Public Access Agency Reference Group Meeting

Date: Monday 23 May 2022

Time: 2:00 – 3:00pm (Microsoft Teams)

Participants

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

Lisa Scholes, Department of Families, Fairness and Housing

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

Melinda Robinson, Department of Justice and Community Safety

Sarah Crossman, Senior Policy Officer, OVIC

Monica Barnes, Country Fire Authority

Andrew Weston, Department of Transport

Peter Gannoni, City of Melbourne

Cameron Montgomery, City of Ballarat

Robin Davey, Victoria Police

Felicity Wright, Transport Accident Commission

Susan Maye, University of Melbourne

Elle Maroudas, Department of Education and Training

Anita Mugo, Secretariat, OVIC

Agenda Items

1.	**Welcome** ● **Meeting start**: 2:03 ● The Public Access Deputy Commissioner welcomed everyone to the meeting. **Apologies** ● Penny Eastman, OVIC ● Jude Hunter, Victorian WorkCover Authority **Previous meeting minutes and action items** ● Attendees confirmed the meeting minutes of 21 February 2022. There were no action items arising from that meeting. **New members** ● The Public Access Deputy Commissioner welcomed Elle Maroudas from Department of Education and Training
2.	**Integrity and Oversight Committee appearance** ● The Public Access Deputy Commissioner noted OVIC's appearance before the Integrity and Oversight Committee on 9 May 2022 to give evidence on OVIC's performance in 2020-21, with a focus on witness welfare. The Information Commissioner, the Public Access Deputy Commissioner and the Assistant Commissioner – Privacy and Assurance appeared on behalf of

		OVIC.
		• The Public Access Deputy Commissioner noted the Victorian Inspectorate and the Independent Broad-based Anti-corruption Commission also appeared before the Committee on the same day.
		• The Committee will publish the transcripts from the hearing on its website when finalised.
		Special Report on State of FOI in Victoria
		• The Public Access Deputy Commissioner noted OVIC published the [special report on the State of FOI in Victoria](#) on 26 April 2022 examining FOI data from 2019 to 2021. The report looks at how the FOI Act was administered during this period, including trends OVIC identified and challenges.
		• The Public Access Deputy Commissioner noted there has been an increase in the challenges associated with administering the FOI Act including:
		○ the continuing increase in the number of FOI requests made to agencies
		○ inadequate resourcing by agencies of FOI functions
		○ the increasing complexity in FOI requests, and
		○ the 30-day statutory timeframe to process FOI requests combined with other resource-intensive legislative requirements, such as third party consultations.
		• The Public Access Deputy Commissioner noted these challenges have led to a number of trends including:
		○ increased delays in agencies' ability to process FOI requests within statutory timeframes
		○ increase in complaints made to OVIC about delays in processing FOI requests, and
		○ increasing reliance on section 25A(5) of the FOI Act to refuse FOI requests.
		• The Public Access Deputy Commissioner noted the COVID-19 pandemic exacerbated the trends identified and raised additional challenges including:
		○ reduced resourcing for FOI functions, and
		○ delays in accessing hard copy documents due to the shift to remote working.
		• The Public Access Deputy Commissioner encouraged members to read the report.
3.		**Agency updates**
		• Reference Group members provided updates on their agency and FOI workloads:
		○ **Recruitment and resourcing** – One member noted their agency is in the process of recruiting new FOI practitioners and noted successful recruitment in recent months. Another member noted ongoing resourcing challenges at their agency.

