

Freedom of Information – Information Publication Scheme

Published 22/07/2022

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](#) .

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 on the agency's external operational blueprint website, 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. 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.

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](#) 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
- 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.

✓ 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 on the agency's external Operational Blueprint website
- 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 on the agency's external Operational Blueprint website or if only the name of the guide is published and the guide identified 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, review the content line by line and consider the following:

- **What** (if any) is the specific harm that will result from this information being published externally?
- **How** will the harm occur?
- **What** will the result of this harm be?
- **Why** is it in the public interest to release/not release this information?

There are 2 categories of Operational Blueprint documents that are not appropriate for publication on the external Operational Blueprint website:

May not be released – agency operations

Operational Blueprint documents in this category may contain sensitive information that could have a substantial adverse effect on the proper and

efficient conduct of the operations of the agency (section 47E(d) of the FOI Act - conditional exemption)

For example, Operational Blueprint documents that contain:

- Discretionary decision-making guidance which is not publicly available, or
- Internal Information that would allow members of the public to bypass established processes for their benefit.

May not be released – law enforcement

Operational Blueprint documents in this category contain information that may affect enforcement of law and protection of public safety (section 37 of the FOI Act – Exemption)

For example, Operational Blueprint documents that contain:

- Sensitive information that could endanger the life or physical safety of any person (for example risk identification questions and other processes relating to identification of family and domestic violence or child safety), or
- Methods that the agency uses to investigate, prevent or detect fraud, where release of the information would reduce the effectiveness of these methods or result in increased fraud against the commonwealth.

Note: even if an Operational Blueprint document is marked as 'may not be released', access to the document may still be requested under FOI. 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 on release at that time.

✓ Who can assist with the assessment of operational information?

To ensure the agency meets IPS requirements, the FOI team within the Information Access 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 on the agency's external Operational Blueprint website. For more information email the [FOI Team](#).



Help Centre

s22 - out of scope or irrelevant

What can we help you find?



s22 - out of scope or irrelevant

s22 - out of scope or irrelevant

s22 - out of scope or irrelevant

Information Publication Scheme (IPS)



Every Operational Blueprint (OB) document displays an Information Publication Scheme (IPS) status to indicate if the information can be released to external audiences.

The business owner of a document determines the classification of their content. Business owners review the classification when sending new or updated content for approval.

Business owners must review the [Freedom of Information – Information Publication Scheme](#) status and advise a classification:

- **May be released** to external audiences – release of the information will not adversely impact on the no. business of the agency



- **May not be released - Agency Operations** - may contain sensitive information that could have a substantial adverse effect on the proper and efficient conduct of the operations of the agency
- **May not be released - Law enforcement** - may contain information that may affect enforcement of law and protection of public safety

Note: Internal contact information is not published externally.

Example of IPS alert:

 Do not share this information externally. See [Freedom of Information – Information Publication Scheme](#) .

Business owners comply with the IPS legislation and decide if content is suitable for release. Staff will see an [alert](#) that describes the release restrictions.

The FOI team, Information Access Branch is responsible for providing advice to business owners about the IPS. They assist business owners to evaluate the concerns raised and determine whether exemptions from disclosure would apply under the Freedom of Information Act 1982 (FOI Act). This allows business owners to determine whether content should be published on the external copy of Operational Blueprint. For more information email the [FOI Team](#)