

Information Policy and E-governance in the Australian Government

A report for the Department of
the Prime Minister and Cabinet

Dr Ian Reinecke

March 2009

This version updated as at 31 July 2009

Contents

Executive Summary	1
1 Introduction	3
2. International information policy developments	4
2.1 United Kingdom	4
<i>Central Office of Information (COI)</i>	4
<i>Power of Information</i>	4
<i>Office Public Sector Information (OPSI)</i>	6
<i>Licensing</i>	7
<i>Information Asset Register</i>	7
<i>Information Commissioner</i>	8
2.2 United States	8
<i>Election commitments</i>	8
<i>Presidential initiatives</i>	9
2.3 Canada	10
2.4 Lessons for Australia	11
3. Information policy development	13
3.1 Australian Government Information Management Office (AGIMO)	13
<i>Online and Communications Council (OCC)</i>	13
<i>Standards Development</i>	14
<i>E-consultation</i>	15
3.2 The Gershon Review	15
<i>Relevant recommendations</i>	15
<i>AGIMO's role</i>	16
<i>ICT Governance</i>	16
<i>Secretaries' Board</i>	17
<i>Redefining AGIMO's role</i>	17
3.3 National Archives of Australia	17
3.4 Department of Prime Minister and Cabinet	18
3.5 Public Service Commission	19
3.6 Policy agency issues	20
4. Information management activities	22
4.1 Department of Attorney-General	22
4.2 Department of Broadband, Communications and the Digital Economy	24
4.3 Department of Innovation, Industry Science and Research	24
4.4 Department of Education, Employment and Workplace Relations	25
4.5 Department of Immigration and Citizenship	26
4.6 Child Support Agency	27
4.7 Australian Bureau of Statistics (ABS)	28
4.8 Geoscience Australia	28

5.	Issues from the agency review	30
5.1	The diversity of information management practices	30
5.2	Information technology and information management	30
5.3	Central responsibility for information management	31
5.4	Greater coordination of and guidance for agencies	31
5.5	Confusion on licensing options	32
5.6	Defensiveness about open access	32
5.7	Ill-defined rationale for greater accessibility	32
5.8	Linking up the innovators	33
6.	Roles and Responsibilities of the Information Commissioner	34
6.1	Purpose of the role	34
6.2	Responsibilities of the role	35
6.3	Structure of the OIC	35
6.4	Developing more open government	36
6.5	Publication schemes	36
7.	Driving cross-government change	38
7.1	Gaining momentum	38
7.2	Formation of a cross-agency taskforce	38
7.3	Bringing in external expertise	39
7.4	Learning from international experience	39
7.5	Information Commissioner Advisory Council	40
7.6	Composition and role	40
7.7	Mainstreaming e-consultation	41
8	A whole-of-government approach	42
8.1	Who does what?	42
8.2	Coordination in a complex environment	43
8.3	Rebalancing technology and content	43
8.4	Building momentum for change	44
9.	E-governance structure	46
9.1	The need for effective e-governance	46
9.2	The effect of greater disclosure	46
9.3	Assigning responsibility	47
9.4	Coordinating agencies	48
9.5	Lead agencies	48
9.6	Participating agencies	49
9.7	Policy adoption	49
9.8	Compliance and monitoring	50

Information Policy and E-governance in the Australian Government

Executive Summary

The creation of a Commonwealth Office of the Information Commissioner is intended to develop a more open culture toward the disclosure of information by government and a more coordinated approach to how information is used.

This report reviews the current environment of managing information and developing information policy within the Australian government. It also outlines the potential roles and the responsibilities of the Information Commissioner and how existing agency practices and responsibilities would relate to the new role.

Selected international developments, especially in the UK and the US are examined in order to apply any lessons relevant to the Australian context. It is instructive that both the UK and the US are using a combination of existing agency powers, supplemented by new structures to implement a change agenda that has strong political support.

A survey of Australian government agencies with diverse roles in developing information policy reveals the necessity for clearer governance arrangements in order to better coordinate policy development. A selection of agencies that are managing information for a variety of purposes is also reviewed, confirming that there is wide diversity of practice across government.

A central theme of the agency survey is a widely held view that there is a need within government for a central point of responsibility to enhance information policy development and practice. A more coordinated approach for licensing public sector information for re-use and for undertaking a program of cultural change to create a more open approach to government is proposed.

The purpose, role and responsibilities of the Information Commissioner are outlined and a structure endorsed that would bring together the Offices of the Privacy Commissioner and the yet to be appointed Freedom of Information (FOI) Commissioner within a single organisation headed by the Information Commissioner.

An immediate task is to create the momentum necessary to effect cultural change and to that end the immediate formation of a taskforce to provide advice to government in the period to leading up to the appointment of the Commissioner in January 2010 is proposed. The report also proposes that an Advisory Council of senior departmental heads be appointed to advise the Commissioner on the ongoing policy and implementation alignment necessary to ensure a coordinated whole-of-government approach to policy and practice.

Many agencies currently involved in aspects of information policy development have a collaborative role to play in working with the Office of the Information Commissioner to develop consistent approaches to technical and records keeping standards, licensing arrangements and cross-agency policies on more open access to public sector information.

There are also encouraging signs of innovation in agencies that are exploring the immense potential of new tools and techniques such as social networking to better deliver service to the public. By using these innovators as exemplars of best practice the creativity that undoubtedly exists in agencies and the community can be encouraged to develop new ways of engaging between government and citizens.

1. Introduction

The Government's commitment to establishing an independent statutory Information Commissioner is a key element of its policy to promote a pro-disclosure culture within the Australian Public Service. In order to bring a more cohesive approach to the way government manages information, the Office of the Information Commissioner (OIC) should have responsibility for guiding agencies in the policies and practices that they adopt in managing public sector information.

The close relationship between freedom of information (FOI) activities and the protection of individual privacy is recognised in the decision to co-locate these activities within the OIC and to appoint an FOI Commissioner to complement the work of the Commonwealth Privacy Commissioner.

These measures are designed to modernise the delivery of public sector information, in the process renovating or replacing the current architecture that governs information policy. As part of this process, the Government has committed itself to examining new ways of facilitating engagement with the community.

This report will address two broad issues relevant to the implementation of these objectives by:

- (a) reviewing the state of current information management activities and information policy development in selected government agencies and
- (b) reviewing the potential roles and responsibilities of the Information Commissioner and how current information practices and policy would relate to the role

In reviewing the role of the Information Commissioner, the report will outline the responsibilities of the post in promoting access to public sector information through proposed agency publication schemes or disclosure protocols, auditing information release and guiding protocols for e-governance. The report will also examine how government information can more effectively be made available for re-use by the community and business.

2. International information policy developments

There has been considerable activity in developing policies and implementing practices intended to make government information more easily available for re-use in overseas jurisdictions. The United Kingdom is well advanced in this work, with an Office of Public Sector Information, an Information Commissioner and the Cabinet Office working on a series of related initiatives intended to bring greater coordination to making information more freely available.

In the United States, the election of a new President has brought a new emphasis on making information available to citizens and in particular promoting initiatives by which citizens are engaged using online social networking tools. In Canada, efforts continue to be made to make public sector information more accessible to the community.

2.1 United Kingdom

Central Office of Information (COI)

The Central Office of Information within the Cabinet Office has responsibility for whole-of-government management of marketing and communications by enabling UK central government and public sector bodies to improve the effectiveness of government publicity programs. It undertakes consultancies, procurement and project management services across all communication channels.

The organisation combines expertise in marketing communications with an understanding of government systems and procurement policies. It works with government departments and the public sector to produce information campaigns on issues that affect the lives of citizens – from health and education to benefits, rights and welfare.

The COI's Chief Executive reports to the Minister for the Cabinet Office who is accountable to Parliament and its Select Committees for all COI's activities.

Power of Information

The COI commissioned an initial report for government in 2007 called The Power of Information (POI) that explored the use of new communications technology in making government information more accessible. In response, the Cabinet Office produced an Interim Progress Report in 2008 that reported on implementation of the POI recommendations.

Broadly, the recommendations were a series of measures and initiatives aimed at improving service delivery and communication between government and the

public. The COI and the Office of Public Sector Information (OPSI) were tasked with coordinating the development of pilot projects involving both public sector and user-generated sites in selected policy areas.

Among other recommendations of the POI and the government's responses to them were:

That the government investigate the introduction of non-commercial re-use licences: OPSI has proposed agencies consider a free or low cost 'share-alike licence'

Endorsed the launch of the Open Space web initiative of Ordnance Survey to make topographical survey data available free for non-commercial experimental use: as a result the use of geographical survey information has experienced significant growth

Recommended that government should apply a policy of marginal cost pricing for 'raw' information to all public bodies: the price at which government information is made available should strike a balance between ensuring access and payment of a fair contribution to the cost of long-term information collection

Encouraged the publication of government information in open formats and under licences permitting re-use: an OPSI project is publishing public transport, environment and planning notices using semantic mark-up to make it easier to re-use

Production of a code of conduct to guide public servants in the use of social networking sites

A final report from the POI taskforce, drawn from government, industry and chaired by Richard Allan, was published in early 2009, taking into account further feedback, extra research and additional consultation. The report recommends measures designed to drive a culture shift in the public sector to make it more transparent and accountable to the public through the use of online engagement.

The taskforce categorised its report into two broad areas – 'exemplars' and 'enablers'. The importance of 'exemplar' projects was that they demonstrated the value of government interacting with social networking initiatives taken by community and non-for-profit organisations. It also highlighted the creativity displayed through the taskforce's showusabetterway.com web site, which rewarded innovative proposals with seed funding. The Government has now committed a total of £80M to implement 10 demonstration projects online.

The report also identified the elements of what it regarded as the key enablers of more open access, especially making government information available for re-use. They were categorised in the following way:

- (a) Discovery (*can I find what I want?*)
- (b) Legal (*am I allowed to use the data?*)
- (c) Technical (*is the data in the right format?*)

-
- (d) Commercial (*can I afford the data I need?*)
 - (e) Intelligibility (*can I easily interpret the data that I am accessing?*)
 - (f) Dependencies (*does this data depend on anything else that could affect my use?*)

The report found that government web sites were generally difficult to search and that funds should be spent making information more accessible and available for re-use. It advocated putting access layers into government information at the point of creation, rather than constraining the potential for re-use by structuring data for access only through web sites.

