

Freedom of Information – Information Publication Scheme

Introduction

The Freedom of Information Act 1982 (FOI Act) establishes an Information Publication Scheme (IPS). The IPS requires us to publish a range of information on our website.

The IPS supports a pro-disclosure culture across government that information held by government is a national resource that should be managed for public purposes (section 3(3)).

The IPS requires us to proactively publish information and establish a plan that explains how the agency is administering the IPS (the agency plan).

The agency's IPS, including the agency plan, can be accessed through the IPS page on the [agency's website](#)^[1] .

What needs to be published?

In line with Section 8(2) of the *FOI Act*, government departments and agencies are required to publish the following information:

- the Agency Plan
- details of the structure of the agency's organisation (in the form of an organisation chart, for example)
- details of the agency's functions, including its decision making powers and other powers affecting members of the public (or any particular person or entity/class of persons or entities)
- details of appointments of officers of the agency that are made under Acts, such as appointment of statutory office holders (does not include Australian Public Service employees within the meaning of the *Public Service Act 1999*)
- the agency's annual reports
- details of arrangements for members of the public to comment on specific policy proposals for which the agency is responsible, including how (and to whom) those comments can be made
- information in documents the agency routinely gives access to in response to FOI requests (except information that is otherwise exempt)

- information the agency routinely provides in response to requests and orders from Parliament
- contact details for an officer (or officers) who can be contacted about access to the agency's information or documents under the *FOI Act*, and
- the agency's operational information (information held by the agency to assist the agency to perform or exercise the agency's functions or powers in making decisions or recommendations affecting members of the public or any particular person or entity, or class of persons or entities – for example the agency's rules, guidelines, practices and precedents relating to those decisions and recommendations).

Operational Information

The agency's operational information must be published externally as part of an IPS entry, unless information contains material exempt from disclosure under the *FOI Act*.

What is operational information?

Operational information is defined in Section 8A of the *FOI Act*:

- Information held by the agency to assist the agency to perform or exercise the agency's functions or powers in making decisions or recommendations affecting members of the public (or any particular person or entity, or class of persons or entities).

The publication of operational information means the public can be informed about the rules, policies, principles and procedures the agency applies to making decisions or recommendations that affect members of the public.

Publication of this information is important and necessary to ensure members of the public are not disadvantaged through lack of awareness of information used by government in decision making.

Section 10 of the *FOI Act* reinforces that objective, by providing that a person must not be subjected to any prejudice that could have been avoided by the person had they been aware of operational information that should have been but was not published in the IPS.

Operational Blueprint publishing requirements

Operational Blueprint is the agency's central and only source of procedural and reference material for staff. Some of the agency's Operational Blueprint guides fall within publishing requirements of the IPS.

What operational information needs to be published?

Operational Information is information that can assist staff to make decisions and recommendations. This may include of a wide range of documents that facilitate good decision making, including:

- policy guidance
- procedures
- decision templates
- model letters
- training packages
- checklists.

Some Operational Blueprint guides fall within the publishing requirements under the IPS. During authoring stages, business owners assess guides for publishing under the IPS.

The agency may have many different formats with the same guidance material. These different formats may only have minor variations from one to another. Publication is only required of a single or representative document.

Any information already available on the internet does not need to be published again.

Guidelines for the IPS can be found at the [Office of the Australian Information Commissioner](#)^[2] [!\[\]\(3e2231b1ad3ca8da8658228c00dd08e0_img.jpg\) website](#).

What does not need to be published?

- project documentation
- processes still under deliberation
- draft documentation
- commercial-in-confidence documents
- property related documents
- Ministerial briefs
- financial procedures

- internal administrative documents
- tools that assist staff to do their job and detailed instructions on how to use them
- policy analysis and decisions occurring within government about legislation, budgets and programs
- hypothetical discussion with government about the operation of a program or legislation
- case study and capability reports that discuss an agency response to an actual or foreshadowed event
- audit and evaluation reports on the operation of a government program or compliance with legislative requirements
- agency case management procedures for recording the handling of a matter or the making of a decision
- rules relating to personnel management
- staff conditions of employment
- policy owned by another government agency (it is the responsibility of that agency to publish the policy).

What are the consequences of failing to publish operational information?

The agency publishes operational information so the public are aware of how the agency makes decisions.

The *FOI Act* provides that a person must not be subjected to any prejudice that could have been avoided by the person had they been aware of operational information that should have been but was not published in the IPS.

How do I assess material as operational information?

The first step is to consider the material and assess if it is operational information as defined by section 8 of the *FOI Act*. There are 4 terms within the definition in section 8A(1) that mark out the concept.

- Does the information 'assist the agency' in 'performing or exercising its functions or powers' in 'making decisions or recommendations' 'affecting members of the public'?

Information that can assist you

Is it information that can assist good decision making such as policy guidance, procedures, decision templates, training packages and checklists?

