



IAID

International Access
to Information Day

Information Access Series Webinar

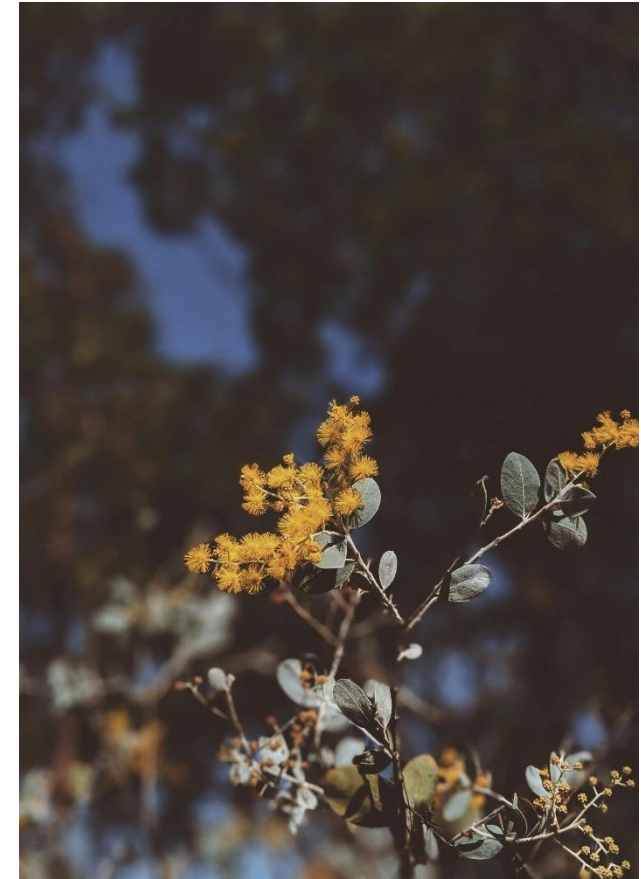
Emma Stephens, A/Assistant
Commissioner – Policy

ovic.vic.gov.au/iaid

OVIC
Office of the Victorian
Information Commissioner

Acknowledgement of Country

We acknowledge the Wurundjeri Woi-wurrung people as the Traditional Owners of the land from which we are presenting today. Many of you will be joining from the traditional lands of other traditional owners. We pay our respects to their Elders, past and present, and Aboriginal Elders of other communities who may be with us today.





IAID

International Access
to Information Day

Visit OVIC's IAID page to access:

- Artwork starter pack
- Daily FOI tips
- FOI Poster + brochure
- Animations
- Uniform access to information icon

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New Animation

Using **AI** to
communicate

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New access to information icon

Please add it to your organisation's website

Link to a page that explains how to access information from your organisation



OVIC example



Icon in website footer



Links to:

<https://ovic.vic.gov.au/about-us/make-a-request-for-our-documents-or-request-an-amendment-to-a-record/>

Upcoming guidance on
public transparency under
the FOI Act when using AI
and automated systems

FOI Act – Proactive release

- **Part II** of the FOI Act (sections 7, 8 and 11)
- **Obligation** - to proactively release information about the organisation and the documents it holds

When is transparency needed?

- The agency's use of AI **significantly impacts** one or more people or the environment
- The AI system **engages directly with the public**
- It's **facial recognition technology** in a public space or workplace
- It's an **AI notetaker** being used in a meeting with a member of the public or where its use could significantly impact a person

Note: there is no obligation under the FOI Act to proactively disclose an agency's use of AI for routine administrative tasks. Example: spell check, document formatting, basic emails and documents, searching for files.

Minimum expectations

FOI Act:

- Update your proactive release information under Part II of the FOI Act. Make sure that you explain how the AI system supports your organisation's functions and decision-making powers.
- Make the information available on your website. Consider an "Our use of AI" page to make it easy to find.

PDP Act: If personal information is involved:

- Make sure you tell people their information will be used in an AI system and for what purpose (this is called a notice of collection). Tell them where they can go for more information.
- Update your organisation's privacy policy. Explain how personal information is handled in the AI system, including the collection of AI generated personal information and personal information inferred by the AI system.

What else should you do to support transparency?

- Publish **just-in-time notifications** when an AI system **interacts directly** with the public.

The ideal state of FOI in Victoria (cont'd from IAID 2025)



Integrity and Oversight Committee

These days our FOI system too often fails to live up to the democratic ideals it was created to serve in the early years of the Cain Government. After a number of reports emphasising these problems, Parliament referred this Inquiry to the Integrity and Oversight Committee, to examine the current system, compare it to more modern systems and consider how best to improve Victoria's FOI regime.

