



Authorised proactive release of government information

Fact sheet
June 2015

The Government Information (Public Access) Act 2009 (GIPA Act) authorises agencies to release information through proactive release programs which must be reviewed each year, and outcomes reported to the Information and Privacy Commission NSW (IPC). This fact sheet provides preliminary guidance and a self-assessment tool to assist public sector agencies in developing their approach to authorised proactive release and promoting open government.

A key intention of the GIPA Act is to encourage a fundamental shift toward proactive public release of government information by NSW public sector agencies. This shift of focus is one of the major means to meeting the GIPA Act's broader goal of advancing democratic government that is open, accountable, fair and effective. The GIPA Act authorises agencies to have proactive release programs in place and requires these to be reviewed each year, with outcomes reported to the IPC.

This fact sheet:

- describes what authorised proactive release is
- explains the rationale and benefits of proactive release
- identifies some emerging good practices in proactive release, and
- suggests a set of questions that agencies can apply to ensure their program for the authorised proactive release of information meets both the letter and spirit of the GIPA Act.

The self-assessment questions attached to the fact sheet will assist agencies in meeting legislative requirements and achieving the intent of the GIPA Act.

What is authorised proactive release?

Section 7 of the GIPA Act authorises and encourages agencies to make any government information held by an agency publicly available unless there is an overriding public interest against disclosure.¹ This may include any government information or datasets that are compiled, recorded or stored in printed or electronic form.²

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 [Agency guide on GIPA reporting](#)³, available on the IPC website.

Why should agencies proactively release information?

The GIPA Act imposes specific requirements on agencies to proactively release information and also provides pathways to informally release information to promote open government.

Research from Australia and internationally has identified that this shift toward proactive release can challenge organisational assumptions, cultures and practices.⁴

There are a number of benefits that, over time, will 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 manner in which agencies can release information and context on the use and interpretation of the released information.

Emerging good practices

Proactive release of information is a relatively new part of public sector delivery and practices are evolving. Agencies have published information, such as annual reports, strategic plans, guides and policy document, on the [NSW OpenGov website](#).⁵

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

- encourage a corporate culture of transparency and accountability (e.g. through a code of conduct or mission statement)
- establish clear governance arrangements to manage the proactive release of documents (e.g. establish a working group; include proactive release as a standard agenda item in senior management meetings; place responsibility for proactive release in specific roles including risk management and audit functions)
- incorporate proactive release as part of records management and business systems
- consider, from creation, whether documents should be proactively released
- engaging with stakeholders to establish information release priorities (e.g. through community surveys, workshops and consultation processes)
- analyse data collected from across the organisation on requests for information, to identify trends and documents that could be released proactively.

Acknowledgements and Resources

The IPC would like to thank the Office of Finance and Services for the [NSW Open Data Policy](#)⁶ and the [NSW Data and Information Custodianship Policy](#)⁷, which the IPC has drawn on for this fact sheet.

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.

¹ Section 4 of the GIPA Act defines “government information” as information contained in a record held by an agency. Clause 10, Schedule 4 of the GIPA Act defines “record” as 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. A record includes a copy of the record. The knowledge of a person is not a record.

² This fact sheet adopts the definition of datasets as set out in the *NSW Government Open Data Policy*.

³ http://www.ipc.nsw.gov.au/sites/default/files/file_manager/IPC_agency_guide_GIPA_reporting_ACC.pdf

⁴ The following reports and articles are provided as examples – Office of the Australian Information Commissioner (2012), *Open public sector information: from principles to practice* (<http://www.oaic.gov.au/information-policy/information-policy-resources/information-policy-reports/open-public-sector-information-from-principles-to-practice>); New Zealand Law Reform Commission (2012), *The Public’s Right to Know, Review of the Official Information Legislation* (<http://r125.publications.lawcom.govt.nz/uploads/files/downloads/NZL-C-R125-June-2012.pdf>); Tod Newcombe (2014), *How Government Can Unlock Economic Benefits from Open Data* (<http://www.govtech.com/data/How-Government-Can-Unlock-Economic-Benefits-from-Open-Data-Part-I.html>); Tod Newcombe (2014), *How Government Can Unlock Economic Benefits from Open Data: Part II* (http://www.govtech.com/data/How-to-Unlock-Economic-Benefits-from-Open-Data-Part-II.html?utm_source=related&utm_medium=direct&utm_campaign=How-to-Unlock-Economic-Benefits-from-Open-Data-Part-II);

⁵ <https://www.opengov.nsw.gov.au/main>

⁶ <http://www.finance.nsw.gov.au/ict/resources/nsw-government-open-data-policy>

⁷ <http://www.finance.nsw.gov.au/ict/information-management-framework>

Self-assessment: achieving objectives of authorised proactive release

Below is a set of questions that agencies can apply to identify current practices and seek improvements to authorised proactive release programs in order 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.

1. *Integrate a commitment to proactive release into the agency's corporate culture*

	Does the agency have a process or program for authorised proactive release of government information?
	Is the proactive release of government information endorsed and observed by the agency's executive?
	Does the 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 the 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 the agency has produced or acquired since the last review?
	Does the 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 the agency's approach to authorised proactive release changed since it was last reviewed?

2. *Identify the information that can be released proactively*

	Does the agency have a procedure to check new information whenever created or received to identify whether it can be proactively released?
	Does the 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 asked to report on the information that is frequently requested?
	Does the 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 the agency review its disclosure log to identify patterns/themes in types of information being requested?
	Does the agency examine/consider information made publicly available by other agencies on their websites?
	Does the agency audit the information that they hold?
	Does the 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 the 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 Open Data Policy ¹)?
	Does the agency consider the manner in which it is 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 Open Data Policy ²)
	Does the agency consider the audience for the information that it is releasing when deciding how the information could be released?

¹ <http://www.finance.nsw.gov.au/ict/resources/nsw-government-open-data-policy>

² <http://www.finance.nsw.gov.au/ict/resources/nsw-government-open-data-policy>