The taskforce noted with approval that the number of government web sites had been reduced from 1,500 to 1,000 during 2008 but that the number could be reduced further and accessibility could as a result improve. The annual cost of creating and maintaining government web sites was estimated to have totalled £205M in 2008.

Although the taskforce has now completed its work, a senior role of Director Digital Engagement within the Cabinet Office reporting to the Secretary has been advertised to continue to pursue the open access agenda. The role is described as that of an internal consultant to government agencies in their efforts to more effectively engage with the community online. A high level reference group comprised of leading world experts is planned to support the new role.

For these measures to generate and sustain the momentum necessary for cultural change in the civil service, taskforce members believe that leadership at the political, bureaucratic and budgetary level is necessary for success.

Office Public Sector Information (OPSI)

The Office Public Sector Information (OPSI) was created through a 2006 merger with the UK National Archives and sets standards for the implementation of information policy. A key element of its role is to encourage access to and re-use of government information.

OPSI is responsible for the Information Fair Trader Scheme (IFTS) to encourage openness in government and assist re-use of public sector information; it also investigates complaints made by those seeking to re-use government information.

A major component of the OPSI responsibility is the administration of Crown and parliamentary copyright, a role that includes defining policy, providing advice to parliament and issuing guidelines on copyright; it also has the authority to investigate possible breaches of copyright.

Licensing

The 'click-use' method of online licensing Crown copyright and other public sector material is administered by the OPSI, which is also responsible for the UK Information Asset Register (IAR).

The click-use licence applies to Crown and parliamentary copyright as well as other public sector information. There are three forms of licensing public sector information:

- (a) *The core PSI licence,*
- (b) *the value added licence for 'enhanced' Crown copyright and*
- (c) *the parliamentary licence.*

Neither the PSI nor the parliamentary licences attract charges although there is a pricing schedule for value added licences. In order to apply for a licence online it is necessary to register for a user account with a user name and password; registration is free.

Information Asset Register

The OPSI provides access to the UK Government's Information Asset Register (IAR) through its *inforoute* portal which lists information resources held, with a focus on hitherto unpublished material.

The IAR is predicated on the premise that access to information should not require an advanced understanding of the structure of the government. Identification of the originating department is seen as less important to users than the capacity to conduct comprehensive searches across government agencies for relevant information.

The Register is designed to free up access to government information using a single source of entry. Individual agencies are responsible for creating their own IARs, which are also accessible through their own web sites in compliance with OPSI formats and standards used to support the *inforoute* portal. Agencies progressively populate their IARs as they identify sources of information through their FOI publication schemes.

Material accessible via the IAR includes files originally created on paper, recently created electronic files, statistical collections, databases and research. Agreed indexing practices, by both natural language and formal or technical terms are in the course of being developed with agencies.

Records held in the IAR are described by a series of fields that include a unique number identifying each record, its title, acronym and a short description. Keywords and phrases are listed to identify the subject, the geographical area to which it refers, the date of publication, updating frequency and the dates on which records were modified. Sources of the information are recorded, the format in which it is held, the language in which it is created, its author, the publishers any rights assigned to it and its category.

Information Commissioner

The UK Information Commissioner's Office has responsibility for administering legislation in four areas:

Data protection to ensure that citizens are able to exercise their right to know what information is held about them by government and rules to ensure that this information is properly handled

Privacy and electronic communications regulations which establish the basis on which messages are sent as electronic direct marketing using email and text

Administering the freedom of information legislation to ensure citizens' rights to obtain information from public authorities unless there are good reasons for it being treated as confidential

Ensuring that citizens can get access to environmental information held by public authorities unless there are good reasons for withholding it.

2.2 United States

Election commitments

The use of information technology to engage and collaborate with communities of citizens was a closely observed feature of the US Presidential campaign run by Barack Obama. That commitment to using technology to inform and collaborate online was also a key element of his election policy on technology and innovation.

Obama's policy emphasised the need to connect citizens with each other in order to engage them more closely in resolving the problems faced by government.

To do so, the policy committed an Obama Administration to using all available technologies and techniques to 'open up' the federal government by developing greater transparency and offering citizens the opportunity to participate in government deliberations and decision-making.

The Presidential campaign put these objectives into practice by involving unprecedented numbers of Americans in discussion, fund-raising and political activity associated with the election. The result was an army of at millions volunteer campaign workers and the donation of record-breaking levels of funding, many in small donations.

The aim of greater integration of citizens in the evolution of government policy and practice was supported by a number of initiatives signalled in the Obama election manifesto, including:

Supporting the principle that government decisions should be informed by the distributed expertise of the community in producing evidence-based policy

Making public sector data available in universally accessible formats to enable people to comment on or use as a spur to community action.

Setting up pilot programs designed to create more open government by involving citizens in the work of agencies, rather than simply soliciting their opinions, in order to help government make better informed decisions.

Requiring heads of agencies to conduct significant elements of government business in public, using the Internet live to enable citizens to participate and to archive those interactions online so that they remain available for later use

Ensuring web tools could be used to search online the details of federal grants, contracts, funding legislation and lobbyists

Enabling comment and review of non-emergency legislation by the public for five days before Presidential signature

Requiring Cabinet officials to conduct national online town hall meetings to discuss issues associated with their respective agencies

Encouraging the use of blogs, wikis and social networking tools to modernise cross-agency and public sector information sharing to improve government decision-making.

The Obama Administration committed itself to appointing a Chief Technology Officer (CTO) to ensure agencies have the infrastructure, policies and services available for this new environment.

The CTO will specifically focus on the issue of transparency to ensure agencies make their records open and accessible and that citizens are able to use technology to provide input to the functioning of government.

Presidential initiatives

The day after the Inauguration on January 20 this year President Obama issued a memorandum on freedom of information to agency heads which articulated the clear presumption that “in the face of doubt, openness prevails”. Fear of embarrassment by public officials was insufficient justification for keeping government information secret, the memorandum stated.

Agencies are required by the President to “act promptly and in the spirit of cooperation” in responding to FIO requests. The presumption of openness requires agencies to take affirmative measures to make information public and not wait until specific requests are received.

The Attorney-General has been directed by the President to issue new guidelines reaffirming the commitment of the federal government to accountability and to a system of reviewing agency FOI reports. The Office of Management and Budget was directed to update guidelines to agencies to increase and improve the dissemination of information, including the use of new technologies, and to publish them in the *Federal Register*.

In a subsequent memorandum on transparency and open government, President Obama reinforced the need for “an unprecedented level of openness” in government through a system of transparency, public participation and collaboration. The memo emphasised three key requirements of agency heads - that government should be transparent, participatory and collaborative.

The Chief Technology Officer, in conjunction with the head of the Office of Management and Budget and the General Services Agency, was directed to coordinate the development by agencies within 120 days of recommendations for an Open Government Directive that instructed agencies to take specific action implementing the principles of openness.

Existing initiatives designed to provide public access to public sector information, such as the US Government Information Locator Service (GILS) are expected to be used as building blocks in developing greater openness.

2.3 Canada

Info Source Canada is a portal enabling citizens to have online access to information about the Canadian government; it is designed to support government policy and explain and promote open and accessible information about its activities.

The site provides access to the organisation and information holdings of federal entities subject to information and privacy legislation; it also enables access to lists of personal information banks on federal government employees, provides a directory of government inquiry points and to a bulletin containing summaries of court cases and statistics of requests made under the Access to Information Act.

Canadian government institutions are required to provide the Treasury Board Secretariat with descriptions of their organisations and information holdings annually.

An Information Commissioner has the power to investigate complaints from members of the public about access to government information including denial of access, fees charged, time taken to respond to requests and refusal to provide access in the language requested. Individuals who believe that have not been given access can apply to the Federal Court or a review.

A Privacy Commissioner acts as an ombudsman with power to investigate complaints of improper collection, use, storage, disclosure and disposal of personal information; there is also a right review at Federal Court level.

The Access to Information Act relates to rights of access by citizens and corporations to government information that is non-personal; information can be requested irrespective of the form in which it is held, including letters, memos, reports, photographs, films, microfilms and electronic data.

There are exemptions for information likely to cause harm if it was released, including matters relating to national security, law enforcement and trade secrecy. Information already published, for example in libraries and museums, is excluded from the Act.

2.4 Lessons for Australia

There are many aspects of information policy developments in the UK and USA of relevance to Australia. However, perhaps the most obvious lesson is in implementing a change program to use existing levers of power and authority within the public sector to achieve policy objectives.

In the case of the UK, the initial Power of Information report was commissioned by the Central Office of Information, a body dating back to the post-war era in Britain. The consultant's report that led to the formation of an industry/government taskforce worked closely with the Office of Public Sector Information (OPSI) in developing its recommendations.

Some of the fruits of that collaboration were:

- The proposal by OPSI that agencies use 'share alike' licences to encourage greater accessibility to government information

- Collaboration between the Cabinet Office, the OPSI and the taskforce in conducting a competition for ideas through the *showustheway* project to identify best practice engagement between government and online communities

- Recognition that proliferation of web sites actually tended to inhibit information flow and that it was more effective to target the use of open access formats to facilitate re-use

- Appointment of a senior line management role within the Cabinet Office (Director Digital Engagement) reporting to the Secretary with responsibility for pursuing the open access agenda (although it should be noted, with few resources and authority confined to an advocacy role)

In the US, similarly a mix of existing decision-making bodies with defined executive authority and a new post has been used to implement an ambitious change agenda.

- The Obama Administration has used the authority of Presidential decrees to quickly issue a directive to implement a more rigorous approach to FOI, based on the edict "in the face of doubt, openness prevails".

The Attorney-General's office has been required to issue new guidelines and the Office of Management and Budget (OMB) tasked with improving the accessibility to government information.

