

## Public Access Agency Reference Group Meeting

**Date:** Monday, 23 November 2020

**Time:** 2:00 – 3:00pm (Microsoft Teams)

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### Participants

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

Lisa Scholes, Department of Health and Human Services

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

Melinda Robinson, Department of Justice and Community Safety

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

Monica Barnes, Country Fire Authority

Bronte Wright, Victorian WorkCover Authority

Robin Davey, Victoria Police

Cameron Montgomery, City of Ballarat

Todd Roscoe, Department of Education and Training

Sarah Crossman, Secretariat, OVIC

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### Agenda Items

#### 1. Welcome

- Meeting start: 2:03pm
- The Public Access Deputy Commissioner welcomed everyone to the meeting.

#### Apologies

- Chelvi Arunagiri, City of Melbourne
- Lauren Reader, Macedon Ranges Shire Council
- Andrew Weston, Department of Transport
- Richard Long, Monash University
- Susannah Whitty, Eastern Health
- Diana Battaglia, Alfred Health

#### Previous meeting minutes and action items

- All attendees confirmed the meeting minutes of 24 August 2020. There were two action items arising from that meeting:
  - The Assistant Commissioner Public Access Operations and Compliance noted she would contact members about redaction software members use. This action is complete.
  - One member noted an agenda item on the FOI online portal. This action is complete.

#### 2. Agency updates

- Reference group members provided updates on their agency's FOI work. Some common themes included:
  - **Number of requests:** some members noted consistent increases in FOI requests while others noted they did not receive an influx as expected. Most notably, several members noted increases for topical FOI requests regarding COVID-19.

- **Resourcing:** some members noted recruitment efforts underway to respond to increasing FOI workloads.
- **Remote working arrangements:** some members noted they expect many staff to continue working remotely even after it is safe to return to work given it is clear staff can get work done from home. COVID-19 has generally made agencies think about working in a different, more flexible, way.
- **Proactive and informal release:** one member noted an increase in the amount of information and requests being responded to proactively and informally. They also noted they are trying to publish more data on their website and other platforms.

### 3. FOI online portal

- The Department of Justice and Community Safety provided an overview of the [FOI online portal](#), which has had its user interface updated.
- DJCS advised that the system used to manage FOI online transactions is nearing end of life. Technology Solutions in DJCS is coordinating a project to find a suitable replacement system for all DJCS online transaction product owners, including FOI transactions. The Information Integrity and Access business area which has responsibility for WOVG FOI leadership will act as the product owner to coordinate this work and will liaise with agencies as the project progresses. The project is an 'as is' uplift however it is hoped there will be options to make some minor enhancements. Initial discussions have commenced with Service Victoria as a potential solution but further work is needed before a final solution is identified and agreed. It is early days for the project which is expected to be delivered over an 18-24 month period. Technology Solutions have confirmed that the current online transaction system will continue to be supported until a replacement is delivered.
- Members discussed the future of the portal including which features would assist agencies meet their obligations under the FOI Act and the Professional Standards, and future hosting and ownership of the portal.

### 4. Reference Group review

- The Public Access Deputy Commissioner noted today's meeting is the final one for 2020. Like with previous years, OVIC will review Reference Group membership to provide opportunities for different agencies to join and actively participate in the Reference Group.
- The Public Access Deputy Commissioner invited members to let OVIC know if they wish to remain as members of the Reference Group. OVIC will also consider any requests from other agencies to join the Reference Group before confirming membership in 2021. In particular, OVIC welcomes members to represent rural and regional agencies and areas.

### 5. Other business

- The Public Access Deputy Commissioner noted that as the meeting ran over, OVIC will provide a written OVIC update included in the meeting minutes for information.
- The Assistant Commissioner Public Access Operations and Compliance spoke to a Professional Standards data analysis project looking at 12 months of Professional Standards data. The findings from this project will be presented at the Information Access Series seminar on 26 November.
- The Assistant Commissioner Public Access Reviews and Regulation noted OVIC will circulate a survey on the use of the OVIC website for published review decisions to help OVIC improve the website.

### 6. Meeting close: 3:09pm

**Next meeting:** OVIC will provide meeting dates for 2021 early next year.

## **OVIC update for information**

### **Operational update – Reviews**

As at 23 November 2020, OVIC has 195 open reviews. On average, OVIC is receiving around 10 to 11 new reviews per week.

