

OFFICIAL



Australian Government
Department of Finance

Agency reference: FOI 24-25/097
Contact: FOI Team
E-mail: foia@finance.gov.au

Mature Data
Via the Right to Know website

By email only: foi+request-12563-971a2cd1@righttoknow.org.au

Dear Mature Data,

Decision and Statement of Reasons issued under the *Freedom of Information Act 1982* – FOI 24-25/097

Original request

On 13 December 2024, the Department of Finance (Finance) received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

The recently updated Data and Digital strategy Implementation plan, available at <https://www.dataanddigital.gov.au/sites/default/files/2024-12/2024%20Metrics%20Framework%20v1.0.pdf> contains the following description

"Overall entity Data Maturity Rating APS average data maturity (2024): 2.02 of 5. Source: Department of Finance New metric based on the Data Maturity Assessment Tool, which measures data maturity across the APS and was rolled out by Department of Finance in 2024."

This FOI request seeks access to the documents containing detailed agency ratings for all agencies included in the Department's assessment, including each agencies individual responses.

On 23 December 2024, Finance contacted you to advise that the scope of your request required extensive consultation with 92 other government agencies, all of which used the Data Maturity Assessment Tool (DMAT). Finance therefore advised that processing your request would substantially and unreasonably divert the resources of Finance from its other operations and requested your assistance to narrow the scope of your request.

On the same date, you requested that Finance advise the maximum number of agencies that would not substantially and unreasonably divert the resources of Finance in processing your request.

On 24 December 2024, Finance advised that 10 agencies would not unreasonably divert resources.

On the same date, you revised the scope of your request to the detailed agency ratings and individual responses for the following 9 agencies:

- Australian Public Service Commission
- Department of Home Affairs
- Department of Finance
- Department of Defence
- Department of Health and Aged Care
- Department of Industry, Science and Resources
- Department of Social Services
- Department of the Treasury
- Department of Veterans' Affairs

Original decision

On 17 January 2025, Finance notified you of the decision maker's decision (**Attachment A**) to refuse access to the two (2) documents within the scope of your request under section 24 of the FOI Act on the basis that the release of these documents would:

- prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;
- prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency; and
- have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

In respect of the public interest test for section 47E of the FOI Act, the original decision maker considered the public interest factors for and against the disclosure of the document and found that the factors against disclosure outweighed the factors for disclosure.

Request for internal review

On 21 January 2025, you sought internal review of Finance's decision set out in your letter at **Attachment B**.

I consider that you have requested a review of an access refusal decision under section 54 of the FOI Act. The purpose of this letter is to provide you with notice of my decision under section 54C of the FOI Act.

Authorised decision-maker

I am authorised by the Secretary of Finance and subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

Internal review decision

I have decided to **affirm** the original decision and refuse access to the documents within the scope of your request.

In making my decision, I have had regard to the following:

- the terms of your FOI request and request for internal review;
- consultations with agencies in accordance with the FOI Act about the documents you have requested;
- the original decision;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines)¹.

I have identified 11 documents falling within the scope of your request. The documents are made up of DMAT submissions by agencies and the DMAT Agency Reports issued by Finance. I consider that the DMAT Agency Report and DMAT Submissions to be intertwined and inseparable in the circumstances.

The documents were identified by conducting searches of Finance's information management systems including SharePoint/OneDrive and Outlook using all reasonable search terms that could return documents relevant to your request. Relevant Finance staff able to identify documents within the scope of the request were also consulted.

I have decided to **refuse access** to the 11 documents as the release of these documents would:

- prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency; and
- prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency.

The documents are identified in the Schedule at **Attachment A**.

Reasons for decision

Section 47E – Certain operations of agencies

Section 47E of the FOI Act provides:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;
- ...

The FOI Guidelines provide:

Paragraph 47E(a)

[6.93] Where a document relates to a procedure or method for the conduct of tests, examinations or audits by an agency, the decision maker must address both elements of the conditional exemption in s 47E(a), namely that:

- an effect would reasonably be expected following disclosure
- the expected effect would be, overall, prejudicial to the effectiveness of the procedure or method of the audit, test or examination being conducted.