The appointment of a Chief Technology Officer has been signalled to work with OMB and the General Service Agency (GSA) to coordinate a response to President Obama's Open Government directive.

The clear lesson for Australia is that the process of reforming information policy and practice in government requires the harnessing of existing lines of authority and the addition of specific structures and appointments to work with those agencies in driving forward the agenda.

3. Information policy development

There is evidence that Australia has lagged behind the countries that it takes as points of reference in public policy development and practice in recent years. The information policy and management agenda has at various times in the last decade received some attention but has been somewhat subsumed by issues more related to technical matters and ICT procurement practice. Key roles in Australia are played by organisations such as AGIMO and the Australian National Archives but a comprehensive and coordinated approach to information management has not had recent strong emphasis.

3.1 Australian Government Information Management Office (AGIMO)

AGIMO participates on behalf of the Commonwealth in cross-jurisdictional initiatives designed to develop greater information interoperability through the Online Communications Council (OCC), which reviews and endorses standards for adoption across all Australian government jurisdictions.

Online and Communications Council (OCC)

The Online and Communications Council (OCC) operates as the national ministerial forum across governments on strategic approaches on information and communications issues. It operates under the umbrella of COAG.

The OCC is chaired by the Commonwealth Minister for Broadband, Communications and the Digital Economy (DBCDE) and Commonwealth Minister for Finance and Deregulation chairs agenda items on e-government items. Membership includes senior ministers from state and territory governments and a local government representative; the Council meets annually. DBCDE provides secretariat support to the OCC and its working groups

The OCC has two committees:

- (a) The Online and Communications Council Standing Committee chaired by the Secretary of DBCDE with senior officials from each state and territory, local government and AGIMO.
- (b) The Cross-Jurisdictional Chief Information Officers Committee is chaired by the Commonwealth Chief Information Officer (CIO) and membership includes Chief Information Officers, or equivalent, from each state and territory, and local government. AGIMO provides secretariat support to the Cross-Jurisdiction Chief Information Officers Committee and its working groups.

Standards Development

Over the past few years AGIMO has published documents providing guidance to agencies focused on the technical and business requirements of collecting, storing and exchanging information across government and between jurisdictions.

The strategies and frameworks developed so far include the following documents:

National Government Information Sharing Strategy (NGISS) aims to provide a standardised approach to information sharing between jurisdictions and agencies

National Standards Governance Framework (NSGF) is directed at developing standards that enable agencies to collaborate by exchanging information across portfolios and jurisdictions

National Collaboration Framework (NCF), which seeks to develop greater standardisation of processes and promote higher levels of interoperability within and across jurisdiction

Australian Government Architecture (AGA) seeks to provide a 'common language' for agencies involved in delivering cross-agency services. The AGA constitutes a repository of standards, principles and templates for use in the design and delivery of ICT capability by government agencies.

GovDex is an online facility that promotes sharing governance structures, tools, methods and re-usable technical elements; it includes a collaborative workspace online and provides a registry and tools and methods

National Government Information Licensing Framework (NGILF), which is developing a means of assigning public sector use rights, based on Queensland's Spatial Information Council trial, to test legal, policy, governance and technical elements of licensing spatial information

Australian Government Information Interoperability Framework (AGIIF) is focused on standards that facilitate the sharing of information across government boundaries and in the process reducing cost, re-using information, sharing infrastructure and integrating service delivery

Business Process Interoperability Framework (BPIF) provides guidance to agencies seeking to share modes of operation; it provides tools that include a roadmap to interoperability, a list of resources, case studies and a capability maturity model

The National e-Authentication Framework is designed to assist agencies confirm the identity of other parties in electronic transactions

The National Smartcard Framework aims to facilitate a consistent approach to the adoption of interoperable smartcard technology

Gateway PKI (public key infrastructure) is a strategy to enable the delivery of secure online government services.

The Identity Management for Australian Government Employees (IMAGE) Framework is an integrated approach to identity management within the Australian government, setting a standardised set of practices to be adopted by agencies

These initiatives have been primarily focused on improving the way that ICT is used in government to promote interoperability between agencies, portfolios and jurisdictions. Implementation of the Gershon Review has changed AGIMO's direction toward gathering data and measuring performance of agencies as they develop plans to meet the compliance requirements of the Review.

E-consultation

AGIMO encourages use of the W3C global web standards by agencies; it has also negotiated an arrangement for the acquisition under paid licence of a CSIRO-developed advanced search tool called Funnelback that is used currently by 46 agencies and is available through aus.gov.au. AGIMO has also published central resources such as templates, guidelines for designing and maintaining agency web sites.

More recently, AGIMO has begun to focus on the communications and engagement processes between government and citizens. A three-phase project involving a discussion paper, focus groups and an online survey has tested interest in e-consultation by government agencies. The report recommended formation of a Government online consultation forum, accessible from a single online entry point.

Following the publication of the 2008 Consulting with Government – Online report the Government has commenced a trial of online consultation to be concluded by mid 2009. The trial involves three partner agencies working with AGIMO to supplement existing consultations with Web 2.0 tools and processes. It is intended that the trial will provide guidance on what tools, policies and governance structures are needed to engage effectively with citizens online.

The first trial was conducted by DBCDE in December 2008 and involved a blog based consultation on the future direction of the digital economy. Trials to be conducted by DEEWR on the Early Years Learning Framework, and by AGD on how human rights should be recognised in Australia, will commence shortly.

3.2 The Gershon Review

Relevant recommendations

Gershon's first two recommendations ring equally true of information management as they do for ICT, they are:

-
- “(1) There is weak governance of pan-government issues related to ICT;
 - (2) Agency governance mechanisms are weak in respect of their focus on ICT efficiency and an understanding of organisational capability to commission, manage and realise benefits from ICT-enabled projects.”

Gershon also noted that the impact of agency autonomy has been heightened by a previous lack of strong focus on whole-of-government ICT issues at both Ministerial and top official levels.

AGIMO's role

Gershon surveyed the views of agencies about AGIMO's effectiveness and quoted one agency endorsing the aspiration behind the AGIMO but questioning its return on investment. AGIMO's lack of authority over agencies was cited as a significant issue.

Agencies supported AGIMO's role of leading and facilitating work on architecture, frameworks and standards and Gershon noted that there was support for existing central frameworks, standards, best practice guides and services. However, the review also found that there was a lack of adoption of AGIMO's Australian Government Architecture because it is not mandatory.

Gershon also reported that there are variable views among agencies on the business relevance and attractiveness of AGIMO frameworks, and that some AGIMO tools and standards are not very well known and hence not widely used. He concluded: “AGIMO's remit is weak as a consequence of a lack of a clear mandate.”

ICT Governance

Gershon found that the effectiveness of existing ICT governance bodies such as the Secretaries' Committee on ICT and the CIO Committee was limited and they had little influence over agencies.

He proposed the establishment of a Ministerial Committee on ICT to be responsible for the key whole-of-government ICT policies and the overall strategic vision for how ICT should support the Government's outcomes and wider policy agenda.

He also proposed a Secretaries' ICT Governance Board with a strong mandate from the Government to implement recommendations from the review and to focus on improving the efficiency and effectiveness of the Government's use of ICT.

Secretaries' Board

Gershon's recommendation for the creation of a Secretaries' ICT Governance Board (SIGB) has been implemented by the Government and it is composed of Secretaries representative of central bodies, portfolio departments, delivery agencies and some (yet to be announced) top executives from private sector companies which are successful users of ICT. It is chaired by the Secretary of the Department of Finance and Deregulation.

Redefining AGIMO's role

In his proposed new governance model for the Government's use of ICT, Gershon defined AGIMO's principal role as acting as a catalyst for change and an agent to achieving strategies agreed at Ministerial and Secretary level.

He saw the role of AGIMO as including:

Identifying the need for common approaches (in areas such as standards, platforms, applications, infrastructure, business process and aggregated ICT procurement) and preparing the associated business cases for the Secretaries Committee (SIGB).

Appropriate involvement in the development and implementation of common approaches (ranging from a leadership role through provision of resources, to participation in the governance arrangements).

3.3 National Archives of Australia

The role of the National Archives in government is to assist agencies create and manage their records. In the course of its work, the Archives selects from agency records that material which will become part of the archival collection.

The Archives makes publicly available records that are 30 years old after they have been cleared for release; some records are not released as part of this process but individuals can request release and if it is refused there is a right to request reconsideration. Further appeal is possible to the Administrative Appeals Tribunal.

The National Archives has an Advisory Council with one member drawn from each of the Senate and the House of Representatives and 11 members appointed by the Minister. It is able to provide advice to the both the Director-General of the Archives and to the Minister.

Archives issued the first version of its metadata standards to assist agency record-keeping in 1999; they were most recently updated in 2008. The standards are directed at providing guidance to agencies on the management, usage and disposal of records. In developing standards, the Archives works closely with the state record offices, with the New Zealand government and with Standards Australia.

The National Archives undertakes a benchmarking survey every three years that covers a wide range of information management practices; it has a self-assessment tool for agencies to use in reviewing their record keeping under development. Agencies also have access to an agency service centre and to record keeping training courses.

Archives has had a strong role to play in ‘after the event’ assessments of record keeping, such as the Palmer review of the Department of Immigration in the wake of the Rau and Alvarez cases. The Palmer review found that the mistakes made by Immigration in these cases could be largely attributed to a failure of record keeping.

The service records for Australian military personnel are available online and a project known as *Mapping our Anzacs* in conjunction with Google Earth shows the place of birth and enlistment as well as the service records of those all those who enlisted in the armed forces in World War I.

More than 80 per cent of the requests for information received by Archives are related to immigration or war services records, predominantly from people seeking to trace family histories.

There is pressure from Archives’ industry stakeholders, including vendors of records management software and consultants, to adopt consistent metadata standards for record keeping across all government jurisdictions

There are also international efforts to harmonise global metadata standards that make government information more easily ‘discoverable’. Archives works with Standards Australia to develop and promote the AGLS standards as part of this work.

