Official

Information for agencies

Guide to the Access to Information (Proactive and Informal Release) Policy template

# Why we created the template policy

The Office of the Victorian Information Commissioner’s (**OVIC**) template Proactive and Informal Release Policy (**template** **Policy**) aims to help agencies facilitate access to information outside of the *Freedom of Information Act 1982* (Vic) (**FOI Act**), making a request under freedom of information (**FOI**) a last resort.

Providing access to government-held information is a core function of every Victorian Government agency. The FOI Act provides a legislative framework for making and processing formal FOI requests. However, agencies can, and should, provide access to information outside of the formal FOI process through proactive and informal release, where possible.

The template Policy should be read alongside OVIC [guidance](https://ovic.vic.gov.au/freedom-of-information/practice-notes/) on proactive and informal release.

# What the template policy aims to do

OVIC recognises Victorian agencies are subject to different requirements regarding when they can and cannot provide access to information. This can be difficult to navigate, creates inconsistencies with access to information, and can result in less information being provided to the public.

The template Policy aims to support public transparency by outlining a suggested structure and process for assessing and providing access to information outside of the FOI Act.

Adopting a proactive and informal release policy can help agencies build confidence in, and empower, their employees to provide access to information proactively and informally by setting out:

* the agency’s commitment to providing public access to its information outside of the FOI Act;
* principles that the agency will follow in providing public access to information;
* processes and considerations for providing access to information through proactive and informal release; and
* information that has been approved for public release.

# Who should use the template Policy?

OVIC prepared the template policy for Victorian agencies subject to the FOI Act. While the principles in the policy support a positive information access culture generally, if an agency is not subject to the Victorian FOI Act, it should consider its own legislative context and seek legal advice if needed.

# Adopting the template Policy

Each agency should follow its own internal processes for adopting and implementing organisational policies. For example, policy decisions may be made at executive or board level, or by any person or group with delegated authority.

The template Policy is intended to be high level so that agencies can adapt it to suit their needs. Agencies can update, add to and/or delete parts of the Policy so it is consistent with their legislative obligations, operational structures and relevant to the type of information the agency possesses.

Agencies are encouraged to insert their own branding and logo and to customise the template. The template Policy uses highlighted text for agency customisation.

Agencies should publish their policy on their website.

# Reporting on the effectiveness of the Policy

Implementing the Policy is an opportunity to measure and/or report on how an agency provides access to its information, outside of the FOI Act. While agencies must report to OVIC on their performance under the FOI Act (such as the number of FOI requests they receive each financial year and their decisions made on requests), this data does not include information provided proactively or informally.

Measuring how agencies provide access to information outside of the FOI Act may help to provide a more complete picture of information release.

# Intersection with other policies

Agencies may already have processes and policies in place regarding information management, recordkeeping, and freedom of information. Where relevant, agencies should link this template Policy with other relevant policies so employees understand how the template Policy works in the broader information management context in their agency.

# Information management and recordkeeping

Good information management and recordkeeping is essential for providing access to information. The template Policy therefore requires agencies to have good information management and recordkeeping processes to enable them to identify information and record how the agency creates, holds, and stores that information.

For more information on recordkeeping and information management, read:

* OVIC’s [resources](https://ovic.vic.gov.au/data-protection/information-security-resources/) on identifying and recording information assets;
* Public Record Office Victoria [resources](https://prov.vic.gov.au/recordkeeping-government), including an information management maturity measurement [tool](https://prov.vic.gov.au/recordkeeping-government/learning-resources-tools/information-management-maturity-measurement-tool-im3?_ga=2.43301538.629315867.1564366813-2143746631.1559794528) (developed to help Victorian agencies to assess the maturity of their current information management practices) and a recordkeeping assessment [tool](https://prov.vic.gov.au/recordkeeping-government/learning-resources-tools/rkat) (a self-assessment platform designed to help organisations measure the maturity of their recordkeeping practices against the PROV Standards).

# More information

OVIC welcomes feedback on the template Policy and Guide. Please send feedback to policyteam@ovic.vic.gov.au.