[6.94] The decision maker will need to consider the content and context of the document to be able to identify the purpose, methodology or intended objective of the examination, test or audit. This operational information provides the necessary context in which to assess the document against the conditional exemption and should be included in the statement of reasons issued under s 26.

[6.95] The decision maker should explain how the expected effect will prejudice the effectiveness of the agency's testing methods. A detailed description of the predicted effect will enable a comprehensive comparison of the predicted effect against the usual effectiveness of existing testing methods. The comparison will indicate whether the effect would be prejudicial.

Paragraph 47E(b)

[6.98] Where a document relates to the integrity of the attainment of the objects of tests, examinations or audits by an agency, the decision maker must address both elements of the conditional exemption in s 47E(b). The decision maker must be satisfied that:

- a. an effect would reasonably be expected following disclosure
- b. the expected effect would be prejudicial to the attainment of the objects of the audit, test or examination conducted or to be conducted.

[6.99] The agency needs to conduct, or propose to conduct, the testing, examination or audit to meet particular requirements, and have a particular need for the results (the test objectives). The operational reason for conducting the test, examination or audit is the context for assessing whether s 47E(b) applies and this operational reason should be included in the s 26 statement of reasons.

I agree with and adopt the detailed reasoning of the decision maker, provided to you on 17 January 2025, that the DMAT can be characterised as an examination for the purposes of subsections 47E(a) and 47E(b) of the FOI Act.

In your request for internal review you state that:

My request does not relate to the methodology of the DMAT or the processes used by the Department of Finance to collect, review or assess the responses. As such, 47E(a) and (b) do not apply to my request. In exempting the documents I have requested from release under 47E(a) or 47E(b), this implies that the release of this information, which is purely data submitted in response to the DMAT, would be used by the entities subject to the "examination", i.e., Government Departments, to "game the system", and this argument is unconvincing.

Subsection 47E(a)

I disagree with your contention, and consider that DMAT Agency Reports and the individual agency responses "relate to [the] procedure or method [for the DMAT] examination" conducted by Finance. As set out paragraph 6.93 of the FOI Guidelines reproduced above, I must now address whether both elements of the conditional exemption in subsection 47E(a) are satisfied.

As to the first element that "an effect would reasonably be expected following disclosure", paragraphs [6.14]-[6.16] of the FOI Guidelines explain the test "would or could reasonably be expected to":

6.14 The test requires the decision maker to assess the likelihood of the predicted or forecast event, effect or damage occurring after disclosure of a document.

6.15 The use of the word 'could' is less stringent than 'would' and requires analysis of the reasonable expectation rather than the certainty of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.

6.16 The mere risk, allegation, possibility, or chance of prejudice does not qualify as a reasonable expectation. There must be, based on reasonable grounds, at least a real, significant or material possibility of prejudice.

Section 47E is not limited to the term 'would' but is also inclusive of the term 'could'. Therefore, subsection 47E(a) may apply if the disclosure of information would, or could reasonably be expected to, prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency.

I note your statement that the DMAT Tool Guide states:

The Department of Finance regards sign off for the assessment by the recognised agency head as assurance that the Tool has been completed accurately and accountability by the agency in accordance

with governance responsibilities including the *Public Governance, Performance and Accountability Act 2013*.

I agree with your statement that “agencies are required to complete the assessment as per their obligations under the PGPA.” However, I note that in *Re Crawley and Centrelink* [2006] AATA 572 [9] the Australian Administrative Appeals Tribunal accepted that a disclosure of results could reasonably prejudice the quality of recorded responses as it could compromise the integrity of the survey process.

In that case, the applicant Mr Crawley, was seeking access to documents which included the questions posed in a psychometric test and his answers. The AAT’s decision states:

With respect to Mr Crawley and without seeking to question his genuineness, it is not to the point that he says that he would not make the material publicly available nor would he attempt to distort his answers on any future test. As to the former, if, on the proper application of the principles under the FOI Act, it is released to Mr Crawley, then it must be released to anyone else who seeks its release. And Mr Crawley’s assurance that he would not seek to manipulate future test results, whilst no doubt genuine, does not exclude the likelihood of unconscious manipulation were he to become familiar with the terms of the questions.

