

Public Access Agency Reference Group Meeting

Date: Monday, 24 August 2020

Time: 2:00 – 3:00pm Microsoft Teams Video Conference

Participants

Joanne Kummrow, Public Access Deputy
Commissioner, OVIC (Chair)

Ianina Belski, Assistant Commissioner Public
Access Reviews and Regulation, OVIC

Shantelle Ryan, Assistant Commissioner Public
Access Operations and Compliance, OVIC

Matthew Fiford, Manager – Investigations and
Assurance

Teagan Morton, Senior Investigations Officer

Andrew Weston, Department of Transport

Bronte Wright, Victorian WorkCover Authority

Cameron Montgomery, City of Ballarat

Chelvi Arunagiri, City of Melbourne

Lisa Scholes, Department of Health and Human
Services

Melinda Robinson, Department of Justice and
Community Safety

Monica Barnes, Country Fire Authority

Robin Davey, Victoria Police

Todd Roscoe, Department of Education and
Training

Sarah Crossman, Secretariat, OVIC

Agenda Items

1. Welcome

- **Meeting start:** 2:05pm.
- The Public Access Deputy Commissioner welcomed everyone to the meeting.

Apologies

- Diana Battaglia, Lauren Reader, Richard Long, Susannah Whitty.

Previous meeting minutes and action items

- All attendees confirmed the meeting minutes of 25 May 2020. There was one action item arising from that meeting:
 - OVIC noted we would advise when the transcript from OVIC's appearance before the Integrity and Oversight Committee was published. We advised by email on 19 June 2020 that the transcript has been published and provided a link to it.

2. Agency updates

- Reference group members provided updates on their agency's FOI work. Some common themes included:
 - **Increase in FOI requests:** all members noted an increase in FOI requests, with some agencies experiencing higher influxes than others. Some of the new requests are topical relating to COVID-19, while others are not.
 - **Document searches:** some members noted continuing challenges with conducting document searches. For example, one member noted difficulty with identifying and contacting new areas within the agency being created to respond to COVID-19. Another member noted the introduction of a new, related, agency has resulted in some challenges regarding document

searches in terms of who holds the documents. Another member noted limited access to CCTV footage as a result of working remotely.

- **Access to technology:** some members noted limited or no access to technology such as CCTV redaction software due to remote working arrangements.
- **New requirements under the Local Government Act:** two members noted work being done in preparation for new requirements under the *Local Government Act 2020* to take effect from 1 September 2020.
- **Staff being relocated to respond to COVID-19:** some members noted staff needing to be relocated from the FOI unit to respond to COVID-19 related work. This has impacted resourcing and timeliness.

3. Professional Standards Review and OVIC's Regulatory Priorities for 2020/21

- OVIC's Senior Investigations Officer spoke to the Professional Standards review and the self-assessment tool. She noted OVIC would like to consult on a draft version of the tool, which will be disseminated in the next couple of weeks. The tool will be a useful way to assess compliance with the Professional Standards and enhance practices by identifying gaps, noting some agencies may choose to fulfil their obligations in different ways than those outlined in the tool.
- OVIC's Manager – Investigations and Assurance spoke to OVIC's regulatory priorities for 2020/21, noting OVIC conducts all regulatory action in line with its Regulatory Action Policy (available on OVIC's website here: <https://ovic.vic.gov.au/regulatory-action-policy/>). He noted the regulatory priorities will be published later this month on OVIC's [website](#), which will outline OVIC's proactive priorities for 2020/21 (noting reactive regulatory work supplements this proactive work). The intent of publishing these priorities is for transparency so the broader community are aware of OVIC's work, and also so agencies are not surprised about their potential involvement in regulatory action.

4. OVIC update

Operational update – Reviews

- The Assistant Commissioner Public Access Reviews and Regulation noted the Public Access Team reduced open cases to 169 reviews and 62 complaints as at 30 June 2020. As of 24 August 2020, OVIC has 104 open complaints and 201 reviews which reflects the increase in incoming reviews and complaints being received.

Publication of Notices of Decision

- The Assistant Commissioner Public Access Reviews and Regulation noted that as of 24 August 2020, OVIC has published 323 de-identified notices of decision. OVIC welcomes feedback from agencies and remind agencies to contact the Assistant Commissioner – Public Access Reviews and Regulation directly within 5 business days of receiving a decision if there are any concerns about publication of sensitive information.
- OVIC believes the published decisions are providing a valuable educative function to the public and to agencies. The Victorian Information Commissioner AustLII page has been accessed over 45,000 times since it was launched in July last year.

Public Access Education & Training Calender including Information Access Series Seminars

- The Assistant Commissioner Public Access Reviews and Regulation noted the Public Access Branch has developed a 12-month calender of Education & Training events for 2020/21, including FOI training, Information Access Series events, forums, regional roadshows and an Executive officer FOI breakfast. These events will be hosted virtually via an online webinar platform. Details about

upcoming events can be found on our [website](#) when they become available, including details on how to register.

- On Thursday 27 August 2020, OVIC is hosting a lunchtime Information Access Series webinar titled 'Updates from OVIC's Public Access and Investigations & Assurance teams' where OVIC teams will provide updates on how OVIC has responded to the COVID-19 pandemic, reviews and complaints trends, operational initiatives implemented and an update from the Investigations & Assurance team on the Professional Standards project.