The changes in emphasis and direction undergone by AGIMO and its predecessors over the last decade have required Archives to redefine its relationship with AGIMO, which it regards as primarily concerned with the technology ‘containers’ of information rather than its information content. The major concern of Archives is with managing content rather than setting technical standards for ICT systems in government.

However, in a submission to the Gershon review, Archives drew attention to what it called a “longer term information gap” currently being created by agency acquisition of disparate systems that could not easily interoperate. It cited the Office of Management and Budget in the US government which in its procurement processes for ICT specifically required details about their capacity to support the long-term management of federal records.

3.4 Department of Prime Minister and Cabinet

The department is preparing legislation to amend the FOI Act. A Bill to abolish the use of conclusive certificates is already before the Parliament and exposure draft legislation on broader reforms is planned for release in March 2009.

There are also amendments to privacy legislation in response to a major report of the Australian Law Reform Commission. The first stage of these amendments, due to be dealt with in 2009, will address issues such as:

- Unified treatment of privacy across the public and private sector
- Establishing a nationally consistent approach to health privacy
- Reform of consumer credit reporting
- Consideration of the effect on privacy and new information technologies

The department deals with multiple requests for the same information; in letters to the Prime Minister “the same question is asked a thousand times”, consuming time and resources in responding. Proactive disclosure of information could reduce the volume of requests and save time and money.

PM&C requires better information management to support its move from critiquing the programs and performance of agencies to developing policy and strategic thinking.

In recent years it has perceived an earlier focus on whole-of-government information management reverting to a technical focus on ICT. AGIMO is seen to deal adequately with technical ICT standards but the structures set up post-Gershon, such as the Secretaries Committee, do not have a clear information management remit.

Information management standards that extend well beyond record keeping guidelines would provide assistance to agencies. Guidance rather than a demand for compliance with detailed standards may be more successful in bringing agencies along with the argument for more open government.

The current level of willingness of individuals in agencies to make public sector information more widely available may be an issue. There is generally a cautious attitude toward information release which manifests itself in how public servants classify information within government. There is a tendency to over-state the category of classification as a defensive measure.

The interest of agencies generally in government information tends to cease at the point of creation. They do not yet see ‘putting the information to work’ as a part of their role; although there is a sense that third parties may be better placed to do so.

3.5 Public Service Commission

An interim circular on protocols for online participation in social networking by public servants was issued by the Commission in 2008. It provides a set of minimum standards covering issues such as authorisation for participation, the necessity to disclose the position and status of the participant and the avoidance of either criticism or advocacy of government policy.

Where blogs are hosted by agencies, a moderator is required to ensure that communication is respectful, non-threatening and relevant.

There is a general requirement under the Public Service Act (s 13) that public servants should not disclose information if it can be shown that by so doing the result could “be prejudicial to the effective working of government”.

The separation of policy and service delivery roles of agencies is reflected in the disproportionately higher volume of FOI requests received by the latter, which also incur much greater expense in responding to queries. Some of this demand could be reduced by proactive release of information.

The Information Commissioner could outline how better management of information would improve the effectiveness of the public service by showing how government can work better if information was made more accessible.

There is a general awareness of the need to consider the change in skills and culture necessary in the public service to take full advantage of the move from paper to digital communications and engagement.

3.6 Policy agency issues

In releasing Sir Peter Gershon’s review of Commonwealth information and communications technology, the Minister for Finance and Deregulation said:

“... not withstanding the work undertaken to date, the current model of weak governance of ICT at a whole-of-government level and very high levels of agency autonomy, characterised by an ability to self-approve opt-ins to existing whole-of-government ICT arrangements, leads to sub-optimal outcomes in the context of prevailing external trends, financial returns, and the aims and objectives of this Government.”

These are remarks that may resonate when considering the disaggregated governance of information management policy which, although not the focus of the Gershon review, faces very similar issues.

AGIMO, as Gershon indicates, has been given insufficient authority to ensure widespread compliance by agencies with its frameworks and guidelines and there is evidence of low adoption of the frameworks and standards it publishes.

The National Archives faces a similar issue in relation to standards for record keeping and the use in particular of the metadata standards to provide consistency at the point of the creation of records that will later facilitate ease of access and re-use.

Similar issues are faced by the Public Service Commissioner in preparing the APS for a deeper involvement in the digital world that challenges traditional role notions of public servants for whom participation in social networking sites may be the antithesis of their background and experience.

In short, there are a number of policy agencies with roles to play in developing a more cohesive approach to whole-of-government policy. Each of them however currently operates within an environment that does not clearly delineate their role of set the government's expectations of them.

The appointment of an Information Commissioner and an Advisory Council in which of heads of key agencies participate would immediately begin to address these issues and bring greater clarity in answering the "who does what" question.

4. Information management activities

There are many agencies across the Australian Government engaged in adapting their information management activities to a digital future. The agencies below have been selected for interview with the assistance of the Department of Prime Minister and Cabinet. It is by no means a comprehensive survey of all the agencies affected by changes to the way that government manages information. On that basis, it would be difficult to exclude any.

The information on which the review draws has been provided on a non-attributed basis by agency officers with a close interest in the management of information and reflects their individual perspectives about policy and practice issues facing government in this area. It thus represents a snapshot rather than a comprehensive audit of activity and issues.

4.1 Department of Attorney-General

Attorney-General's has produced a set of intellectual property (IP) principles for government agencies that covers procurement, record keeping, industry development, innovation policy and public access. The principles recognise that the business practices and objectives of agencies range from informing and educating the community to the pursuit of business outcomes through commercialising IP.

The principles are based on the understanding that the purpose for which an agency creates information is relevant to determining the terms on which it is released. In some cases, broader government objectives aimed at benefiting the community as a whole may prevail over the presumption of disclosure.

In developing an IP management plan agencies are advised to balance the opportunities for obtaining value from the IP against making it available to the community to create jobs and develop commercial opportunities.

Copyright

The department has formed a working group of Commonwealth agencies on the management of intellectual property. AG's is developing a paper on options for reform for the consideration of the working group. An Australian Government intellectual property manual was provided to agencies in electronic form in June 2008. This provides guidance for agencies on creative commons licensing.

Use of copyright material is encouraged to inform and advise the public, enhance understanding of government responsibilities, inform the community about entitlements, facilitate access to government services and comply with requirement for accountability.

The Gershon review called for the Government to determine whether its current policy on IP is a barrier for the ICT industry to enter the Government marketplace and recommended that AG's lead this project. AG's believes that a whole-of-government approach to information management is necessary to coordinate issues such as the licensing of public sector information.

Creative Commons

The push for creative commons licensing and agency concern about the use of statutory licences for copyright are also issues that would benefit from whole of-government consideration.

The term creative commons (CC) is derived from a US-based non-profit corporation which has developed a system of free licences and legal mechanisms to enable creators of content to give permission to others to share, re-mix, or use commercially what they initially created. As a movement, it has gained strong support from an alliance of university libraries, software developers and academic legal researchers. CC licences have begun to be used by Australian government agencies.

A variety of CC licences enable users to change the copyright terms on their original material from reserving all rights to reserving only some rights that allow certain uses of the work. There are currently six categories of use, all of which require attribution of the source of material but have different terms of use, namely:

Attribution – others can re-use work as long as they credit the originator with its creation

Share alike – others can use the work as long as they too licence their work under the same terms and conditions of the originator

No derivatives – allows for redistribution of the work as long as it is passed along with credit to the originator.

Non-commercial – enables others to re-use the work for non-commercial ends and with acknowledgment of its source

Non-commercial share alike – allows other to build open the original work as long as they credit the originator and licence on similar terms

Non-commercial no derivatives – the most restrictive category; enables others to share the work as long as they attribute the source, not change the material or use it commercially.

4.2 Department of Broadband, Communications and the Digital Economy

The agency has produced a draft paper, Digital Economy Future Directions and released it for public comment. Among other matters, the paper examines the level of availability of public sector information for use and re-use by other parties.

The paper has a strong focus on open access to public sector information and the potentially beneficial effect on innovation of making information available free or at low cost; a final version is due for publication in mid-2009.

The potential for data to be re-used is the immediate focus of the paper. Three categories of public sector information are defined:

- (a) Data
- (b) Material produced by agencies
- (c) Information produced by educational, scientific and cultural organisations receiving public funding.

Geospatial data in particular is seen as having strong potential to produce economic benefit; there are examples of collaboration between government and commercial entities such as Google using spatial data, in Australia and abroad

The department has investigated the issue of open access to public information through its Digital Economy Branch and held a workshop in 2008 on collaboration to maximise online engagement.

There has been policy development undertaken on how best to make government information available on open access terms to facilitate re-use; this work has highlighted the lack of consistency across Government in agency efforts, including licensing arrangements, to make public sector information available for re-use.

The draft paper identifies the need for the Australian government to develop and implement a whole-of-government strategy to provide access to public sector information and the adoption of a single standard licensing approach to facilitate use and re-use.

4.3 Department of Innovation, Industry Science and Research

The department has conducted a review of the Australian 'innovation system' which advocated a national information policy to improve the flow of public sector information by making it available for re-use. It also proposed that government-funded research be made similarly available online.

The review calls for a national information strategy to maximise the flow of public sector information for the benefit of users, including private sector re-sellers of

information. It also proposed wider adoption of international standards for open access in Australia including creative commons licensing. It advocated that information, research and content funded by the Australian government be made freely available on the Internet in order to encourage reciprocal initiatives by other governments.

The department funds companies to develop innovation and much of the information associated with applying for and receiving grants is currently treated as commercial-in-confidence and therefore not available to the public. However, summary details of contracts over the value of \$100k are reported in accordance with Senate standing orders. Within government, Department of Finance and Deregulation requirements for reporting on the awarding of grants have also become more stringent.

The department, which operates multiple web sites, has implemented AGIMO recommendations to provide publicly available information in both html and pdf formats. It conforms to National Archives guidelines on record keeping, known as DIRKS (designing and implementing a record keeping system).

