

# Commissioner's Overview

## Open Government is the primary catalyst for meaningful engagement with citizens and better service delivery

This Report highlights the opportunities we have to bring citizens back into government; to provide citizens with information they care about and harness their ideas for innovation and service delivery.

Around the world, reforms to open up government are delivering tangible benefits: faster growth, better public services, less corruption and less poverty.<sup>1</sup> These reforms provide a compelling opportunity to modernise public administration by unlocking ideas and capacity for finding new solutions to improve public service delivery based upon the principles of transparency, participation and collaboration. The *Government Information Public Access Act 2009* (GIPA Act) enshrines a commitment to Open Government and recognises in its objects the advancement of an open, accountable, fair and effective government.

The benefit of Open Government, including Open Data initiatives does not stop with citizens. In many cases, improvements in public service delivery lead to improvements in GDP growth, reduction in procurement spending, and overall savings in government expenditures.<sup>2</sup>

This year we have witnessed strong progress of our national commitment to increase transparency, open innovation and enhance the effectiveness of governments through Australia's commitment to the Open Government Partnership (OGP).

The OGP provides, for the first time, the opportunity to galvanise state/territory commitments to Open Government through the development of subnational action plans to deliver reforms supporting more open, innovative and responsive institutions. My appointment to Australia's OGP Working Group demonstrates a desire by the Commonwealth to build stronger relationships with the states on Open Government

matters.<sup>3</sup> The opportunities for New South Wales to capitalise on these national and international developments are considerable.

## Advancing Open Government requires sincere, committed leadership

NSW citizens are increasingly aware of, and exercising their right to, access information.<sup>4</sup> This year's Report demonstrates that access to information requests have grown by 20% in the last two years. Principal officers are responsible for securing this right. Accordingly, promoting the role of principal officers and senior executives in supporting the object of the GIPA Act is a pivotal focus of my strategic regulatory engagement.

Significantly, citizens are increasingly requesting information about how government works with this year's report highlighting a 20% increase in the number of applications seeking 'other than personal' information.

Increasing awareness and a more mature understanding of the right to information requires enhanced responsiveness by agencies. My provision of Open Data agency dashboards enabling leaders to monitor operational compliance coupled with new strategic guidance<sup>5</sup> will ensure that they are equipped to more effectively uphold their statutory responsibilities. Application of this new guidance is essential to success in implementing process improvements and addressing resourcing challenges.

## How is the GIPA Act working? Significant trends and analysis 2016/17

The IPC's strategic regulatory approach together with insights gained in exercising the functions of the Information Commissioner under the *Government Information (Information Commissioner) Act 2009* (GIIC Act) facilitate the provision of an informed analysis of compliance and more generally, the operation of the GIPA Act.<sup>6</sup>

1 <https://www.opengovpartnership.org/stories/transparency-idea-whose-time-has-come>

2 <https://www.opengovpartnership.org/stories/open-government-improving-public-services-asia>

3 <https://www.pmc.gov.au/news-centre/public-data/announcing-members-interim-working-group-australia%E2%80%99s-ogp-national-action-plan>

4 See the results of the IPC's survey of the NSW community's attitudes and awareness of information access rights in the 2015/16 Report (pp.14-15)

5 See the IPC's Fact Sheet, *The role of principal officers and senior executives in supporting the object of the GIPA Act* at <https://www.ipc.nsw.gov.au/role-principal-officers-and-senior-executives-supporting-object-gipa-act>

6 GIIC Act, section 37



### **'Push' pathways**

During 2016/17 the IPC issued new guidance to better support agencies and engaged with departments on a number of aspects of mandatory information release, particularly agency information guides (AIGs) and disclosure logs. However compliance with core open access requirements declined:

- In 2016/17 compliance by the now 10 NSW principal departments with open access requirements was assessed at 93% which is a decline from 100% in 2015/16
- The decline in compliance by smaller agencies also requires a continued focus on proactive release.

The authorised proactive release pathway enlivens the 'push' model of release of government information. Accordingly, it represents a strategic opportunity for agencies to Open Government.

There has been a continuing decline in reviews of programs for release of government information. In 2016/17, 63% of agencies reported having conducted a review of their program for the release of government information. This is the lowest level reported.

### **'Pull' pathways**

In 2016/17 there was a 5% increase in applications.

As in previous years, the major type of applicant was members of the public (73%).

Pleasingly, overall 'release rates' increased by 3%, driven largely by the government, council and university sectors.

- There was a notable increase of 6% in the release rate for other than personal information
- Overall release rates are highest for members of the public (72%) and private sector business (74%). However release rates for not-for-profit organisations or community groups are considerably lower (48%).

Citizens are lodging more applications and agencies are releasing more information but access is taking longer. There has been an increase from 3% to 5% in the number of applications not decided within time and there has been a significant increase from 4% to 7% in the number of applications that are decided after 35 days with the agreement of the applicant. Government sector timeliness has reduced. However timeliness has improved in the council and state owned corporations sectors. The IPC's provision of Open Data in the form of agency dashboards

will assist agencies in monitoring application volumes and facilitate a more timely application of resources to meet demands.

The proportion of valid applications that were subject to review was 5%, consistent with the 6% reported in 2015/16. Overall, across all review types agency decisions were less likely to be upheld on review in 2016/17 with 43% of all internal and external reviews upholding agencies' decisions, compared to 54% in 2016/17.

### **Enabling information access and enlivening public participation**

Building public trust and ensuring the provision of good quality public services are the contemporary challenges facing governments and the role of the IPC is more relevant than ever before.

The GIPA Act provides legislative support for agencies developing and implementing new approaches to service delivery. The *IPC Regulatory Plan 2017 – 2019* commits to guiding safe and effective information sharing by agencies and building public awareness and understanding of these arrangements. To assist agencies I will develop statutory guidance to promote the public interest considerations in favour of disclosure of government Open Data. Additionally, in response to citizens seeking access to their out-of-home care information I will also develop statutory guidance highlighting the public interest considerations in favour of disclosure of that information to those citizens.

Open Government reforms have the potential to improve existing services and unlock ideas, networks, and capacity to ensure delivery of services that profoundly impact the lives of citizens. Our collective capabilities must be harnessed to meet these new challenges and deliver the strategic reforms required to maintain and advance a responsible and representative democratic government.<sup>7</sup>

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<sup>7</sup> GIPA Act section 3