Victoria's 40-year-old Freedom of Information (FOI) regime is struggling to meet the needs of our modern democracy.

- former Chair's foreword, Victorian Parliament, Integrity and Oversight Committee, Inquiry into the Operation of the FOI Act, *Final Report* (September 2024)



RECOMMENDATION 1: That the Victorian Government introduce in the State a third-generation ‘push’ FOI system, which prioritises the proactive and informal release of government and public sector information.

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RECOMMENDATION 2: That the Victorian Government seek to replace the *Freedom of Information Act 1982* (Vic) with a third-generation ‘push’ FOI system Act (named the *Right to Information Act*), drafted in plain language and appropriate for the digital age.

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Policy model

Current state

Pull model

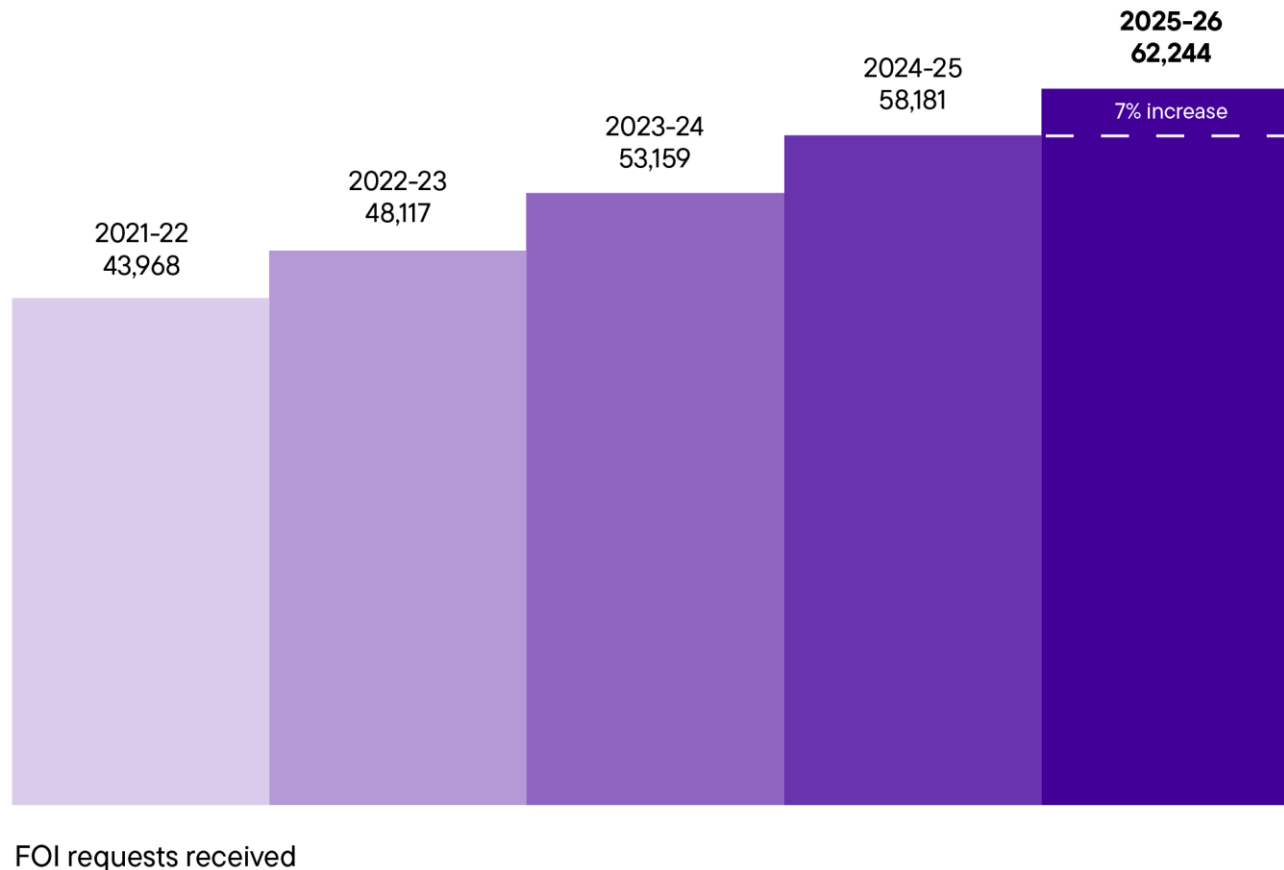
- Requires a person to request information and follow a formal procedure, before the government will provide access.
- **Reactive**, rather than proactive
- Increases no. of requests and workload on agency staff to process
- No longer the preferred policy model