Therefore, while I agree with your contention that the risk of entities trying to “game the system” is unconvincing, I consider that release of the documents “would not exclude the likelihood of unconscious manipulation” as referred to by the AAT. The use of “manipulation” is not to be interpreted as sinister, but rather, that agencies could overstate or understate their maturity. Distinguishing between scores in the assessment can be a subjective exercise at the margins. Whether an agency scores a 2 or a 3 can depend on factors that are open to interpretation, and if results are published it is possible agencies could be unconsciously influenced to overstate or understate their maturity. Again, I am satisfied that the likelihood of “could” is satisfied if results are disclosed.

As to the second element, sections 47E(a) and (b) require a decision maker to assess whether the conduct or objects of tests, examinations or audits would be prejudiced in a particular instance.

As set out in [6.89] of the FOI Guidelines:

6.89In the context of this conditional exemption, a prejudicial effect could be regarded as one that would cause a bias or change to the expected results leading to detrimental or disadvantageous outcomes. The expected change does not need to have an impact that is ‘substantial and adverse’, which is a stricter test.

Following disclosure, I consider that it could be reasonably expected that a prejudice would be created that would lead to detrimental or disadvantageous outcomes to both the DMAT examination as a tool and the objects it is trying to achieve - consistent, longitudinal evidence-based means of measuring APS data maturity and capability.

Disclosure of individual responses may result in some agencies not providing detailed responses that go beyond the minimum required, including attaching insights that relate to their data maturity levels. Less detailed responses, and results that may be influenced by unconscious anchoring based on the results of other agencies, would be prejudicial to the effectiveness of the DMAT examination.

I am satisfied that if the documents were disclosed it could reasonably be expected to impact how the department conducts the DMAT assessment, and that sharing agencies responses

could impact future responses. I base this on feedback received through consultation and discussions with a range of participating agencies. In this situation, Finance would need to reconsider how it delivers the DMAT examination and be required to change its protocols and systems, at significant operational and financial cost.

Subsection 47E(b)

For the same reasoning canvassed above, I also disagree with your contention that subsection 47E (b) does not apply to your request. As set out in paragraph 6.98 of the FOI Guidelines, reproduced above, I must now address whether both elements of the conditional exemption in subsection 47E(b) are satisfied.

I consider the documents “relate to the integrity of the attainment of the objects of tests, examinations or audits by an agency.” As set out in the original decision letter, the primary purpose of the DMAT is to provide agencies with a consistent approach to measuring and understanding their organisation’s data maturity. The DMAT will also help agencies implement the Government’s data agenda, as outlined in the Data and Digital Government Strategy, by providing a consistent, longitudinal evidence-based means of measuring APS data maturity and capability.

As set out in the *Data Maturity Assessment Tool Guide*, provided to each agency and also available on the Finance website, the information gathered in the DMAT will be treated as confidential:

Information gathered in the assessment will be treated as confidential. Outside of the completing agency, individual responses will only be viewed by staff at the Department of Finance conducting analysis and aggregation into agency sector and whole-of-APS results.

....

No individual agency’s non-aggregated results will be shared without consent

Department of Finance will also analyse the data collected through the Tool to measure whole-of-government data maturity level.

The nine agencies listed in your request completed the DMAT on the understanding that their responses would be confidential.

As discussed in detail above, I consider that release of the documents “would not exclude the likelihood of unconscious manipulation” as referred to by the AAT. I consider this effect would or could reasonably be expected following disclosure, which would be prejudicial to the attainment of the DMAT examination, as it would impact the ability of Finance to provide a consistent, longitudinal evidence-based means of measuring APS data maturity and capability.

Further, I agree with the discussion in the original decision letter that in the current DMAT assessment year there were some agencies not in-scope for completing the DMAT, who provided responses voluntarily. Again, I consider that disclosure of these documents would likely disincentivise participation of agencies who provided responses voluntarily and could discourage other out-of-scope agencies from participating in the future. This decreased participation would make the DMAT results less useful and undermine attainment of the object of the DMAT to objectively measure and track whole of APS data maturity.

As such, I agree with the original decision makers finding that the documents are conditionally exempt under subsections 47E(a) and (b) as the documents as disclosure could reasonably be expected to compromise the integrity of the DMAT tool and the attainment of the objects of the DMAT examination as conducted by Finance.

