

Date: Monday 21 August 2023

Location: Microsoft Teams

Attendees: Joanne Kummrow, Public Access Deputy Commissioner, OVIC (Chair)
Rachel Dixon, Acting Information Commissioner, OVIC
Penny Eastman, Assistant Commissioner Public Access Reviews and Regulation, OVIC
Shantelle Ryan, Assistant Commissioner Public Access Operations and Compliance, OVIC
Andrew Weston, Manager, Freedom of Information (FOI), Department of Transport
Bronte Wright, Legal Counsel - FOI & Privacy, WorkSafe Victoria
Cameron Montgomery, Executive Manager Safety Governance and Risk, City of Ballarat
Elle Maroudas, Acting Manager, FOI, Department of Education and Training
Lisa Scholes, Manager, FOI, Department of Families, Fairness and Housing
Paul Pittorino, FOI Manager, Department of Justice and Community Safety
Monica Barnes, Manager FOI and Privacy, Country Fire Authority
Peter Gannoni, Acting Senior Governance Officer, City of Melbourne
Robin Davey, Manager, FOI Division, Victoria Police
Raffaella Di Maio, FOI Lead, University of Melbourne
Andrew Mariadason, Legal Counsel – Manager Medico-Legal Services, The Royal Melbourne Hospital
Delilah Nichols, Senior Privacy & FOI Advisor, Transport Accident Commission (TAC)
Stephanie Siomos, Secretariat, OVIC

Meeting opened at 2:00 pm

Welcome

OVIC acknowledged the Wurundjeri people of the Kulin Nation as the Traditional Owners of the land on which we are exchanging our ideas today, and paid respects to their Elders, past and present, and Aboriginal Elders of other communities who may be with us today.

OVIC welcomed Andrew Mariadason, Legal Counsel – Manager Medico-Legal Services, The Royal Melbourne Hospital as a new member to the group.

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OVIC noted Sven Bluemmel moved on from OVIC on 14 August 2023 to take up the Commissioner role with the Victorian Electoral Commission.

OVIC noted Rachel Dixon has been appointed as Acting Information Commissioner for the next three months and welcomed her to the meeting. Rachel provided a brief introduction to herself and noted upcoming events such as the 40th Anniversary of the FOI Act and the International Access to Information Day.

Agenda Items

1. Apologies

Susan Maye, Manager, Regulatory Advisory Services, University of Melbourne
Felicity Wright, Information & Privacy Manager, TAC

2. Previous Meeting Minutes

Confirmed – All members confirmed minutes of 29 May 2023.

3. Action Items

Nil

4. IOC Review of the FOI Act

OVIC has welcomed the announcement that the Integrity and Oversight Committee (IOC) of the Victorian Parliament will conduct an independent and comprehensive review of the FOI Act.

This is a significant opportunity, and all members were encouraged to participate in the review's consultation process once that commences. The Terms of reference are available on OVIC's website.

The IOC secretariat has advised that a list of over 250 stakeholders (both local, interstate and international) have been identified to whom they will invite to make a submission by early November 2023. Stakeholders will have approximately 8 weeks to make a submission. The list of stakeholders includes Victorian agencies. These stakeholders are separate from members of the public, who will also have an opportunity to make a submission.

On 5 July 2023, Victoria reached a significant milestone, 40 years since the FOI Act commenced. This anniversary provides an opportunity to celebrate FOI in Victoria and talk about the future of the FOI Act, particularly in light of the current IOC review.

OVIC is planning to hold an in person event later this year, likely in October, to acknowledge and celebrate the historical and public significance of the 40th anniversary of the FOI Act and to look to the future, focussing on the importance of modernising the FOI Act through the IOC's review. More information on this will follow.

A member suggested for the PAARG members to be provided with an opportunity to provide feedback on OVIC's submission to the IOC's independent review of the FOI Act. OVIC will consider the suggestion, and invited and encouraged agencies to provide their own submissions

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to the review noting the more stakeholders the Committee hears from the better. This also includes members of the public.

5 Agency Update

One member noted their agency is slowly progressing a large review of Australian and international redaction technology. More information will be shared with the group as it comes to hand. The member also noted they have finalised their recruitment to help manage their agencies backlog of FOI requests.