		○ **Release of documents in full** – some members noted prioritising requests from individuals for access to their own records and releasing those records in full.
		○ **Case management systems** - one member noted their agency is looking at Nimblix as an FOI case management system and inquired about the systems used at members' agencies. Members discussed various case management systems including Lex and Resolve.
4.		**Update on FOI Guidelines & Proactive and Informal Release projects**
		• The Senior Policy Officer provided an update on the FOI Guidelines project and the Proactive and Informal Release projects that OVIC is undertaking.
		FOI Guidelines
		• The Senior Policy Officer noted draft Part II of the Guidelines was released for public consultation on 9 May 2022. A Part II implementation and review checklist has also been released for consultation. The consultation period is open until 6 June 2022.
		• The Senior Policy Officer noted OVIC has also updated its website to implement the requirements of Part II. Rather than publishing a distinct Part II statement, OVIC has published all the information required by the Act organised into themes.
		Proactive and Informal Release
		• The Senior Policy Officer provided background to this project noting OVIC has undertaken several research projects to better understand FOI culture in Victoria, and published a number of reports including, most recently, a report on Enhancing Victoria's culture to be Open by design. This report sets out OVIC's action plan to influence behavioural change in agencies to better support proactive and informal release.
		• The Senior Policy Officer noted some of the work OVIC is undertaking including updating existing guidance, developing a new PAIR policy template, new guidance for the public to enhance their knowledge of proactive and informal release, and a series of webinars for agencies.
5.		**OVIC update**
		• The Assistant Commissioner - Public Access Operations and Compliance provided the OVIC operational update.
		Reviews
		• The Assistant Commissioner - Public Access Operations and Compliance noted as of 23 May 2022, OVIC has 177 open reviews in progress and has seen an increase in the complexity of review matters.
		• OVIC continues to work to improve the timeliness of its decision making and is currently on track to meet its BP3 target of 60% completed in time.

Complaints

- The Assistant Commissioner - Public Access Operations and Compliance noted as at 23 May 2022, OVIC has 220 complaints, with the high majority concerning agency delays.

Upcoming events

- The Assistant Commissioner - Public Access Operations and Compliance noted upcoming events including:

  ○ Wednesday 29 June 2022 - Information Access Series (**IAS**) webinar. The Information Commissioner will present on the Special report on the State of FOI in Victoria. Register here to attend this event.

  ○ Wednesday 27 July 2022 – IAS webinar delivered by Megan Hunter from the High Conflict Institute. The webinar will focus on understanding what drives people with high conflict tendencies into conflict and how to manage and adapt those interactions. Register here to attend this event.

Redaction software project

- The Assistant Commissioner – Public Access Operations and Compliance noted OVIC is currently in the final stages of a project involving the implementation of enhanced document redaction software. This will enable OVIC, on a case-by-case basis, to provide agencies with marked-up documents when issuing a Notice of Decision, rather than including a detailed Schedule of Documents with the decision.

- This is intended to benefit both agencies and applicants by streamlining the process of marking-up documents following an OVIC review decision, resulting in more timely release of information to applicants.

- The Assistant Commissioner – Public Access Operations and Compliance noted OVIC has provided draft *Agency FOI Redaction software guidelines* to members for their review and feedback by 6 June 2022.

Registry & Case support team

- The Assistant Commissioner – Public Access Operations and Compliance noted OVIC's Registry and Case Support team continues to deal with a high number of incoming telephone and email enquiries, new review applications and complaints.

- Preparations for OVIC's Annual Report have commenced including finalising the annual survey to be completed by agencies. The survey will go live on 1 July 2022 and all responses are due no later than 22 July 2022.

- The Assistant Commissioner – Public Access Operations and Compliance also noted the Registry team will be delivering two virtual information sessions to assist agencies to complete the annual survey on 22 June 2022 and 5 July 2022. Register to attend these sessions here.

	Professional standards • The Assistant Commissioner – Public Access Operations and Compliance noted OVIC has noticed an increase in engagements of Professional Standard 8.2 and 8.4. • The Assistant Commissioner – Public Access Operations and Compliance reminded members to ensure that their decision letters contain sufficient detail to meet the requirements of the professional standards. Informal resolution • The Assistant Commissioner – Public Access Operations and Compliance noted OVIC's Information Resolution team continues to work toward informally resolving matters early. • In the month of April, the team informally resolved 43.75% of review matters. OVIC's overall performance for informally resolving review matters for this financial year, as at 2 May 2022, is 30.33%. • OVIC anticipates being able to meet its BP3 target of 25%.
6.	**Other business** • None
	Meeting close: 3:03pm **Next meeting**: 22 August May 2022, 2pm – 3pm. Calendar invites have been sent to members.

OVIC Update for information

Publication of Notices of Decision

• OVIC has published over 500 NODs and is currently focusing on publishing the most recent, more complex or topical decisions. OVIC also recently added a summaries page to its website which provides an overview of some of its review decisions.