

Survey on ‘Metrics on Public Use of Freedom of Information Access Rights’

Summary of feedback

In July-August 2017 the IPC ran an online survey seeking community views on the metrics developed under Commitment 3.2 of Australia’s first National Action Plan as a member of the Open Government Partnership. Over 40 responses were received and the feedback is summarised below.

Comments on the current metrics

Generally respondents were supportive of the metrics, but suggested they be more detailed.

Metric 1: Type of applicant – comments included:

- suggestions for more detail on the type of applicant and provide the ability to identify whether some applicants have more success than others.
- some noted that data including gender, socio-economic status and level of education are not collected and would be difficult to report

Metric 2: Applications per capita – comments included:

- to clarify whether the rate per capita is based on state, national or other (eg council area) population
- that it would be of interest to know the rate per month – to reveal peak times of interest
- whether this data distinguishes between decisions made by an accredited FOI officer and a subsequent decision made on request for internal review
- to provide more detail, for example identifying enquiries that are subject to external review and the target of the enquiry (eg Department or local council.)

Metric 3: Release rates – comments included:

- to distinguish between full and partial release of information
- to measure quality as well as quantity – respondents noted that partial release can include where all useful information has been redacted

Metric 4: Refusal rates- comments included:

- to include information on whether the refusal is on a valid or justified ground and information about the reason/s for refusal

Metric 5: Timeliness – comments included:

- to include metrics on applications where extensions are sought/used
- to add a metric on ‘degrees of timeliness’ eg X% earlier than deadline, within deadline, over deadline by X amount, over deadline by more than X amount

Metric 6: Review rates – comments included:

- to include information about the outcome of reviews, and indicate whether a review is internal or external, and which review body

Suggestions for other metrics

Participants were also asked if they could suggest other national statistic collections that would contribute to better understanding about the use of right to information laws, and to indicate the area and what should be measured.

There were many suggested additional metrics including:

- applicant satisfaction with redaction, and fees and charges
- types of information collected
- to separate access in full vs partial access (this was a repeated theme among responses)
- the reasons for refusal
- the number of information requests that result in information being published on a disclosure log
- withdrawal rates including where withdrawal occurs at the estimate of charges stage
- time taken for matter to be resolved, from initial application to finalisation of all review processes
- the number of applications that lead to agencies changing their approach to how they operate
- the number of applications that enabled applicants to obtain a single comprehensive response from one point of contact rather than many responses from separate contact points
- the number of applications that resulted in an agency avoiding time and effort that would otherwise have been spent on other work
- the number of applications where quality and usefulness of response was more important than pure response time
- the number of applications made between government agencies
- whether information requested is 'personal information' (about the individual concerned) or 'public information' (about government policy or that affects third parties or numerous people)
- categorise agencies by portfolio in statistical returns
- measure level of resourcing to FOI regulatory agencies relative to number of complaints, number of appealed decisions, time to process applications
- outcomes of reviews
- the types of information requested
- measure 'political involvement in the process'
- efficiency and effectiveness measures: cost per applications, review, refusal or release
- cost to the public borne by agencies for applications
- reason for lodging an application
- time from original application to final determination
- use of unreasonable diversion grounds
- use of requests for excessive fees
- how often public interest is able to be demonstrated and how often exemptions are claimed in which there is found to be no public interest
- where additional information is released in response to an appeal or review

- the type of agency receiving applications

Areas for research or investigation

Participants were asked to suggest areas of research or investigation that could be undertaken if relevant national statistics were readily available. Suggestions included:

- focus on story recounting rather than request counting
- address systemic improvements
- examine the efforts made to encourage public participation in government decision-making
- review of exemptions and how they are applied
- access to digital information
- index or rating of FOI/access to information functionality
- metrics could be combined with an annual survey for FOI/RTI coordinators to capture and measure attitudes towards FOI in an effort to track culture change over time
- analysis of reasons for refusals (this was a repeated theme among responses)
- effectiveness of proactive release of information
- look at consistency between agencies in answering FOI requests
- research into claims of 'commercial in confidence' and 'public interest immunity / crown privilege considerations
- provide a comparison of different FOI legislation cross the country, its effectiveness and which agencies are the most compliant
- support the relevance of FOI
- review of sensitive or contentious applications that attract refusals
- trends in release and refusal rates in light of change of government (and approx. 12 months after a change of government)
- look at type of information being requested
- identification of poor practices
- comparison across jurisdictions (theme)
- Who uses FOI laws? What reasons are relied on for refusal? Which agencies are leading in this area? Do agencies respond ahead of deadlines? Do copyright restrictions hinder public access to information?

Next steps

The feedback has been presented to the September 2017 meeting of the Association of Information Access Commissioners, who have agreed:

- for further investigation of options for additional metrics
- for individual jurisdictions to consider the suggestions and feedback for local implementation
- to circulate the summary of feedback to the Open Government Forum for consideration.