation in government processes and decision-making** – by enabling active participation in government decision-making, design and delivery of government services; promoting government accountability
- **better informed community** – raising community awareness of governments' strategic intentions and initiatives; driving innovation, improving standards
- **reduced costs and resourcing needs by decreasing the number of access applications** – by reducing administrative effort and costs for the agency and the community; facilitating planned release of information; providing flexibility in the way in which agencies can release information and

context on the use and interpretation of the released information.

Annual review of proactive release programs

Agencies must review and report on their programs for proactive release at least once a year to identify government information that should be made publicly available in the public interest and can be released without imposing unreasonable additional costs: s 7(3). The details of the annual review must be included in the agency's annual report required under s 125: GIPA Regulation cl 8(a).

Good practices

The IPC has identified some key practices to promote proactive release including:

- encouraging a corporate culture of transparency and accountability (e.g., through a code of conduct or mission statement)
- establishing clear governance arrangements to manage the proactive release of documents (e.g., establishing a working group; including proactive release as a standard agenda item in senior management meetings; placing responsibility for proactive release in specific roles including risk management and audit functions)
- incorporating proactive release as part of records management and business systems
- considering, from the outset, whether documents should be proactively released
- engaging with stakeholders to establish information release priorities (e.g., through community surveys, workshops and consultation processes)

- analysing data collected from across the organisation on requests for information, to identify trends and documents that could be released proactively.

Other useful resources

Other resources that may be useful on this topic include:

- [IPC Fact Sheet – The role of public sector leaders in supporting the object of the GIPA Act](#)
- [IPC – Guide to reporting on agency GIPA operations](#)
- [NSW Government Open Data Policy](#)
- [NSW Data and Information Custodianship Policy](#)

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

NOTE: The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.

Self-assessment: Achieving the objectives of authorised proactive release

Below is a set of questions that you can apply to identify current practices and seek improvements to authorised proactive release programs to achieve the objectives of authorised proactive release. They are aligned to the three strategies that agencies frequently use to drive an organisational approach to proactive release.

Question	Tick
1. Integrate a commitment to proactive release into the agency's corporate culture	
Does your agency have a process or program for authorised proactive release of government information?	
Is the proactive release of government information endorsed and observed by your agency's executive?	
Does your agency identify who in the organisation has a responsibility for proactive release of information?	
Are decision makers asked to consider, throughout the year, initiatives, developments or projects relevant to your agency that it wants the public to know about?	
Are decision makers and staff members asked to identify and consider for release, throughout the year, information that your agency has produced or acquired since the last review?	
Does your agency evaluate its approach on proactive release to assess its effectiveness and ensure that its approach remains suitable to capture the types of information that may be released proactively?	
Has your agency's approach to authorised proactive release changed since it was last reviewed?	
2. Identify the information that can be released proactively	
Does your agency have a procedure to check new information whenever created or received to identify whether it can be proactively released?	
Does your agency have a procedure to check the information that is being requested, to identify patterns or themes in the type of information sought?	
Are staff members in your agency asked to report on the information that is frequently requested?	
Does your agency identify/consider any internal/external barriers to proactive release of government information (e.g., copyright and capacity of record-keeping and information management systems)?	
Does your agency review its disclosure log to identify patterns/themes in types of information being requested?	
Does your agency examine/consider information made publicly available by other agencies on their websites?	
Does your agency audit the information that they hold?	
Does your agency survey stakeholders to see what information people would like to access?	
3. Improve the accessibility of the information that it identifies could be proactively released	
Does your agency classify information repeatedly asked for, both formally and informally? For example, an agency may classify information by type (e.g., development applications; personal information; policy documents) or theme (e.g., environmental issues; health issues; employment matters).	
Is the information being considered for proactive release, both technically and legally open – i.e. technically available and usable, and appropriate licensing frameworks are in place (See NSW Government Open Data Policy)?	
Does your agency consider the way in which it is going to make the information publicly available? Is the information easy to find?	
Is the information to be released in a format that makes it easy to use, transform and reuse – e.g., machine-processable, non-proprietary, completeness, and clear, high-quality metadata? (See NSW Government Open Data Policy)	
Does your agency consider the audience for the information that it is releasing when deciding how the information could be released?	