6 OVIC Policy, Privacy and Operational Updates

OVIC spoke to *OVIC Policy and Operational Update* (see attached at the end of the minutes).

7 Next Meeting

OVIC noted for the next meeting scheduled on 20 November 2023 it is planned to focus on the theme of *Proactive and Informal Release*. Agencies are encouraged to provide suggestions on what support they need in this space prior to the meeting.

8 Other Business (ALL)

Reminder for new starters to participate in the OVIC FOI training.

Meeting closed: 2:42pm

Next meeting scheduled: Monday 20 November 2023, 2:00pm – 3:00pm (in person and via MS Teams)

Upcoming events

- The biannual Privacy Roundtable is on Wednesday 23 August 2023, between 2:00pm -3:30pm. If any queries on that or you haven't received the invite, please contact Privacy@ovic.vic.gov.au

- Information Access Series webinar focused on family violence– 30 August 2023.

On **Wednesday 30 August from 12:00pm - 1:15pm**, OVIC will be hosting a webinar delivered by barrister Joanna Davidson focused on best practice handling of requests for access to and the sharing of family violence information. This will explore the findings and recommendations from the Royal Commission into Family Violence in the context of FOI and privacy and aim to provide practical tips to help FOI staff navigate their statutory obligations.

Agencies are encouraged to attend this session and if there are particular questions, scenarios or challenges you or your team face in this space, please send these through to OVIC in advance as we can look to address these during the session.

- International Access to Information Day – 28 September 2023.

In week of 25 September, OVIC will be celebrating International Access to Information Day with a number of events which we'll share detail of shortly. These events will be framed around the global theme of importance of the online space for Access to Information.

Key policy projects / initiatives

- The Policy team has prepared content for 11 Parts and an Overview of the FOI Guidelines. Part VII – Miscellaneous. has just been released for public consultation today. This Part relates to protections in relation to legal action, production of documents to OVIC, offences and reporting. Please provide your feedback by **Friday 8 September 2023**.

- Public consultation on Sections 29A, 29B, 33 and 33A from Part IV 0- Exempt documents closes today. For more information, see:

<https://ovic.vic.gov.au/freedom-of-information/resources-for-agencies/consultation-on-draft-foi-guidelines/>

- The Policy team has updated the PAIR template policy following internal and external consultation. Thanks to PAARG members for their contributions. This will be launched shortly.

Reviews, including Informal Resolution

- Thus far this financial year, OVIC have received 124 reviews which about 60 less than in the same period last year. Based on the 2022-23 data we received slightly less reviews compared to the previous year.
- OVIC are currently working on **186 reviews**, involving 76 agencies.
- Focus remains on finalising OVIC's aged reviews (300+ days old) and improving our timeliness wherever possible, while also prioritising our informal resolution efforts, which had benefited all parties involved.

Complaints

- In 2022-23, 69% of complaints received concerned agency delays in making FOI decisions within statutory or agreed timeframes.
- OVIC currently have **225 open complaints**, and consistent with last year, the majority relating to delays in agency decision making.
- Thus far this financial year, OVIC have received 92 complaints which only 1 less than in the same period last year.

Professional Standards

- In 2022-23, OVIC recorded a total of 367 instances of agency non-compliance with the Professional Standards (referred to as 'engagements'). Engagements were recorded across 22 Professional Standards concerning 83 agencies.
- The Public Access Deputy Commissioner wrote to agency principal officers regarding 22 substantial or systemic breaches of the Professional Standards. This resulted in adverse findings being made against five agencies. These findings will be reported in our upcoming annual report as case studies.
- The Public Access Deputy Commissioner also made general adverse findings against three agencies related to performance across the financial year, these will also be reported as case studies in the annual report.
- The purpose of reporting examples of non-compliance with the Professional Standards, is to promote compliance across Government, improve best practice in FOI decision making, and to educate other agencies.
- OVIC will continue our focus of compliance with the Professional Standards in the 2023-24 financial year.

Registry & case support team

- The Registry and Case Support team has been busy following up outstanding FOI survey responses from agencies for inclusion in our 2022-23 Annual Report.

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- Content is currently being drafted before the report goes into the design phase.

OVIC's Annual Report will be submitted to the Legislative Council for tabling in Parliament in September 2023.