- If there are multiple versions of the same document with minor variations from one to another, publication is only required of a single or representative document.

Functions or powers of the agency

- Does the information describe the programs and services the agency offers?
- Does it explain how we deliver quality customer outcomes?
- Is it reference material used to support delivery of our services?
- The agency's functions and powers must also be published in the IPS and can be found on the IPS website entry.

Making decisions or recommendations

- These terms should be considered broadly in the context of decisions and recommendations made by the agency in exercising its functions and powers.

Affecting members of the public

- These words confine the concept of 'operational information' to decision making that affects members of the public in an individual manner or as members of a particular group or class (including an organisation or business entity). Examples are decisions or recommendations that concern a right, privilege or benefit of a member of the public or a class of people, or an obligation, penalty or detriment to which a person or class of people may be subject.
- If a guide is assessed as not Operational Information under the *FOI Act* definition, it is considered out of scope. A business area will notify the Operational Blueprint team of this assessment and have discretion to allow the guide to be published.

Where should operational information be stored?

All operational information for staff should be stored in the endorsed storage facility – Operational Blueprint.

What do I need to do?

Content owners of operational information within the agency should:

- ensure all operational information is stored in Operational Blueprint
- ensure information is up-to-date, accurate and complete
- ensure content ownership information is kept up-to-date in Operational Blueprint
- assess the content to identify if the guide constitutes operational information under section 8A of the *FOI Act*. Further assess if the guide containing operational information has any sensitivities that may prevent publishing via download on the agency's IPS website entry
- once the business owner has completed the operational information assessment process, this information is provided to the Operational Blueprint team as part of the clearance protocols. The details are included with the Operational Blueprint authoring information
- this self-assessment process determines if the Operational Blueprint information is available to download on the agency's IPS entry or if only the name of the guide is published and the guide identified as potentially FOI exempt.

Do sensitive documents need to be published too?

The *FOI Act* provides that operational information is not required to be published, where the information within the document contains material that would be exempt from disclosure under the *FOI Act*.

When preparing Operational Blueprint guides, business owners are asked to consider publishing as much information as possible by splitting sensitive information into a separate guide, where appropriate to do so.

How can I determine if a document should be published?

When reviewing operational information and considering whether it needs to be published, the following questions may help in the assessment:

- Does the document contain operational information?
- Is the document sensitive and why? Example, does information include:

- discretionary decision-making guidance
- information about the agency's investigation methods, or
- information that would allow customers to circumvent the agency's compliance processes?
- Why should the document not be released?
- What actual harm could be caused if the document was released?
- Who might be adversely affected by the release?
- Is this information already in the public arena?
- Have I documented the reasons for any decision not to release operational information?

Note: even if information is identified as potentially exempt, it can still be subject to a formal FOI request. If such a request is received, an authorised FOI decision maker will consult with the business area, examine the documents and make a formal decision at that time.

Who can assist with the assessment of operational information?

To ensure the agency meets IPS requirements, the Employment Law and FOI Branch is available to provide advice to business owners on the operational information they consider may be exempt from disclosure.

The Branch will assist the business owners to evaluate the concerns raised and determine whether exemptions from disclosure would apply under the *FOI Act*. This allows business owners to determine whether the guide should be published for download on the IPS entry. For more information email the [FOI Team](#)^[3].

What do I need to know?

All documents held by the agency are subject to the provisions of the *FOI Act*. This includes:

- customer records
- emails
- Skype messages
- administrative file documents
- electronically held documents
- people services records (human resource)
- policy documents

- SMS messages
- post-it notes
- information in business systems
- photographs and images, including CCTV
- any audio files (for example, call recordings).

Any document that you create will be subject to the provisions of the *FOI Act*.

Remember to:

- keep it factual and relevant
- keep business emails professional
- practice good record keeping, and
- keep records in line with the agency's record management policy.

As an Australian Government employee you need to:

- make records of what you do
- save records in accordance with the agency's record management policy
- give your records meaningful titles
- handle and store records appropriately
- assist a person seeking access to documents.

Where can I find more information?

If you have any questions about the IPS, please email [freedom of information](#)^[4].

For more information about the IPS, visit the [Office of the Australian Information Commissioner](#)^[5] website.

[IPS frequently asked questions](#)^[6]

Business Owner
Information Publication Scheme

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Feedback
Email the owner of this page^[7]

Hyperlink reference

1. <https://www.servicesaustralia.gov.au/organisations/about-us/access-information/freedom-information/information-publication-scheme/information-publication-scheme-ips-agency-plan>
2. <https://www.oaic.gov.au/freedom-of-information/information-publication-scheme/>
3. Email Address: freedomofinformation@servicesaustralia.gov.au
4. Email Address: freedomofinformation@servicesaustralia.gov.au
5. <http://www.oaic.gov.au/>
6. <https://intranet.internal.dept.local/Pages/about/faqs.aspx>
7. Email Address: freedomofinformation@servicesaustralia.gov.au