VAGO
Victorian Auditor-General's Office

Access to Public Sector Information

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Outline

- The public sector and Victoria's Integrity System

- Why does Victoria have an Auditor-General?

- VAGO's role and mandate

  - financial & performance audits

- VAGO's power to access information

- Access to public sector information

Me! *Michelle Tolliday*

- BSc (Hons) Biochemistry & Molecular Biology
- Master Information Management & Systems
    Records Mgt, Knowledge Mgt, Library Services
- Cert. IV – Training and Assessment
- Dip. Business (Quality Auditing)
- PRINCE2 (foundation)
- Dip. Government (Investigations) *(underway)*

2008-2015

Manager, Performance Audit, VAGO:

Investment, Sector-wide, Central agencies, State Development, Business & Innovation

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The public sector

The Public Sector

Revenue: ~$53b

Assets: ~$200b

Employees: more than 260 000

Victoria's integrity system

key independent bodies that monitor public sector integrity

The public

These bodies have different responsibilities e.g.

- setting high standards of conduct
- investigating corruption
- holding government to account

Executive Government

Agencies

VI
VICTORIAN INSPECTORATE

VAGO
Victorian Auditor-General's Office
Auditing in the Public Interest

ibac

VICTORIAN
ombudsman

Includes:
- Parliamentary Committees
- Victorian Inspectorate
- VO
- VAGO
- IBAC

Why does Victoria have an Auditor-General?

To provide assurance to Parliament on the accountability and performance of the Victorian public sector

How VAGO fulfils its mandate

- under the *Audit Act 1994* (the Act)

- independently of Parliament (i.e. not subject to direction)

- examining the activities of ~ 550 entities (departments, agencies, councils, etc.)

- reporting what we find without **fear**, **favour** or **affection**

Financial Audit vs Performance Audit

<u>Financial audit</u>   how was the money was spent?

<u>Performance audit</u>   what was achieved for the money spent?

includes wide powers of access and examination

Power to access information

Section 11

- compel individuals to provide documents

- search for - and take copies of - any document in an agency's/authority's possession, custody or control

- examine individuals and take evidence under oath

Section 12

- removes any secrecy obligations imposed by legislation, rule of law or Cabinet processes

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Power to access information

The powers can be exercised at any time where they relate to functions or powers under the *Audit Act*

- not contingent on agency approval

- not confined to:

  ➢ audit conduct
    (includes annual planning & audit planning)

  ➢ open public records
    ('closed' = Cabinet-in-Confidence, Commercial-in-Confidence, etc)

Access to
Public Sector Information
(2015)

http://www.audit.vic.gov.au/reports_and_publications/latest_reports/2015-16/20151210-access-to-information.aspx

Access to PSI (2015)

Public sector information (PSI)

ALL of the information generated, collected, and funded by, or produced for government

- ➢ structured data (traditional datasets in databases)

- ➢ unstructured data (reports, emails, briefings, photos, etc.)

Access to PSI (2015)

2009 EDIC Inquiry

Inquiry into Improving Access to Victorian Public Sector Information and Data
[Victorian Parliamentary Committee: Economic Development & Infrastructure (EDIC)]

Government's response: included commitment to —

➢ adopting 'open access' to all Victorian PSI

➢ implementing a mandatory Information Management Framework (IMF) for all Victorian PSI – a standardised method for categorising, storing & managing PSI

➢ only restricting access to PSI where required by law, contract or state security – with application of clearly defined criteria for such

➢ agencies publishing comprehensive information asset registers

➢ providing a whole-of-government directory for Victorian PSI

Access to PSI (2015)

Audit objective: to examine whether

- agencies were effective facilitating access to PSI

- whole-of-government leadership and oversight supports improved performance in facilitating access to PSI

Specific agencies examined:

- Department of Treasury & Finance (DTF)

- Department of Justice & Regulation (DoJR)

- Department of Environment, Land, Water and Planning (DELWP)

- Department of Premier & Cabinet (DPC)

- Department of Health & Human Services (DHHS)

- State Revenue Office (SRO)

Access to PSI (2015)

Audit conclusion (what we found):

- agencies examined are **_not_** providing the public with full & open access to the information to which they are entitled

  - ➤ Why? neglected critical foundation of comprehensive & sound IM practices

  - ➤ What does that mean? agencies first need to be able to understand & manage the PSI that they own & hold before they can effectively provide access to it

- whole-of-government leadership & governance of IM failed to drive the significant cultural & operational changes need to achieve open access to PSI

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Access to PSI (2015)

??????????????BUT??????????????????