For these reasons, I consider these documents are conditionally exempt in full under subsections 47E(a) and (b) of the FOI Act. My consideration of the public interest test, in respect of all the material subject to conditional exemption in these documents is discussed below.

Public interest test

Section 11A of the FOI Act relevantly provides:

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

In finding that the documents are conditionally exempt in full, I am required to consider whether it would be contrary to the public interest to give access to the information in the documents at this time.

Factors favouring disclosure

Section 11B of the FOI Act relevantly provides:

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
 - (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - (b) inform debate on a matter of public importance;
 - (c) promote effective oversight of public expenditure;
 - (d) allow a person to access his or her own personal information.

In considering the scope of your request and the content of the documents, I have taken into account the intention of the FOI Act to provide for open government and that the release of the documents would promote transparency of government activities. I consider the release of the documents would promote the objects of the FOI Act.

Further, I have considered the argument you raised in your internal review request that:

...releasing this information is in the public interest, as it is important to ensure transparency and accountability of government operations, and it is vital to understand how the public money is being spent. The data maturity of government agencies directly impacts the efficiency and effectiveness of government services, and therefore impacts the public expenditure and efficiency of agencies. Therefore, the public interest in disclosure clearly outweighs the reasons put forward by the decision maker for non-disclosure.

I accept that there is a public interest in releasing the results, and I have balanced this consideration against the factors against disclosure below.

Factors against disclosure

Paragraph [6.233] of the FOI Guidelines provides a non-exhaustive list of factors against disclosure. I consider that the following factors apply to these documents, in that the release of the information in the documents could reasonably be expected to:

- prejudice an agency's ability to obtain similar information in the future, and
- prejudice the effectiveness of testing or auditing procedures.

I also consider the release of the information in the documents could reasonably be expected to prejudice the confidentiality, integrity and availability of departments' systems and data.

As explained in my reasons for finding these documents exempt under section 47E of the FOI Act, I consider the release of this information would adversely affect the DMAT procedures and results. Agencies are likely to be reticent to provide the most fulsome and detailed responses as part of the DMAT examination and may unconsciously anchor their results to those of other agencies. The risk of agencies overestimating or underestimating their maturity is accentuated by the inherent subjectivity that an agency often faces when determining if they should provide one score or another, when the difference between a score of 2 or a 3 can often depend on factors that are open to interpretation. Similarly, the release of these documents could also disincentivise the provision of voluntary responses and therefore undermine the quality of advice to the Government.

These reasons weigh heavily against the release of the information in the document. As such, I consider that the document should not be released.

Irrelevant factors

Section 11B of the FOI Act relevantly provides:

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
 - (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
 - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
 - (d) access to the document could result in confusion or unnecessary debate.

I have not taken into account any of these irrelevant factors.

Balancing public interest factors

The FOI Guidelines relevantly provide:

[6.238] To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies based on the particular facts of the matter at the time the decision is made.

I acknowledge that there is public interest in providing access to the information in the documents. However, on balance, I consider that the factors against disclosure outweigh the factors favouring disclosure.

I consider that to release this information in the kind of detail you request would prejudice the effectiveness of the procedure and method for the DMAT and the attainment of the objectives of the DMAT.

Therefore, on balance, I consider that in this instance the factors against disclosure outweigh the factors favouring disclosure.

Review and appeal rights

You are entitled to request an internal review or an external review by the Office of the Australian Information Commissioner (OAIC) of my decision. The process for review and appeal rights is set out at **Attachment D**.

If you have any questions about this request, please contact the FOI Team.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Shepherd', written in a cursive style.

John Shepherd
First Assistant Secretary
Digital ID and Data Policy Division
Department of Finance
February 2025

As explained above, the nine agencies listed in your request completed the DMAT on the understanding that their responses would be confidential.

While the Government has agreed to mandate use of the DMAT by all in-scope Government agencies to self-assess data maturity, it is reasonable to expect if the requested documents are disclosed, some agencies would seek an exemption from completing the DMAT in future years. Further, I consider that agencies could decline to include any in-depth additional information outlining the state of their data maturity on the assumption this information will be made public.