Future state

Push model

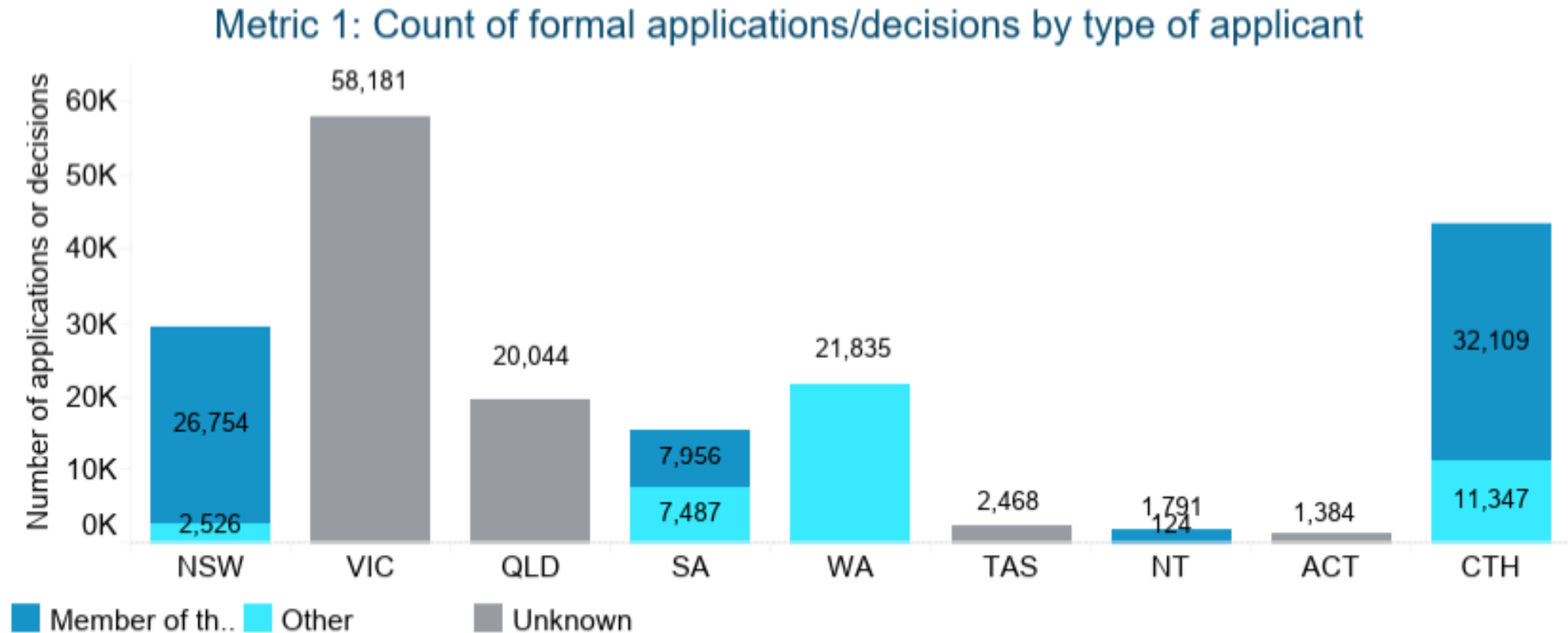
- Publish as much information as possible
- Release information to requesters informally
- Formal request procedures are a last resort
- **Proactive**, rather than reactive
- Cth, Qld, NSW and Tasmania have had push models for over a decade
- Decreases no. of requests received, and workload on agency staff

FOI requests are increasing in Victoria



- In **2025-26** Victorian government agencies received a record high **62,244 requests**
- a **7% increase** from last year
- 116 agencies reported a significant increase in FOI requests received in 2025-2026

Victoria receives the most FOI requests in the nation



Metric 3: Percentage of all decisions made on formal applications/pages where access was granted in full or in part

Victoria receives the most FOI requests in the nation

Metric 2: Formal applications received per capita



It's taking longer to receive information

10 years ago, 95% of FOI decisions were made on time

In the 2025-26 financial year:

- 65% of requests were made within the statutory timeframe. An 11% decrease from 2024-25.
- 8% of requests were more than 100 days late

Committee recommends push model for Victoria

RECOMMENDATION 1: That the Victorian Government introduce in the State a third-generation ‘push’ FOI system, which prioritises the proactive and informal release of government and public sector information.