Operational update – Registry and Complaints

- The Assistant Commissioner Public Access Operations and Compliance noted that at 30 June 2020, OVIC had 62 open complaints. Those number have risen over the past few months and OVIC now has 104 complaints. She noted the reasons for that increase include: natural fluxes in work outputs after meeting financial year deadlines, and relatively high numbers of complaints being received (e.g. OVIC received 10 new complaints last week and 15 the week before). She noted the complaint numbers will come down again as a number of complaints are close to finalisation and as OVIC's complaints team endeavours to meet a 30 September target, which is to have 60 or less open complaints.
- Some statistics that OVIC internally reports on each week:

Complaint Timeliness for 2020/2021	
Average Completion Time (days)	43
Closed Complaints Age Profile for 2020/2021	
Closed under 30 days	54%
Closed between 30-60 days	20%
Closed between 60-90 days	14%
Closed over 90 days*	12%

*Those being the most complex and large complaints files.

2019-20 Annual Report update

- The Assistant Commissioner Public Access Operations and Compliance noted OVIC has received all responses to the annual report survey. Next, OVIC will: download survey response data, identify any errors and follow up with agencies; Prepare and categorise data for the macro; Use the excel macro to analyse data and create tables for the report; Identify trends and update text for Part 6 and appendices for the report; and Design and presentation data and finally to a publisher.

Stakeholder discussions

- The Assistant Commissioner Public Access Operations and Compliance noted OVIC has held a number of stakeholder meetings with agencies over the past few months. She noted OVIC appreciates agencies engaging with us and for the opportunity to work with and support agencies. If there are other agencies who would like to arrange a one off or regular meetings with us, please contact OVIC.
- OVIC can also arrange to email out a monthly list of open review and complaint matters to assist agencies. Please contact OVIC to discuss further.

Secure File Share Platform

- The Assistant Commissioner Public Access Operations and Compliance noted OVIC's File Share Platform has been in place for number of weeks and agencies are providing documents subject to the Regulations via the Platform. She noted feedback from agencies has been positive, saying it is user-friendly and efficient, and that it can take some time to upload large files and OVIC will continue to monitor that. Please contact the Assistant Commissioner Public Access Operations and Compliance if you have any feedback or concerns about the platform.
- OVIC will review the Platform at the end of September (a 3 month review), which will inform the decision as to whether OVIC rolls out the Platform to all agencies for all documents.

Redaction software

- The Assistant Commissioner Public Access Operations and Compliance noted OVIC is looking into redaction software options to potentially include with notice of decisions. She noted she would like to find out what software packages agencies are currently using for electronic mark-ups and redactions and will send out an email to the members of this group after the meeting to identify which software is used, what agencies like and dislike, how user friendly it is, etc.

Action: OVIC to email agencies regarding the redaction software they use.

- One member noted CCTV software editing software would be useful too and that the monthly lists are very useful.
- Another member asked what kind of complaints OVIC is receiving, in particular whether they are mainly delay complaints. The Assistant Commissioner Public Access Operations and Compliance noted there are a mixture of complaints, including delay complaints as well as some search complaints (due to difficulty in locating documents while working remotely). She noted in some instances OVIC chose not to accept delay complaints.
- The Public Access Deputy Commissioner noted OVIC is beginning to consider whether complaints can be dealt with at the same time as a related review to focus the work for the agency and the applicant so they deal with the same matter in relation to the two issues. She noted the [FAQs](#) also give applicants and agencies advice on how OVIC is approaching complaints (particularly delay complaints).
- One member asked whether OVIC has considered providing preliminary views for complex FOI requests where the request is not subject to a current review or complaint. This could be sent in an email, where OVIC calls the individual back at a later date with some information.
- The Public Access Deputy Commissioner noted OVIC has been considering providing similar guidance to agencies and will continue to consider it particularly as remote working arrangements may be in place longer than originally envisaged. She also welcomed agencies to suggest other ways OVIC can provide guidance to agencies and the public.

Inquiry into the Education and Prevention Functions of Victoria's Integrity Agencies

- The Public Access Deputy Commissioner noted an inquiry being conducted by the Integrity and Oversight Committee regarding the education and prevention functions of Victoria's integrity agencies (including OVIC). The inquiry relates to education and prevention functions regarding corruption and other misconduct. OVIC is currently preparing a submission to the inquiry.

International Access to Information Day

- The Public Access Deputy Commissioner noted Right to Know Day has had a name change to International Access to Information Day. This was the result of United Nations General Assembly proclaiming 28 September as the International Day for Universal Access to Information, and work

amongst Australian jurisdictions to align themes and the name of the day. Through discussions, the name *International Access to Information Day* was agreed on.

- This year, OVIC is celebrating International Access to Information Day over a week, from Monday 28 September to Friday 2 October. OVIC is currently planning activities and developing resources including a virtual launch event, a webinar and new guidance for agencies and the public. More information will be published about these events and resources as we approach 28 September.

5. **Other business** – 10 minutes

- One member suggested an agenda item for the next Reference Group meeting regarding the FOI online request portal and its future.
- Another member noted the recent Information Access Series seminar on high conflict clients was good, and welcomed more topics regarding broader skills beyond specific legislative interpretation.
- The Assistant Commissioner Public Access Reviews and Regulation noted there will be an Information Access Series seminar in October regarding vicarious trauma.

6. • **Meeting close:** 3:12pm

- **Next meeting:** Monday, 23 November 2020, 2:00 – 3:00pm, Microsoft Teams.