In the current DMAT assessment year there were some agencies not in-scope for completing the DMAT, who provided responses voluntarily. Again, disclosure of these documents would likely disincentivise participation of agencies who provided responses voluntarily and could discourage other out-of-scope agencies from participating in the future.

As set out above, decreased participation would make the DMAT results less useful and undermine attainment of the object of the DMAT to objectively measure and track whole-of-APS data maturity. Finance would not be able to reliably identify areas for whole-of-government improvement if participation in the DMAT decreases. Disclosure of individual responses may result in only those higher on the maturity scale providing detailed responses that go beyond the minimum results required, which could reasonably be expected to diminish the value of future results and impact attainment of the objectives of the DMAT.

Paragraph 47E(d)

Disclosure of these documents would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of an agency. Finance's data policy function aims to:

- maximise the appropriate use and re-use of data by the Australian Public Service, including by addressing systemic challenges and opportunities
- provide advice and support to entities on their use of data
- organise collective action to build APS-wide strategies, frameworks and actions to mature data capability and activity
- encourage appropriate sharing of public data, including the release of non-sensitive data by default
- collaborate with state and territory governments and the private and research sectors to extend the value of public data for the benefit of the Australian public
- engage with international governments to share approaches and identify best practice, and
- implement governance mechanisms to support these functions.

In this role, Finance designed the DMAT tool to help agencies periodically assess their data maturity and track their progress over time, and support implementation of the Data and Digital Government Strategy and agencies' own data strategies. Broad APS completion of the DMAT will support management and development of, and build trust in, the Australian Government data ecosystem and enable APS-wide reporting.

Decreased participation in the DMAT impacts the integrity of the aggregate data that Finance can produce. Release of these documents would diminish Finance's ability to achieve its data policy functions and risk the achievement of objectives set out in the Data and Digital Government Strategy. This constitutes a substantial adverse impact to Finance's proper and efficient conduct of its data policy functions.

For these reasons, I consider these documents are conditionally exempt in full under section 47E(a), (b) and (d) of the FOI Act. My consideration of the public interest test, in respect of all the material subject to conditional exemption in these documents is discussed below.

Public interest test

Section 11A of the FOI Act relevantly provides:

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

In finding that the documents are conditionally exempt in full, I am required to consider whether it would be contrary to the public interest to give access to the information in the documents at this time.

Factors favouring disclosure

Section 11B of the FOI Act relevantly provides:

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - (b) inform debate on a matter of public importance;
 - (c) promote effective oversight of public expenditure;
 - (d) allow a person to access his or her own personal information.

In considering the scope of your request and the content of the documents, I have taken into account the intention of the FOI Act to provide for open government and that the release of the documents would promote transparency of government activities. I consider the release of the documents would promote the objects of the FOI Act.

I have balanced this consideration against the factors against disclosure below.

Factors against disclosure

Paragraph [6.233] of the FOI Guidelines provides a non-exhaustive list of factors against disclosure. I consider that the following factors apply to these documents, in that the release of the information in the documents could reasonably be expected to:

- prejudice an agency's ability to obtain similar information in the future, and
- prejudice the effectiveness of testing or auditing procedures.

As explained in my reasons for finding these documents exempt under section 47E of the FOI Act, I consider the release of this information would adversely affect the DMAT procedures and results and have a substantial adverse effect on Finance's proper and efficient conduct of data policy functions. In turn, the release of this information would disincentivise the provision of responses and undermine advice to the Government.

These reasons weigh heavily against the release of the information in the document. As such, I consider that the document should not be released.

Irrelevant factors

Section 11B of the FOI Act relevantly provides:

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
 - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
 - (d) access to the document could result in confusion or unnecessary debate.

I have not taken into account any of these irrelevant factors.

Balancing public interest factors

The FOI Guidelines relevantly provide:

[6.238] To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies based on the particular facts of the matter at the time the decision is made.

I acknowledge that there is public interest in providing access to the information in the documents for the reasons described above and for the reasons you have outlined in your correspondence with Finance.

However, I consider that to release this information in the kind of detail you request would prejudice the effectiveness of the procedure and method for the DMAT and the attainment of the objectives of the DMAT, and could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of Finance in its data policy functions.

Therefore, on balance, I consider that in this instance the factors against disclosure outweigh the factors favouring disclosure.