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RECOMMENDATION 22: That legislation establishing Victoria’s new third-generation ‘push’ FOI system authorise the release of government-held information via the following four distinct mechanisms:

- (1) a mandatory proactive release mechanism
- (2) an additional proactive release mechanism
- (3) an informal release mechanism
- (4) a formal release mechanism with disclosure log requirements.

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RECOMMENDATION 23: That legislation establishing Victoria’s new third-generation ‘push’ FOI system emphasise the primacy of the mandatory proactive, additional proactive and informal release mechanisms.

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A new start, a new name...

Right to Information Act RTI

RTI processes – streamlining the formal release pathway

Key principle of a good RTI law

Quick and fair processing of requests

- Simple, clear and easy to understand procedures
- Reasons given, where access denied



Key principle of a good RTI law

Procedures should not deter people from requesting information

- Costs should not be so excessive that they deter people from requesting access to information
- Applicants should not have to disclose the reason for making a request



Things that might be different

- 30 business days to process request – slight change from 30 calendar days
- Requirement to acknowledge a request within 5 business days
- No application fee at all, or for access to personal and health information
- Access charges limited to copying and delivery, and simpler and broader discretion to waive or refund fees. No more charges to search for documents.
- Offence provisions for:
 - destroying, concealing or altering a record for the purpose of preventing disclosure under the RTI legislation
 - wilfully obstructing access, including directing or improperly influencing an FOI decision-maker to decide a request contrary to the requirements of the scheme

Things that might be different with OVIC

- OVIC empowered to direct agencies to review the adequacy of their FOI resourcing
- Power for OVIC to make a vexatious applicant declaration
- Binding OVIC recommendations in connection with an FOI complaint
- Binding OVIC professional standards and guidelines on how provisions should be interpreted
- OVIC power to review access charges decisions
- OVIC powers to impose sanctions for serious or serial agency non-compliance with statutory obligations
- Offence provision for wilfully obstructing or hindering or resisting OVIC
- OVIC power to direct an agency to make a decision by a certain date

Supporting a culture of open access

Key principle of a good RTI law

Culture of open government

- Mandatory FOI **training** for all government staff, Ministers and advisers
- Effective **records and information management** practices
- Effective reporting and oversight by an **independent body**
- **Sanctions** for the wilful withholding of information that should be released



Future state

Information management framework

- Applies to the entire Victorian public sector
- Includes the purposes and benefits of public access to information within the framework
- Embeds e-governance and access by design principles
- Requirement to maintain an information asset register (IAR) and publish a public version

Mandatory training

- For the entire Victorian public sector
- Covering records management, data governance and the RTI scheme

Access by design

- Improved records management and PROV monitoring and enforcement
- Writing for release
- Tools that assist agencies to release information
 - Siloing sensitive information
 - Metadata to flag information for public release
 - Tagging information to better enable relevant searches
 - Automating FOI processes
- A centralised RTI portal where requests can be made and the public can access IARs and disclosure logs

Where to now?

The ideal state of FOI in Victoria

- RTI not FOI
- More information is made available to the public
- Easier for the public to access information:
 - easier to find and understand information that is released
 - easier to know what to ask for
 - easier to make a request and move through the process
- Easier for agencies to provide access
 - easier to identify information for release
 - easier to process requests
 - safety and support in release
- Easier for agencies to administer the scheme
 - less requests to process
 - simpler and more flexible processes
- Efficient and robust review rights and regulatory oversight

Benefits of a good right to information law

- Transparency
- Accountability and good governance
- Democratic participation
- **Integrity** – a disinfectant for government corruption and wrongdoing
- **Knowledge and truth** – reducing misinformation and disinformation
- Human dignity and personal autonomy
- Innovation and economic development
- Sustainable development

It is common ground that in a society which professes to be democratic, citizens ought to be informed about what their government is doing. Citizens have a right to decide by whom and by what rules they shall be governed, and are entitled to call on those who govern on their behalf to account for their conduct. But if people are to fulfil the role democracy assigns to them—if they are to cast intelligent and rational votes and exercise sound judgment on the conduct of the government and the merits of public policies—they must have the facts, the true facts.¹⁴⁴

Enid Campbell (as she then was), 'Public access to government documents', *Australian Law Journal*, vol. 41, no. 3, July 1967, p. 74.

Thank you for listening!
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