### **Publication of Notices of Decision**

As at 23 November 2020, OVIC has published 377 decisions. As previously noted, OVIC welcomes feedback from agencies and reminds 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 continuing to provide a valuable educative function to the public and to agencies. The Victorian Information Commissioner AustLII page has been accessed over 45,000 times over the past 12 months.

### **Survey of the use of the OVIC website for published decisions**

OVIC is seeking feedback on the useability of OVIC's published decisions website and search functionality. OVIC will send a survey to Reference Group members for feedback which will be used to identify any improvements to the functionality on the OVIC webpage where decisions are published.

### **Operational update – Complaints and informal resolution**

As at 23 November, OVIC has 111 open complaints. OVIC is receiving an average of 12 new complaints per week.

August and October saw the highest number of complaints received by OVIC, with 63 new complaints in August and 67 new complaints in October. Pre-COVID, OVIC averaged approximately 40-45 new complaints per month.

OVIC also began seeing COVID-19 referenced in complaints from around May. The subject matter of many of those complaints relate to delays, including:

- where agencies have not processed requests within statutory or agreed timeframes;
- agencies seeking one or multiple extensions of time, with the applicant not agreeing; or
- agencies not responding to applicants within specified or reasonable timeframes.

COVID-19 has led to OVIC seeing a new type of complaint relating to adequacy of search. Those complaints stemmed from applicants being dissatisfied with an Agency's inability to access physical locations. Agencies have reported that for the most part, applicants have been understanding and flexible.

As noted in previous meetings, OVIC has used its powers under section 61B not to accept complaints where we considered COVID-19 was the main contributing factor, particularly in relation to delays.

### **Informal Resolution**

OVIC's Informal Resolution Team consists of three staff – a Principal Case Manager, a Case Manager and a Case Management Officer. The informal resolution process involves presenting an applicant and/or agency or Minister with resolution options for their consideration.

This may involve:

- providing a preliminary view on the merit of the review application;
- providing an applicant or agency with a published notice of decision, relevant guidance material or practice notes in an attempt to resolve the matter;
- when the information an applicant is seeking is not contained in a document, or when it is likely we will make the same decision as the agency, we encourage the applicant to narrow the scope of their request or withdraw the application;
- we may also seek further written submissions or clarification, where appropriate;
- where we do not consider a document is exempt, we will invite the agency or Minister to disclose the document or consider making a fresh decision to disclose more documents or information to the applicant.

Where appropriate and possible, informal resolution attempts are conducted by telephone where OVIC staff can further identify an Applicant's underlying interests and driving factors. This information is then used to guide informal resolution processes and strategies.

### **Professional Standards**

The FOI Professional Standards will have been in operation for 12 months on 2 December 2020.

When an agency does not meet their obligation to comply with a Standard, OVIC records that in our case management system as "engagements". Depending on the type of engagement identified, the action taken, if any, may be informal or formal.

An informal action may involve a Case Manager notifying an agency of the engagement and reminding them of their obligation to comply. A formal action may involve a letter from the Information Commissioner or Deputy Commissioner to a Principal Officer.

OVIC has undertaken a detailed analysis of nearly 12 months of Professional Standards data. The findings of this analysis will be presented at the Information Access Series seminar on 26 November, including a presentation on the history and development of the Standards and the type of engagements OVIC has identified and recorded, the source of those engagements and trends over the past 12 months.

### **Agency Self-Assessment Tool**

The Assistant Commissioner Public Access Operations and Compliance previously emailed draft questions that were developed to form part of the Tool for consultation. Thank you to those who provided feedback. Other members are welcome to share any further feedback with the Assistant Commissioner.

OVIC is aiming to launch the Tool on 2 December.

### **Agency Information Service**

Following feedback from Reference Group members, OVIC has decided to proceed with the launch of a dedicated Agency Information Service where agencies can contact OVIC to receive information and guidance in administering the FOI Act, with responses to be provided from OVIC in a timely manner.

The Service will be rolled out in 2 phases. The first will be an online information service where agencies can email their enquiries to OVIC. When we return to the office, the second phase will involve an additional telephone service, where agencies can call a member of OVIC staff with an enquiry and we will immediately take your call and provide a response, or arrange a suitable time to provide a response to you.