4.4 Department of Education, Employment and Workplace Relations

Under current arrangements, information generated by government agencies is able to be used for 'educational purposes' by schools, universities, other institutions and individuals; however the term is not clearly defined and is open to interpretation.

Some information collected by the department is re-used for other purposes. An example is information from the Higher Education Data Collection that is re-used by commercial entities such as publishers of the Good Universities Guide. Where information is made available for re-use, it is provided on a non-exclusive basis.

The department has noted that many rights models are applied to information across government and that there appears to be no consistent approach to defining and managing rights. Copyright is an area where agencies could benefit from guidance for to help them identify what the most appropriate terms under which information can be released for re-use.

Some requirements from the Department of Finance and Deregulation to protect intellectual property rights require that copyright is embedded in purchasing guidelines. In these cases it appears that the issue of the government's commercial liability is a major determinant of the degree of copyright protection.

An observation by a senior departmental official was that the charging model ('cost recovery') for public sector information is fundamentally broken. Agency practice has moved to the point where it could be argued that information could be more effectively used if it was made free, in the way that open source has become a model for distributing and encouraging use of software.

Within agencies, the issue of information management tends to be regarded as too low level an issue and it is difficult for agencies to allot the necessary

discretionary time to do fundamental work on data structures and formats that would facilitate easier re-use.

There is a perception that there is no real ownership taken at whole-of-government level for tackling the issues associated with information management. Where it has been considered, responsibility has been devolved to AGIMO which produces guidelines that, as noted by the Gershon review, do not have the intended impact because they suffer from general lack of authority.

Making performance data publicly available sometimes raises sensitivities, especially from the states in areas such as education and health. This may be less an issue for the Commonwealth, which unlike the states does not have a potential conflict of interest by having both a policy and an owner/operator role. There may also be tension between a general principle of releasing information and the effects of that release e.g. parents withdrawing children from under-performing schools. In the view of the department, issues such as these need whole-of-government consideration.

4.5 Department of Immigration and Citizenship

Immigration collects a vast range of data on Australian citizens; it holds 90 million records that need to be searched in order to aggregate information about individuals. That volume of data is continually expanding, for example to capture details of 20 million people movements into and out of Australia each year.

Successfully identifying the individuals on whom details are held is needed not just for the department's operational purposes but because much of the data Immigration holds in its systems is of interest to other agencies in government e.g. biometric and fingerprint data linked to Crimtrac. The department is also second only to Centrelink in the number of FOI requests it receives.

The Palmer report into the Rau and Alvarez cases concluded that in both cases there were records referring to Ms Rau and Ms Alvarez that were "available but not found" in the department's files. That finding has been the spur for a major investment in information systems, which is currently being implemented.

The department is moving to digital records through its System for People program but is still very dependent on paper; in the course of the project it has found that in the transition toward electronic records the increase in e-records has served to disrupt the traditional administrative practices associated with keeping paper-based files.

The objective of its business transformation program is to provide a single view of all the information available on an individual client, held in a data hub and made available through a client search portal. The use of a self-service web site to enabled password-protected access to personal information for example would sharply reduce the number of FOI requests.

Based on Immigration's experience, compliance with information management standards would be better if effectively mandated through work flow processes

designed to improve data quality. Once those management guidelines are decided portal software can be used to structure processes that mandate the fields that must be populated with designated elements.

Better implementation of management information guidelines would also open up the potential to move to wider use of data mining tools to improve risk-based profiling and better enable policy and operational options to be tested. However, improving information management practice is a long-term process; in recent years there has been no whole-of-government responsibility assigned to resolving common issues across agencies.

4.6 Child Support Agency

By its nature, the Child Support Agency (CSA) collects information on individuals that require strong secrecy and privacy provisions; there is a current customer base of one and a half million people with whom the agency interacts.

The CSA is the fourth most requested recipient of FOI applications, after Centrelink, Immigration and Medicare; many requests are for an individual's history of interaction with the agency. Internal documentation such as the processes used to assess cases are published online on request. Information that is subject to an FOI inquiry is sometimes released without the necessity for the application to proceed further than the inquiry stage.

There is still a heavy reliance on telephone and mail services: the agency receives 13,000 phone calls a day and speaks to 85 per cent of its customers each year by telephone; it mails out 26M items of mail every year.

However, online communications has grown significantly in recent years, with the number of unique visitors a month to the agency's web site growing from 30,000 in 2005 to 300,000 now. CSA Online is a facility that enables customers to register as users and to obtain information securely via a password-protected log-in; there are currently 90,000 accounts registered.

The CSA believes public confidence in its work is a function of its credibility and if as much information as possible is not made available it is more difficult for people to understand its role, responsibilities and processes. To this end, the rules by which the agency operates under legislation are made public (published as The Guide online).

As a services delivery agency, CSA supports a more whole-of-government approach to creating the general principles of information sharing by agencies; this is an issue of greater significance to service delivery agencies rather than policy agencies because service delivery depends on openness in order to build credibility with customers.

4.7 Australian Bureau of Statistics (ABS)

There is a wide range of demand for re-use of information produced by the Australian Bureau of Statistics (ABS) including from academic researchers, commercial entities such as Bloomberg and Reuters, the OECD and other international agencies such as the UN Food and Agriculture Organisation (FAO).

Many of the largest users of ABS data are government entities, ranging from the Commonwealth Treasury, the Reserve Bank and state governments for economic information, to service delivery agencies for social information.

Some of the data that ABS releases is time critical, including statistics that influence the distribution of Commonwealth funds to the states, population statistics used to determine electoral boundaries, the national accounts figures, CPI index, and labour force and retail data. Some information released by ABS is very market sensitive, especially GDP and CPI figures.

ABS makes its statistical information available through its web site for no charge; it has recently introduced creative commons licensing that requires users only to attribute the source of the information. The licence replaces a general policy statement to guide users on the agency's web site. The creative commons licence is embedded into the statistical data sets as an electronic watermark.

During the user-pays phase of the mid-90's when cost recovery measures were necessary, pricing of ABS data was a major impediment to use; the relaxation of those policies over the last decade together with the greater availability of information in electronic form has greatly increased the volume of data distributed.

The reduction in printed material has markedly reduced production and distribution costs. No charges now apply for online information except where there are very high volumes of data involved.

4.8 Geoscience Australia

Like the ABS but unlike many other agencies, Geoscience exists to distribute as widely as possible its information to industry and to individual citizens. The range of data it disseminates reaches from topographical maps for bush walkers to surveys of offshore deposits of resources.

As a provider of geoscientific knowledge Geoscience sees its role as enabling government and the community to make decisions about exploiting resources, managing the environment and the safety of critical infrastructure.

The data it collects, analyses and disseminates is directed at supporting on- and off-shore exploration, improving resource management and environmental protection and developing a sustainable energy supply.

Geoscience is a major supplier of key information sources for the mining industry such as geological investigations on a 'pre-investment' basis. Where information is released for which there are strong commercial implications, Geoscience's focus is on releasing 'pre-competitive' data such as 'Acreage', a CD product mailed out to subscribers on the release of updates.

Data such as surveys of petroleum producing areas is made available on subscription or by request. Geoscience produces a range of mapping products for sale, including specialised topographical maps and minerals maps used by mining companies. A review of the agency's intellectual property policy is under development

5. Issues from the agency review

The review has identified a number of Issues in relation to information management, more open access to public sector information and deeper citizen/government engagement. All would repay further detailed consideration. A selection of some of the more important issues arising from interviews with agencies are outlined below

5.1 The diversity of information management practices

There are different underlying rationales for the way in which agencies approach information policy development; from close alignment to core business, to broad public relations considerations.

The review has highlighted the lack of consistency across Government in agency efforts, including licensing arrangements, to make public sector information available for re-use.

The distinction between, and rules for gaining access to information that is personal (strong secrecy and privacy) versus non-personal (open access on free licences) is not clear-cut; in some cases sources are composed of a mix of both categories of information which require guidelines to separate.

Service delivery agencies are seen as more conscious than policy departments of the need for a whole-of-government approach to establishing the general principles of information sharing by agencies; this is an issue of greater significance to service delivery agencies because they depend on openness to build credibility with their customer base.

5.2 Information technology and information management

The changes in emphasis and direction undergone by AGIMO and its predecessors over the last decade has required agencies to redefine their focus from information management to information technology. This trend has intensified as a result of the Gershon review.

While there has been a focus on improving the way that ICT is used in government to promote interoperability between agencies, until recently the issue of government engaging citizens online has received relatively little attention.

There is a general lack of awareness of the importance of measures such as applying metadata standards to aid discovery and re-use of information; they are seen as technical rather than business issues.

There is no coordinated response to the pressure from stakeholders ranging from potential re-users of government information to suppliers of software for

information systems on the issue of whole-of-government information management policies.

5.3 Central responsibility for information management

Technical standards for ICT are adequately dealt with by AGIMO but the governance structures set up post-Gershon, such as the Secretaries Committee, do not have an information management remit.

There is a general sense from agencies that in recent years an earlier focus on information management has reverted to a technical focus on ICT and procurement and that this imbalance needs to be redressed.

In the case of policy agencies, better information management is perceived as necessary to move from critiquing the performance of line agencies to the more constructive role of developing policy and strategic thinking.

Improving information management practice is a long-term process requiring continuous attention; in recent years there has been no whole-of-government responsibility assigned to information management at a senior enough level to ensure that it is taken seriously by agencies.

The formation of the Office of the Information Commissioner is seen by agencies as an overdue measure to provide clarity about governance and responsibility across government in a complex policy area.

5.4 Greater coordination of and guidance for agencies

There is evidence of many unrelated information access and distribution approaches adopted by agencies, with little coordination and guidance beyond basic requirements for websites.

There is consistent support across agencies for a more rigorous whole-of-government approach to developing standards and guidelines to provide greater consistency in the way that information is managed within government and disseminated outside it.

The approach preferred in introducing better information management practice is that the release of standards should be supported by assistance in implementing them rather than simply a demand for standards compliance.