Review and appeal rights

You are entitled to request an internal review by Finance or an external review by the Office of the Australian Information Commissioner (OAIC) of my decision. The process for review and appeal rights is set out at **Attachment A**.

If you have any questions about this request, please contact the FOI Team.

Yours sincerely,



Colleen Norton
A/g Assistant Secretary
Data Policy and Assurance Branch | Digital ID and Data Policy Division
Department of Finance
17 January 2025



Australian Government

Department of Finance

Your Review Rights

Legislation

A copy of the FOI Act is available at: <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

Internal Review (IR)

If you disagree with this decision, you can seek a review of the original decision. The review will be conducted by a different decision maker, usually someone at a more senior level.

You must apply for an IR within **30** calendar days of being notified of the decision or charge, unless we agree to extend your time. You should contact us if you wish to seek an extension.

We are required to make an IR decision within 30 calendar days of receiving your application. If we do not make an IR decision within this timeframe, then the original decision stands.

Your request for an IR should include:

- a statement that you are seeking a review of our decision;
- attach a copy of the decision you are seeking a review of; and
- state the reasons why you consider the original decision maker made the wrong decision.

Email: foia@finance.gov.au

Post: The FOI Coordinator
Legal and Assurance Branch
Department of Finance
One Canberra Avenue
FORREST ACT 2603

Information Commissioner review

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for an Information Commissioner review of this decision. You must apply in writing within **60** calendar days of this notice.

For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

Third parties

If you are a third party objecting to a decision to grant someone else access to your information, you must apply to the Information Commissioner within **30** calendar days of being notified of our decision to release your information.

The OAIC asks that you commence a review by completing their online form which is available on their website.

Your review application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

Email: FOIDR@oaic.gov.au

Post: Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

Phone: 1300 363 992 (local call charge).

Making a complaint

You may complain to the Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Information Commissioner can be directed to:

Phone: 1300 363 992 (local call charge)

Email: enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Finance as the relevant agency.

From: MatureData <@>
Sent: Tuesday, 21 January 2025 11:05 AM
To: FOI Requests
Subject: Internal review of Freedom of Information request - Detailed results of entity Data Maturity Ratings, including each agencies individual responses

Categories: New Request/Matter

Dear Department of Finance,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department of Finance's handling of my FOI request 'Detailed results of entity Data Maturity Ratings, including each agencies individual responses'.

The exemptions in 47E(a) and 47E(b) are about preserving the accuracy and reliability of testing, auditing, and examination processes. 47E(a) deals with the method and process, and 47E(b) with the integrity of the result and the object/aim of the process itself. The documents covered by these exemptions are ones that reveal the how and why of an agency's investigative and assessment procedures. If disclosure would allow people to undermine, manipulate or avoid detection then it is likely that these exemptions would be engaged.

My FOI request is for the results of Government entities' self-assessment of their Data Maturity, including the individual responses provided by each agency. My request does not relate to the methodology of the DMAT, or the processes used by the Department of Finance to collect, review or assess the responses. As such, 47E(a) and (b) do not apply to my request. In exempting the documents I have requested from release under 47E(a) or 47E(b), this implies that the release of this information, which is purely data submitted in response to the DMAT, would be used by the entities subject to the "examination", i.e., Government Departments, to "game the system", and this argument is unconvincing.

The decision maker also cited 47E(d), with the claim that releasing detailed entity ratings would "have a substantial adverse effect on the proper and efficient conduct of the operations of an agency". My request is not for any documents that could impact the operations of an agency. My request is for the responses submitted by each agency, and there is no reasonable expectation that this information could negatively impact the efficient operations of an agency. It is not clear what operational impact is being claimed by the decision maker, and it is not clear how the release of this data would impact operations. Furthermore, releasing this information is in the public interest, as it is important to ensure transparency and accountability of government operations, and it is vital to understand how the public money is being spent. The data maturity of government agencies directly impacts the efficiency and effectiveness of government services, and therefore impacts the public expenditure and efficiency of agencies. Therefore, the public interest in disclosure clearly outweighs the reasons put forward by the decision maker for non-disclosure.