Further updates on this service will be provided on OVIC's social media platforms.

## File Share Platform – 3 month review

OVIC recently undertook a review of its file share platform to decide whether to roll out the platform for all documents. A questionnaire was sent to Reference Group members, who reported:

- they are finding the platform easy to use;
- it is an efficient process, especially with current working from home arrangements;
- if OVIC decides to roll out the platform for all documents there would be no difference to the work involved for them, or it would be less time consuming and easier for them to manage;
- there were some difficulties with setting up a platform account, however, this issue was resolved once they contacted OVIC;
- the 5-minute period for the 2-factor authentication passcode was too short. OVIC has extended this passcode from 5 minutes to 15 minutes in response to this feedback;
- whether there is log out process for the platform – in the very top right corner of the platform there is a silhouette of a head – if you click on this there will be a dropdown and one of the options is ‘sign out’ or words to this effect;
- sometimes agencies need OVIC to re-send a link if the documents have not been uploaded prior to the original link expiring, or if an extension of time to provide the documents has been granted and a new link was not sent following agreement of the new due date. If a new link is required please email the ‘reviews’ mailbox and a new link will be sent. It is important that any emails about the platform are sent to [reviews@ovic.vic.gov.au](mailto:reviews@ovic.vic.gov.au) to ensure they are not missed;
- some agencies reported they would prefer to have the link sent to their generic FOI email address to ensure it is not missed, which is something OVIC will consider;
- upload speeds of files to the platform can be problematic especially with large PDF files and audio-visual files. OVIC was experiencing download speed problems with very large PDF files and audio-visual files when downloading them from the platform. OVIC’s IT Department addressed this problem by installing a virtual machine on the computers of all staff who log in and download documents from the platform which has resolved the download speed problems. We also suspect download speeds will improve without needing to use the virtual machines once we are back in the office. If an agency would like to hear more about the virtual machine set up, please contact OVIC.

OVIC’s final decision regarding whether we will roll out the file share platform for all documents will be communicated through our communication channels.

## Redaction Software

Thank you to Reference Group members who responded to OVIC’s enquiry about which redaction software agencies use. From the members who responded, all use a Redax / Adobe type of program such as Adobe Acrobat Pro DC and Adobe Acrobat 2017 - Redax 5.8. Some agencies also use the additional “Stamp PDF plug in”. The stamp plug-in enables pages to be labeled as required.

Redax 5.6 is compatible under Adobe Acrobat (versions 9, 10 and 11), either Standard or Pro. Redax 5.7 is compatible under Acrobat DC. Redax 5.8 is compatible under Acrobat (version 11), DC and 2017. Redax is not available under the free Adobe Reader.

Agencies reported that the program is user friendly and no concerns were identified.

OVIC will look more closely at which Adobe/Redax combination will work best for us.

## International Access to Information Day 28 September

This year, OVIC celebrated International Access to Information Day (**IAID**) across a week, with a full schedule of events and resources.

The week began with an opening address on Monday 28 September from the Information Commissioner and a message from Victorian Attorney-General, the Hon. Jill Hennessy.

On Tuesday, the Information Commissioner participated in a panel discussion hosted by Information Governance ANZ with the Information and Privacy Commission NSW, discussing the right to access information and the use of algorithms in government decision making.

On Wednesday, OVIC hosted an Information Access Series seminar featuring a panel discussion on providing access to information and negotiating positive outcomes with applicants.

On Thursday, OVIC released animations for agencies about access to information and proactive and informal release.

OVIC also published [new guidance](#) for members of the public on exemptions and FOI requests and [new guidance](#) providing an overview of the FOI Act and the responsibilities of all Victorian public sector officers.

### Events

On 15 October OVIC held an Information Access Series seminar on vicarious trauma training, which was run by the Department of Health and Human Services.

On 5 November OVIC held the first Local Government FOI Forum.

On 17 November OVIC held the first regional roadshow in the Western region.

On Thursday 26 November OVIC will be hosting an Information Access Series webinar reflecting on the last 12 months of the FOI Professional Standards.

All details about OVIC's events are on our website to find out more or register.