The role of web sites as communications channels is widely accepted, although there is significant variability in their cost, design and functionality of web sites a point made by a 2008 ANAO report on web sites. The sites vary in purpose from presenting marketing materials to enabling electronic business transactions.

There is some recognition that sites that focus on departmental structures and an administrative view of information impede users searching for information based on subject matter rather than on which agency site it is located.

5.5 Confusion on licensing options

There is no clear guidance on licensing options available to agencies seeking to stimulate external use of their information resources. In the absence of any discernible rationale the terms under which information should be released, agencies go their own way. Some agencies rely on traditional copyright, others release it under a creative commons licences and some do neither.

Although different rights models are applied across government; there is no equivalent to the UK 'click-use' licence which is a convenient method of resolving licensing issues.

There is evidence that the cost recovery model has fallen into disuse and that information would be more effectively disseminated if it was made free or at marginal cost, in the way that open source release has become a model for distributing software.

In some cases, lack of clarity about the status of information when it is made available for re-use is unclear; government information can be used for example for 'educational purposes' but the scope of this right is not clearly defined.

5.6 Defensiveness about open access

Agencies' interest in government information tends to cease at the point of creation; they do not see part of their role as putting that information to work outside government, although there is a sense that third parties may be better placed than they to do so.

There is a real question about agency preparedness to make public sector information more widely available; in classifying information within government, there is a tendency to over-classify as a defensive measure. The argument for open access is not clearly understood.

Making agency performance data publicly available may meet resistance from some Commonwealth agencies, even as they are seeking to persuade state jurisdictions to adopt and disclose performance metrics; there may also be caution about 'unintended consequences' e.g. parents withdrawing children from under-performing schools.

Information management is seen by all agencies interviewed as distinct from managing the technology and some noted that there is a tendency of IT staff to resist more open communications instead of regarding ICT as an enabler of more open engagement between government and citizens.

5.7 Ill-defined rationale for greater accessibility

The general principle that recognises that the purpose for which an agency creates information is relevant to determining the terms on which it is released, is not clearly articulated across government.

By the nature of what they do, the service delivery agencies bring to the issue of open access a higher level of recognition that close engagement with their customer base is essential and that online technologies present opportunities for innovation in that regard.

They also recognise that the disproportionately higher volume of FOI requests they receive and the higher costs they incur responding to queries could be ameliorated by more proactive release of information.

It is clear however that some agencies show little evidence of re-thinking their position on ensuring more open access to information and closer interactive engagement with individuals and communities online.

5.8 Linking up the innovators

Although they do not appear to be widely recognised as such across government, there are signs that the related issues of information management, greater access to public sector information and its re-use by third parties using Web 2.0 techniques are receiving greater attention.

One of the pressure points that has stimulated policy thinking has been around the issue of determining appropriate management of rights to information, especially in the perceived tension between copyright and creative commons licensing.

In some cases, agencies such as ABS have simply moved to creative commons licensing of its data, making it available free of charge with the only requirement that its origin be identified. Re-use of education data about university course and subject offerings has also been used to develop commercial products.

There is nascent awareness of alternative information access strategies that enable re-use through adoption of open access technical standards rather than highly structured web sites which may constrain accessibility to underlying data. There is some note taken of events overseas, such as the central listing of available information provided by the UK government.

Although some innovators in agencies were aware of related initiatives in others, there is little exchange of information and potential exemplars of access to and re-use of public information are unrelated, unknown and uncoordinated.

6. Roles and Responsibilities of the Information Commissioner

6.1 Purpose of the role

The Australian Government needs quickly to begin the task of preparing the way for e-governance and e-consultation if it is not to fall further behind the significant advances made in the UK and the USA. The Office of the Information Commissioner (OIC) has a key 'make ready' role to prepare agencies for deeper online engagement with communities and individuals.

The development of a clearly defined cross-government approach to information policy and management by the OIC in consultation with agencies is a first step. Clear governance arrangements that assign specific responsibilities to agencies and the OIC should be developed to enable the cross-government management of information to be effectively coordinated.

There is a specific need to begin developing an Australian Government information policy that is appropriate to the digital world and which should make it easier to search for, discover and use government information. This will enable better access to public sector information in a form and on terms which are of greatest value to those who seek it.

The Commissioner should initiate measures that begin to shift the perceived culture of the public service from secrecy and information protection to more proactive disclosure. This will involve building a general awareness that a continuous change management approach is necessary to ensure more open access to government. It should be understood that this will not be achieved overnight.

The Commissioner should provide cross-government oversight of information policy and management and undertake a strong public advocacy role to promote open access to public sector information, drawing on the experience of initiatives such as the UK Power of Information report and taskforce.

While AGIMO's primary concern is with how government internally shares information and the technical protocols agencies employ to do so, the OIC role is focused on managing the information that is held in electronic systems and on other media. In addition to improving information management practices, the Information Commissioner has a more external focus on how government communicates with community.

A clear definition of the complementary relationship between AGIMO and the OIC is required at the operational level, including an examination of the alignment of AGIMO's current information management activities with the work of Information Commissioner.

6.2 Responsibilities of the role

The OIC should have responsibility for reviewing agency publication schemes (see 6.5), including classification categories assigned to information. When agencies have developed their own publications schemes, the Commission should monitor their performance in complying with them.

Agency performance data should be published by the Commission and reported to parliament. Where reviewing and monitoring performance data warrants it, the OIC should engage with agencies to improve access to and management of information. The OIC should encourage and stimulate agencies to innovate in their management and dissemination of information.

An agency-by-agency examination will be necessary to identify opportunities for the immediate proactive release of information that has the potential to stimulate a culture of more open access. The OIC should conduct training activities with agencies to encourage better use of and access to information and develop guidelines to help agencies apply the public interest test to government information.

The OIC in conjunction with AGIMO should develop guidelines for the mechanics for disseminating information, including searchability standards, document meta-tagging and records management requirements.

Although 90 per cent of FOI requests to agencies are for personal information, some are in the form of 'mixed requests', which also include non-personal information that can be generally released. Separating out the two categories of information involved will require specific consideration by the OIC.

6.3 Structure of the OIC

The Office of the Information Commissioner should include both the FOI and Privacy Commissioners, which are statutory appointments; not deputies to the Information Commissioner. All powers and functions should rest with the statutory office of the Information Commissioner, who is vested with powers, not delegations.

The OIC should have budgetary responsibility for all the activities conducted within the office, including privacy and FOI. The Information Commissioner will also have management responsibility for integrating common administrative functions across the three areas of information management, FOI and privacy. A single integrated organisation should be established, including combined office locations, common IT platforms and services, human resources and financial management systems.

Formation of an Advisory Council across government to provide advice to the Information Commissioner should assist in identifying and resolving cross-agency issues associated with the governance of information management.

The Information Commissioner should be a statutory appointment responsible to the Cabinet Secretary; administratively should be the responsibility of PM&C. The Information Commissioner is planned to be appointed by Jan 1 2010. In the meantime there is a need for immediate coordination and action is required to gather momentum prior to the establishment of the OIC.

6.4 Developing more open government

A key requirement for more open access is moving the model for disseminating government information from one in which citizens seek to extract the details they require ('pull') model, to agencies proactively releasing information in formats that can be re-used ('push' model).

The *UK inforoute* portal and the Information Asset Register initiatives are models for ensuring greater accessibility and 'discoverability' of public sector information. The use of metadata tags and indexing techniques will enable information to be more easily located and made available for re-use.

Development of a single point of access for listing government documents by their metadata identifiers would encourage greater levels of re-use and RSS syndication feeds could be used to alert consumers to new or important information sources.

The OIC should promote a more open approach to government information that is proactive rather than defensive; simply on efficiency grounds it is clear that the proactive disclosure of government information has the potential to reduce the volume of demand for FOI requests.

Agency guidelines for the Australian Public Service should outline not just the terms of online citizen engagement but the advantages to policy development and service delivery; they should detail the rationale and methods for creating more open government.

The organisation of public forums to canvass discussion about greater openness in government should be encouraged. The funding of exemplar projects that demonstrate best practice in online engagement between government and communities would also help to show other agencies the benefits of such approaches. Those showcase projects would explore the potential of Web 2.0 tools, blogging software and social networking for deeper engagement between citizens and government.

6.5 Publication schemes

A major responsibility of the OIC is the development of guidelines for publication schemes implemented by agencies. Agency publication schemes should categorise data by defining its 'terms of offer' e.g. open access, paid, copyright.

The OIC should assist agencies to meet the objectives of publication schemes through development of guidelines and provision of advice. Development of guidelines for the release of agency operational material should be a priority to enable greater understanding from the community about 'who does what' in government.

Legislation should provide specific requirements in relation to publication schemes including the fact that there will be some mandatory elements and others will be discretionary. The requirements should be defined in the Act at a high level, while detailed guidelines will be specified after consultation with agencies.

The OIC should provide guidelines to agencies describing what should be in publication schemes. The guidelines should include lists of 'publishable' documents for agency use that will be developed by the OIC. The OIC may review agency publication schemes but should not formally approve them (which would require direct parliamentary oversight).

The aim of these requirements is to put into place a more proactive role for agencies in disseminating public sector information. The capacity for users to easily search and re-use documents included in publication schemes in specified formats will require the consistent application of information management standards across government.

7. Driving cross-government change

7.1 Gaining momentum

The passage of new FOI legislation, as well as establishing the OIC, should begin to set expectations about the role when it comes into operation in January 2010. In the meantime, it is essential to ensure that momentum around reform of whole-of-government information policy development is maintained, to avoid a hiatus of at least nine months. The pace of change internationally, especially in the UK and the USA is set to accelerate over the next 12 months; Australia cannot afford to stand still.

To establish momentum in the short-term, it is proposed that the Minister establish a taskforce to provide advice to the Government on how best to prepare the way for creation of the Office of the Information Commissioner. The work of the taskforce will inform the next stage of more detailed policy development that needs to be undertaken in defining the role of the OIC and its relationship with other entities.

It will also enable the Commissioner on appointment to build on a body of work that has drawn on expert opinion to consider the complex issues associated with whole-of-government information management and the potential for innovative online engagement with citizens and communities.