I note that in the Data Maturity Assessment Tool Guide, it states:

"The Department of Finance regards sign off for the assessment by the recognised agency head as assurance that the Tool has been completed accurately and accountability by the agency in accordance with governance responsibilities including the Public Governance, Performance and Accountability Act 2013."

To me, this indicates agencies are required to complete the assessment as per their obligations under the PGPA, which would lead me to view with scepticism the decision maker's argument that public scrutiny of the detailed assessment would result in agencies withdrawing from the process - why would agencies be allergic to public accountability? It would be expected that a transparent system of accountability would actually assist agencies in meeting their obligations and provide an additional incentive for them to improve their data maturity. It appears that

the reasons for non-disclosure are related to a fear of embarrassment of reputational damage, rather than protecting the integrity of the DMAT.

Finally, the decision maker cites security concerns. I note that if there are specific responses the decision maker considers would open agencies to cyber security attack, there are exemptions that could be applied to deal with those questions specifically, rather than exempting the entirety of my requested documents. I would be open to redaction of specific questions and responses that the decision maker considers a legitimate cyber security threat, although I note that only 3 of the 57 questions mention security, and I would not expect any questions that do not mention security to be exempt from release under security concerns. Again, embarrassment is not valid under the FOI Act for with-holding information.

For the reasons set out above, the decision to exempt the requested documents is invalid. Therefore, I respectfully request that the original decision be overturned, and that my documents be released.

A full history of my FOI request and all correspondence is available on the Internet at this address:
https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Fdetail_results_of_entity_data&data=05%7C02%7CFOIA%40finance.gov.au%7C782160d09f304f0b334008dd39af3212%7C08954cee47824ff69ad51997dccef4b0%7C0%7C0%7C638730146835527540%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOIjoiTWFpbClldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=6xrg0UL%2BxyMPPhDE6HntqV2j3PpPA%2FgqVCUkpnA0nzl%3D&reserved=0

Yours faithfully,

MatureData

Please use this email address for all replies to this request:
foi+request-12563-971a2cd1@righttoknow.org.au

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Fhelp%2Fofficers&data=05%7C02%7CFOIA%40finance.gov.au%7C782160d09f304f0b334008dd39af3212%7C08954cee47824ff69ad51997dccef4b0%7C0%7C0%7C638730146835550181%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIslIAiOiJXaW4zMilslkFOIjoiTWFpbClldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=oMY0D9PMsxtmfunZ3xf47fyVbNUj6fdf%2F2IT2hyPT0%3D&reserved=0>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Be careful with this message
External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.

SCHEDULE OF DOCUMENTS RELEVANT TO FOI 24-25/097

| Document No. | Date of Document | No. of Pages | Description of Document | Decision |
|---------------------|-------------------------|---------------------|---|--|
| 1 | 20/08/2024 | 10 | DMAT agency survey responses | Refuse release - Exempt under section 47E(a) and (b) |
| 2 | 2024 | 28 | 2024 DMAT Agency Report – Australian Public Service Commission | |
| 3 | | | 2024 DMAT Agency Report - Department of Defence | |
| 4 | | | 2024 DMAT Agency Report - Department of Industry, Science and Resources | |
| 5 | | | 2024 DMAT Agency Report - Department of Social Services | |
| 6 | | | 2024 DMAT Agency Report – Department of Finance | |
| 7 | | | 2024 DMAT Agency Report - Department of Health and Aged Care | |
| 8 | | | 2024 DMAT Agency Report - Department of Home Affairs | |
| 9 | | | 2024 DMAT Agency Report - Treasury | |
| 10 | | | 2024 DMAT Agency Report - Department of Veterans' Affairs | |
| 11 | | | 1 | |



Australian Government

Department of Finance

Your Review Rights

Legislation

A copy of the FOI Act is available at: <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

Information Commissioner review

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for an Information Commissioner review of this decision. You must apply in writing within **60** calendar days of this notice.

For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

The OAIC asks that you commence a review by completing their online form which is available on their website.

Your review application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

Email: FOIDR@oaic.gov.au

Post: Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

Phone: 1300 363 992 (local call charge).

Making a complaint

You may complain to the Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Information Commissioner can be directed to:

Phone: 1300 363 992 (local call charge)

Email: enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Finance as the relevant agency.