Since **2011**, under the *Public Records Act 1973*

public records must be captured in systems and formats that preserve their integrity while facilitating their use
(PROS 11/07: Specification 3: Capture)

- this includes the attachment of metadata to each record so that they can be located, retrieved, presented and interpreted

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Access to PSI (2015)

Audit findings:

- agencies were not effectively managing their PSI

- whole-of-government leadership and oversight have been inadequate for developing and implementing a framework to effectively provide public access to PSI

- there is no whole-of-government PSI directory

- DPC has *never* published a register of Cabinet decisions (despite this being required by law)

- there is no consistent way to determine what PSI should be restricted from public access – even *within* organisations

- there is a *(false!!)* general perception that if PSI is restricted from general public access, agencies do not have to let the public know that it exists

Access to PSI (2015)

Agencies do not manage comprehensive PSI asset registers – fall 'well-short' of compliance with Part II of the FOI Act (publishing PSI registers) – instead often pointing to websites

- PSI assets may not be published on the website—or at all—so can't be located this way [e.g. contracts, internal reports, performance information]

- a range of information assets might be exempt from open access, so excluded from publication listings.

  [EDIC considered that a register should be comprehensive in identifying all PSI – and clearly show where access to particular assets has been restricted]

- someone seeking a specific PSI asset may not know its title or how the agency has categorised it, making discovery through a website or publication search difficult, if not impossible

- websites are becoming increasingly complex and multi-layered—this is likely to make finding PSI more challenging and time consuming

Access to PSI (2015)

SO WHAT HAPPENED?

Access to PSI (2015)

- after the 2009 EDIC inquiry, government commenced developing a whole-of-government IMF through a cross-government project board

- once developed, DTF assumed responsibility for the IMF, then informed government that its scope had been narrowed, and the original goals of 'transparency' and 'accountability' had been removed (p.29)

- government signed off on these changes, and the IMF was never implemented – the audit notes that DTF's advice to government in relation to making these changes was 'manifestly inadequate', with no discussion of the likely consequences of the revised scope

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Overall – we said:

- the current system is in a state of disarray where we are not confident agencies understand what PSI they hold and we are certain that they are not providing the public with the means to request this information

- (there is) a confused governance environment, with multiple and uncoordinated IM requirements

- currently, the absence of a rigorous approach to managing information and publishing comprehensive registers has significant implications for public access and the sharing of information across government

Access to PSI (2015)

Recommendations: **Sector-wide PSI governance**

- That the DPC works with agencies that have whole-of-government IM responsibilities—and in consultation with the wider public sector—to develop a whole-of-government IM framework that:

    - applies to all forms of PSI

    - is underpinned by appropriate legislation

    - includes open access to PSI as a default position

    - includes effective implementation, governance and monitoring arrangements

    - incorporates the data release requirements of the DTF's DataVic access policy

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Access to PSI (2015)

Recommendations: **Agency PSI governance**

- That agencies implement better practice IM principles and standards for PSI asset custodianship and governance.

- That agencies assess their IM maturity using the PROV IM Maturity Measurement Tool, determine what improvements are needed and implement a plan to achieve these.

- That agency IM governance bodies implement an oversight program that:

  - includes FOI management

  - provides assurance that staff are complying with its IM policies and procedures.

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Access to PSI (2015)

Recommendations: **Public PSI asset registers**

- That agencies

  - review and improve their compliance with Part II of the FOI Act within the current legislative framework.

  - develop a proactive PSI release program, using comprehensive PSI asset registers as a core tool for release decisions in accordance with the IM Governance Standard.

Questions?...

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