7.2 Formation of a cross-agency taskforce

The taskforce should be a forum of ideas and information exchange. Across government, there are innovators in the public service who have, from a variety of perspectives, been engaging in the issues of more open access to information using new online tools and techniques. The knowledge and energy of these individuals should be tapped and shared as they form the basis of an informal 'think tank' within government.

To this end, members of the taskforce drawn from inside government should not simply be regarded as representatives of the sectional interests of their home agencies but as having expertise in the field with knowledge and skills that are of benefit across agencies.

The model used in the UK to take forward the work of the *Power of Information* report should be considered as a possible approach. The UK taskforce was chaired by an external independent appointee and included as well as private sector members, senior government officials tasked with developing measures in government to put its recommendations into effect. This approach has led to the creation of a senior appointment in the UK Cabinet Office with responsibility for encouraging innovation in e-consultation across government.

7.3 Bringing in external expertise

Clearly much of the expertise in the formation of online communities and the use of social networking and Web 2.0 tools resides outside the Commonwealth government: in other jurisdictions, in the community, non-profit and corporate sectors. It would be of great value to identify a number of individuals who on the basis of their expertise could be invited to join the taskforce, providing expert input to its deliberations.

Given the mixed nature of the taskforce's membership, an independent chair external to government but with a close understanding of its workings would be best placed to lead the taskforce's work. The taskforce should meet at least monthly but may choose to commission a number of sub-groups to address specific issues for consideration by the members as a whole. Technical advice on appropriate standards to be adopted to provide more open access and legal advice on the appropriate forms of rights licensing would also be valuable.

The taskforce could also assist the process of identifying the entities best placed to undertake responsibility for specific roles within a whole-of-government framework and to provide advice about the options for best achieving the Government's objectives of increasing citizen engagement through participation on online consultation activities. This would include considering how best to achieve the culture change necessary to move public service culture to a more open model of citizen engagement.

7.4 Learning from international experience

In developing its thinking about how reform of information management in the Australian public sector can be achieved, the taskforce should take account of relevant international developments that may be useful to apply here. The UK Government for example has funded a series of exemplar projects to demonstrate the benefits of government interacting with online communities. It may also be possible to seek private sector funding to develop Australian exemplar projects.

One of the most instructive online community initiatives in the UK is the very successful *netmums.com* site that now has a registered membership of 500,000 mothers with young children, increasing at a rate of 20,000 new members each month. This site has become a forum for exchanging information and making contact between mothers and its interactive chat sessions are so active more than 20 moderators are necessary to maintain them.

Netmums is not a presentational site; it has interactive information sources that are notice boards, details of local activities, sections on food, holidays and childcare and a local "meet-a-mum" service to enable members to connect personally. Importantly, it is operated by and for its members. Yet it has for any government department providing services to mothers become a very effective means of reaching into this community and understanding its needs and issues.

There are also some ground-breaking developments in the management of and access to public sector information in the early days of the Obama administration in the USA. Through the recovery.gov website, the US government is providing direct online access to the spending initiatives that constitutes its economic stimulus package. It enables citizens to track progress against timelines and to obtain a detailed analysis of where money is being spent, what it is being spent on and whether it is meeting its target timelines. In some cases this data is being used by state governors to give an even more detailed local viewed of spending; Maryland's *StateStat* initiative leads in this regard.

7.5 Information Commissioner Advisory Council

An informal taskforce with a specific function to provide a more detailed description of developments in government and how best to advance open access may have a continuing role beyond 2009.

However, the incoming Information Commissioner in 2010 will also need the advice of a more senior representational group to provide ongoing advice as the OIC work program gets under way. One possible model is the National Archives Advisory Council, composed of Ministerial nominees drawn from the public and private sectors and a representative selected by each of the Senate and the House of Representatives.

7.6 Composition and role

Membership of this body would be drawn from the senior echelons of the central and line agencies likely to be most relevant to the work of the OIC, with additional eminent experts from outside government.

The Council could advise the Commissioner on the most effective measures for the Australian government to develop and implement a whole-of-government strategy to provide access to public sector information and to adopt standard licensing methods that facilitate its use and re-use.

Members of the Advisory Council should be chosen on the basis of specific knowledge and experience in considering the complex issues associated with making government information accessible and available for re-use. They should be selected by the Minister in consultation with respective agency heads.

Representatives from at least the following agencies should be represented: Australian Government Information Management Office (AGIMO); Department of Prime Minister and Cabinet; National Archives of Australia; Department of Broadband, Communications and the Digital Economy; Department of Innovation, Industry Science and Research, the Public Service Commissioner and Department of Attorney-General.

The Advisory Council could assist the Commissioner in identifying and promulgating exemplar cases where the public sector has made information available in a form in which it can be used. A national awards program may help to provide these innovative projects with a wider profile within government. The Council could also work with the commissioner in holding forums of senior public servants to examine the lessons to be learned from exemplar projects both in the Australian public service, other jurisdictions, the private sector and international examples of best practice.

7.7 Mainstreaming e-consultation

Australia lags behind other advanced economy governments internationally in using the power of the Internet and Web 2.0 social networking tools to engage their citizens in the process of policy formation.

The reasons other governments have moved decisively to embrace the use of technology in consulting communities derive less from general notions of the benefits of 'e-democracy' but from more practical concerns. E-consultation is simply more effective in engaging communities that are highly connected to the Internet either at home or at work.

The 2020 Summit remains a powerful example of how a two-way flow between government and citizens can generate ideas. Yet an ongoing online strategy to maintain the communities of interest around which the Summit was constructed could have greatly extended its reach and its longevity as a continuing springboard of ideas for government and community to work on collaboratively.

Usage of the Internet is encouraging citizens to engage directly through social networking sites. Governments that fail to exploit this movement in consumer behaviour risk exclusion from forums that provide insight into community attitudes and concerns.

In practical terms, e-consultation is more cost-effective than face-to-face contact because it reaches a wider community more quickly and enables discussion to be better informed. While personal contact between policy makers and communities of citizens is important it cannot match the power of the Internet to engage citizens in a continuing dialogue.

The major obstacle to introducing e-consultation in government is not technical; it is a cultural attachment by the public service and politicians to constrain the systematic sharing of information with citizens. To overcome that cultural reluctance, public service managers need a reason to change their behaviour and a process to do so.

Effective e-consultation demands relevant facts and figures, analysis and explanation. The better informed participants involved in e-consultation are, the higher the quality of interaction and the greater chance of constructive outcomes.

8. A whole-of-government approach

8.1 Who does what?

The creation of the OIC is vital in ensuring that a catalyst exists to assign and monitor the variety of different responsibilities that will need to be exercised by multiple agencies in order to implement a whole-of-government approach to how information is managed and disseminated. It will also provide a focal point for government in communicating the strong commitment to open access that must be articulated to reinforce the case for change.

In reviewing contemporary policy and practice in information management by Australian and international agencies there is a temptation to seek a perfect solution, preferably already implemented elsewhere, that can be re-applied with little modification. Information policy and management is however too complex and too dynamic in its evolution to lend itself to ready-made solutions.

Assigning roles and responsibilities to existing agencies and to new positions and entities needs a detailed understanding of how current information policy and practice can be harmonised as part of a whole-of-government approach. Getting the mix right between modifying the roles of existing governance bodies, adding new responsibilities to agencies and creating new entities requires an understanding of the realities of government decision-making.

The intuitively appealing principle of governments being as open as possible to the citizens who elect them needs to be informed by a realistic assessment of the measures, functions and structures required to deliver that outcome. International experience, although not a perfect template for who does what in government to better manage information in Australia, is instructive.

In the UK, a combination of existing agencies, the formation of new units and the creation of new posts to fill gaps in a pan-government approach demonstrates a pragmatic approach to using and where necessary complementing the levers of administrative authority. In the USA, the responsibilities of large and powerful central institutions whose authority reaches across government have been amended by the Obama Administration to deliver a new agenda of open access to information.

In both cases, the creation of the administrative machinery to implement change was supported by great political authority. In the case of the USA, that political ownership comes directly from the White House, in the UK from the Minister for the Cabinet Office. There is a strong message for Australia in this – the highest possible level of political backing, as well as the assignment of administrative responsibilities, is necessary for the scale of cultural change required.

8.2 Coordination in a complex environment

The OIC should be the central point of coordination in information management policy and practice across government, working with other agencies to develop a cohesive approach. The absence of coordination invites the proliferation of alternative approaches.

The complexity created by uncoordinated agency activity is apparent in seeking to accurately identify administrative responsibilities for devising and implementing information management policies. One conclusion that can be clearly drawn from the current state of information policy development is that there is no assigned role of whole-of-government coordination, despite wide recognition that it is needed.

None of the existing institutions that might take on that coordination role have expressed a desire to undertake the task. An objective assessment of the match between their current responsibilities and the job of coordinating information across government suggests that there is no current agency that is fit for purpose. The proposal to form the Office of the Information Commissioner (OIC) arises from the need to fill this governance gap.

Establishment of the OIC creates a new source of authority in government on which the focus the many disparate activities of agencies in managing information. To effectively exercise this authority, the OIC requires a level of independence from other central and line agencies. That statutory independence should enable the OIC to work with agencies on a neutral basis to achieve greater coordination across government.

The complexity of information management is substantially a function of the diversity of purpose that agencies bring to their information use. In line agencies with a strong service delivery function, information rarely flows one-way; rather it is a sometimes almost continuous iteration between agency and client. In policy agencies the flow of information is less interactive, with essentially a 'controlled release' model informing citizens of government messages.

An effective information policy across government will need to be relevant to all the models of information use by agencies; a 'one size fits all' approach will simply not capture the complexity of the environment. For this reason, the role of the IOC should focus as much on guidance and working with agencies to achieve set objectives instead of relying on a compliance regime enforced by penalties.

8.3 Rebalancing technology and content

An important function of the OIC will be to distinguish the role of information management and the management of the technology that enables its collection, storage, manipulation and transfer. It is the content of information systems rather than their design and deployment that is of greatest and use to the community outside government.

There has been an understandable focus by government on ICT because it is a major component of agency operating budgets and resource allocation. It can also be quantified in the acquisition cost of hardware, software and services and there is a clear understanding that very good project management is required to avoid cost and time over-runs.

The costs and benefits, in a sense the return on investment for information management, are less easily quantifiable. Information by its nature can be seen as an ephemeral commodity and many of the continuing costs of its management are embedded in internal government processes. As a result, agencies will need advice and assistance in how they extract greater value from better managing information and how they communicate with their respective communities of interest.

The OIC, as a source of authority and knowledge about information management should ensure that agencies are provided with opportunities to share best practice and to exchange experiences in improving their information use. This is especially the case when considering the relevance of new online models of interaction between government agencies and citizens.

8.4 Building momentum for change

The OIC should initiate a series of practical programs to which agencies can contribute and which can have an immediate impact on improving information management. In addition to ensuring that agencies develop and implement publication schemes, the OIC should undertake immediately it is operational a program of activity intended to stimulate better use of public sector information.

In conjunction with AGIMO and the National Archives, the OIC should develop guidelines for individual information asset registers to be implemented by agencies; there should also be a portal to these information sources via the Australia.gov.au site.

The OIC should initiate a review with key agencies to examine the tension between focusing on the development of agency web sites versus the 'usability' of information that has been structured at point of collection in order to maximise the potential for re-use.

A whole-of-government policy is urgently needed to provide agencies with guidance about the use of the various categories of creative commons licensing, in the context of existing policies in relation to Crown copyright.

An information program should be initiated by the OIC to educate agencies about their responsibility to look beyond their current use of information to make it more accessible for the purposes of re-use and to deepen the level of engagement with their client base.

The OIC should prepare a high-level 'business case' for more open access to government information, providing examples of economic stimulus, social benefits and the more effective delivery of government services.

In the immediate future, prior to the establishment of the OIC in January 2010, a taskforce appointed by the Special Minister for State and the Minister for Finance and Deregulation should investigate the potential of a showcase initiative similar the UK's *showusabetterway*; potential sources of incentive funding should also be investigated.

9. E-governance structure

9.1 The need for effective e-governance

Without effective governance of information policy it is difficult to see the current disaggregated approach to information policy and management across the Australian Government producing greater consistency of its own accord. The gap between the current state to a more coordinated approach is simply too wide to be closed by the current arrangements.

It is worth outlining the features of that more coordinated environment and the benefits that could be expected from it before describing the structures and assignment of responsibilities necessary to achieve it.

A key indicator of successful development and implementation of an information policy regime across government is that it provides certainty in areas of information management that are currently ill-defined or poorly executed for lack of guidance.

It would be an environment in which agencies were able to operate within the general principles of an information policy that articulates Government's commitment to ensuring that pro-disclosure policies and practices prevailed over protection of public sector information. This would require the limits to disclosure to be set and clearly communicated but would endorse a general approach of the sort adopted by the Obama Administration: "in the face of doubt, openness prevails".

9.2 The effect of greater disclosure

The rationale for disclosure over protection would enable specific policies to be pursued with greater confidence by agencies. For instance, some agencies recognise making public sector information accessible can enable it to be used as a stimulus to innovation. That innovation may manifest itself in economic and commercial activity but there is also potential for social and community benefits.

Greater disclosure would require clear policy and efficient processes for licensing the use of public sector information. Uncertainty about terms of release could thwart even the best intentions of agencies to more openly disclose information. Simple online processes such as the UK's 'click-use' licensing terms could remove this impediment to wider dissemination of information.

A culture of disclosure would enable service delivery agencies to more effectively build trust with their constituencies, especially in areas of great sensitivity such as welfare, child support and health. There is already evidence that greater accessibility to information in child support is leading to increased online communication to obtain information and transact business more quickly and efficiently.

A more open environment would encourage deeper engagement by the community in participating in an open dialogue about issues on which the government is developing policy. By sharing information with communities of interest, Government could improve not just the quality of its policy-making but increase the chances of the policy being successfully implemented. By enabling community participation in the process of developing policy, Government would build a sense of ownership and support, without abrogating its policy responsibilities.

The quality of the public record is the information equivalent of the national estate in historic locations and properties; it is a key source of detail in understanding what governments have done and not done. Some of the initiatives of the National Archives in opening up the record of the past greatly contributes to an understanding of Australia as a nation; the records of 400,000 World War I service personnel available online is a potent example.

An effective regime of information policy would set information management strategies around content, not the ICT systems that are used to collect, store and exchange electronic data. Standards for structuring data, in line with global standardisation efforts, should prevail over proprietary approaches advocated by IT vendors. Encouraging agencies to focus on data structures would enable them to more effectively share information across government and with the world outside the public sector.

These are just some of the features that could be anticipated from a better thought-out and executed whole-of-government information policy. If those characteristics are perceived as desirable ends, as they are increasingly in Australia and internationally, the means by which they are achieved need to be fit for purpose.

9.3 Assigning responsibility

Constructing the best matrix of agency responsibility taking into account the available levers of authority within Government and the whole-of-government role of the Information Commissioner, requires detailed consideration.

Development of an effective structure for e-governance should guide the process of assigning specific responsibility for delivering aspects of the framework of cross-government information policy. The Office of the Information Commissioner (OIC) should have a coordination role in working with each of the respective agencies to ensure that whole-of-government interests are delivered. But success will require the close involvement of range of agencies.

Three levels of involvement are proposed for agencies engaged in the process of forming information policy, developing common approaches, adopting standards and monitoring compliance. Each level of involvement would be defined within an information policy framework that spells out the respective roles of agencies and the relationships between them. The three levels are: (1) Coordinating agencies; (2) Lead agencies and (3) Participating agencies.

9.4 Coordinating agencies

The two major coordinating agencies in ensuring effective information policy is developed and implemented are the Department of Prime Minister and Cabinet (PM&C) and the Office of the Information Commissioner (OIC); they do however have different roles.

As the senior policy-making agency in the Commonwealth, PM&C is responsible for setting the policy direction of Government in many areas; information management is one of many matters requiring its attention. The policy-settings that would be of most benefit in re-shaping information policy are those that establish general principles under which more specific implementation strategies can be applied.

In its role as the paramount central coordinating agency PM&C should articulate a general set of principles that make clear the Government's general commitment to open government and the accessibility of public sector information. It should set high-level information policy derived from those principles, including defining the responsibility of the OIC for implementing that policy.

The OIC should be established with terms of reference that make clear its responsibility for ensuring that the general statement of the principles of openness, transparency and accountability, are implemented through specific measures. The OIC should develop a 'policy architecture' designed to show across Government which agency has responsibility for what activity. The architecture should be used by the OIC to generate a structure of e-governance which identifies the appropriate agencies to lead and participate in specific initiatives.

9.5 Lead agencies

The lead agency for each aspect of the whole-of-government information policy is the chief provider of the requirements defined by the coordinating agencies. The concept of lead agencies is used in some state jurisdictions to identify those entities within government that are best placed to generalise their knowledge and experience across other agencies.

Lead agencies work in conjunction with central agencies to ensure that their activities have whole-of-government endorsement and engage with other agencies in progressively ensuring wider implementation. This model was used for example by Queensland Treasury in its roll-out of enterprise resource planning (ERP) systems.

In the information policy environment, the OIC in conjunction with PM&C and the agencies concerned would identify those issues that require priority attention and select the best placed agency to initiate an appropriate program of work.

These agencies should be responsible for the delivery of specified components of the overall policy such as the development of technical standards to be used

across government to facilitate access to public sector information, or the licensing terms on which it should be made available for re-use.

Each lead agency should be 'contracted' by an agreement with the OIC to deliver specific requirements within defined timelines. If timelines are not met within reasonable limits, the OIC should reserve its right to intervene in order to set default policy guidance for agencies.

9.6 Participating agencies

In the brief prepared for lead agency roles to cover their remit, additional agencies should be nominated to participate in the work on the basis of their interest and expertise in the matter under consideration.

An example could be the identification of appropriate licensing terms in which the Attorney-General's Department may be assigned the lead role. Representatives of other agencies with a strong interest in those terms, such as DBCDE, ABS and DIISR could be convened in a working group to develop draft policy for consideration by the OIC.

The OIC should develop an annual work program that prioritises development in specific policy areas. As each issue is identified by the OIC for further policy development it should identify what each of the agencies can bring to the table and scope their respective lead or participation roles.

9.7 Policy adoption

As a general principle, the agencies that generate standards are often not those that are best placed to enforce them, although they should themselves be early adopters. Standards Australia for example uses working parties to develop standards and although it disseminates those standards it is not responsible for enforcing their adoption. To avoid confusion in the e-governance structure, responsibility for ensuring that agencies are compliant with standards should rest with agencies themselves, monitored by the OIC.

When standards have been developed to the satisfaction of the OIC and its Advisory Council they should be adopted and promulgated as Australian Government Information Management Standards (IMS) by the OIC.

The standards will provide pragmatic guidance to agencies on how to manage public sector information in compliance with whole-of-government policy. The structure of the standards and guidelines for implementation that accompany them should build in sufficient flexibility to accommodate diversity.

Guidelines should be framed to match the business objectives of agencies with the appropriate implementation of policy. A single 'one size fits all' approach to standards implementation would be likely to impede effective adoption. Some flexibility is needed to reflect different agency circumstances; for instance the

difference in function between service delivery versus policy agencies; or specialist (e.g. ABS) versus large line agencies.

9.8 Compliance and monitoring

The adoption of the information management (IM) standards once promulgated should be compulsory for all agencies and evidence of their efforts to implement them should be audited by the OIC. The compliance process could include the use of self-monitoring mechanisms by agencies such as self-assessment surveys.

The authority of the OIC in driving compliance would derive essentially from a selective role of 'naming and shaming' agencies that have made inadequate efforts to comply. An assessment of the readiness for and progress in adopting information management standards should be a feature of the Information Commissioner's annual report to parliament.