

# Release of Information Arrangements

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## 1.0 Introduction

The *Government Owned Corporations Release of Information Arrangements* is a framework for the increased publication of information relating to Government owned corporations (GOCs).

## 2.0 Background

In 2008 the Freedom of Information (FOI) Independent Review Panel chaired by Dr David Solomon, handed down its report entitled *The Right to Information – Reviewing Queensland’s Freedom of Information Act*. The report called for the Queensland Government to move from a “pull” model to a “push” model for the release of information.

The Government’s response outlined its policy on access to information and committed the Government to becoming more open and accountable, including greater proactive administrative release of information to the public.

The Solomon Report specifically addressed GOCs and the Government adopted the principles identified in the report including those aspects which applied to GOCs. This framework was developed for the increased publication of information relating to GOCs, with a key objective to provide guidance to GOCs in implementing and maintaining the on-going process of the release of information into the public domain in accordance with Government expectations and legislative obligations.

## 3.0 Scope

Whilst GOCs subject to the *Right to Information Act 2009* (RTI Act) will also have positive legislative obligations to release information, the “push” model where GOCs proactively and routinely publish, release and/or make available to the public information through their website or other means, applies to *all* GOCs, including those excluded from the operation of the RTI Act. This document articulates the Government’s expectations in relation to information release by all GOCs and their subsidiaries.

## 4.0 Key Principles

### 4.1 Principle 1: Publication Scheme

Each GOC will develop and publish on its website details of the information it is making available to the public. The publication of information aligned with the ‘classes of information’ (listed in Principle 2) is structured within a format (to be located on each GOC’s website) known as a Publication Scheme. It is not meant to provide a definitive list but the minimum information that it is expected that GOCs make available to the public. While website architecture and design is a matter for each GOC, it is expected that the publication scheme on the GOC’s website would include links to provide access to the information. These may include links to information that already exists on a GOC’s website (for example, ‘About Us’) as well as new information that a GOC approves to be released for publication on its website. For information that is approved for release and not published on a website, a brief abstract or description of the information may be published on the website with contact details on who the public may contact within the GOC to access the information.

## 4.2 Principle 2: Categorisation of Records

Information to be available within the public domain will be categorised by 'class' based on the publication scheme. These classes of information are:

- About Us
- Our Services
- Our Finances
- Our Priorities
- Our Decisions
- Our Policies
- Our Lists

## 4.3 Principle 3: Public Interest Test

The public interest test is based on Schedule 4 of the RTI Act which provides the factors to be considered in determining whether, on balance, disclosure of information would be contrary to the public interest or not. Considerations would also include identifying who is the competition in the commercial competitive market, assessing how the release of the information would adversely impact on the GOC's ability to compete, how release of the information may harm or unduly advantage its competitors or a third party, and assessing the parts of a document that can and cannot be released publicly.

## 4.4 Principle 4: Proactively Push Information to Public Domain

The "push" model means the Government expects all GOCs to provide information to the public as a matter of course unless there are good public interest reasons for not doing so. Those documents assessed as being of public interest should be made available to the public. The Office of the Information Commissioner has published a [guideline](#) that explains the concept of administrative access to information and how it supports proactive disclosure of information. Examples of exceptions to this would include information that is assessed as commercially sensitive, subject to legal professional privilege, or information that would breach privacy principles if it were to be released. If part of a document is assessed as not being able to be publicly released, this does not preclude the rest of the document being publicly released.

## 4.5 Principle 5: Disclosure Logs

GOCs are expected to comply with section 78A of the RTI Act and maintain disclosure logs, including publishing copies of documents released under the RTI Act (if it is reasonably practical to do so) or otherwise details identifying the released documents and how they may be accessed from the GOC. GOCs are expected to provide adequate time for interested parties to exhaust their appeal rights (both internal and external) before making documents available under s78A.

# 5.0 Guidelines

GOC boards are accountable for governing the proactive and routine release of information by each GOC in accordance with Government policy and, where applicable legislative provisions.

The GOC's Chief Executive Officer is accountable for implementing and administering the proactive and routine release of information by their GOC. The GOC designates a senior executive role that is responsible for the operation of the GOC's release of information process and advises Queensland Treasury and the portfolio department of that senior executive role and the name of the person undertaking it.

GOCs are accountable for proactively and routinely releasing information and ensuring it is regularly reviewed and up-to-date. It is expected regular reviews of the information released by GOCs occur at least quarterly.

The responsibility for providing access to GOC information held by the GOC is devolved to each respective GOC. Queensland Treasury's website and the applicable portfolio department's website provide links to the website of each GOC.

Each GOC website's home page is to have a clearly identifiable link to its Release of Information Publication Scheme (comprised of the seven classes of information) which provides the gateway via links to the GOC's published information.

GOCs are to clearly show on their website the position/work unit (including phone and email details) within the GOC that the public may contact for information.

In addition to this document and the RTI legislation, GOC release of information arrangements will be administered by correspondence between shareholding Ministers and GOC boards. Where applicable, GOCs will be subject to the RTI Act together with their subsidiaries and other entities that the GOC or subsidiary has an interest in.

Any documents provided by GOCs (including GOCs excluded from the RTI Act) to Government agencies will be subject to the RTI Act.

Decision making and approvals in relation to the release of information held within Queensland Treasury relating to GOCs is overseen by the Under Treasurer (in accordance with Treasury's Management of Release of Public Information Policy). In relation to other agencies, release of information will be subject to the specific agency's approval authorisation arrangements.

Community service obligations of GOCs (including excluded GOCs) will be subject to the RTI Act.

The RTI Act provides protection in relation to the disclosure of commercial-in-confidence information. In addition, it is expected that each GOC will have appropriate administrative protections in place to ensure that commercial-in-confidence material is not inadvertently released when it proactively publishes information on its website. An example of commercial-in confidence information would include where the release of information would jeopardise the competitive interests of a GOC and put a GOC at a competitive disadvantage in its marketplace and/or the release of the information may harm or unduly advantage its competitors or a third party. It would also include where commercial-in-confidence information of other entities has been supplied to a GOC.

Further information about the RTI Act can be found on the website of the Office of the Information Commissioner at [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

## 6.0 Publication Scheme

The table below provides an example of the types of information it is expected that a GOC would have on its website or make available to the public through other means, categorised according to the 'classes of information'. It includes information which is reasonably expected to be released by GOCs. The release of this information would be subject to the provisions of the RTI Act.

It is expected that the information would be current information only and would be reviewed at least quarterly by the GOC to ensure it is up-to-date and accurate.

As a guide, where applicable, the level of disclosure in the Publication Scheme should be similar, to the types of information that private sector public companies that compete in commercial competitive markets. For example, information which Australian Securities Exchange (ASX) listed companies publish on their website or make available to shareholders. Level of disclosure benchmarks may be similar sized private sector public companies and/or companies which operate in a similar or comparable industry sectors.

**Table 6.1 (Name of GOC) Publication Scheme**

| <b>Classes of Information</b> | <b>Information to be available within the public domain</b>  | <b>Links to Information</b> | <b>Website Availability (Y/N)</b> |
|-------------------------------|--|-----------------------------|-----------------------------------|
| About us                      | Organisational information, structures, locations, contact information   |                             |                                   |
|                               | Names of board members and brief background, board charter, board sub-committee charters, constitution of GOC and its subsidiary companies                                 |                             |                                   |
|                               | Names of chief and senior executives – information, roles and responsibilities   |                             |                                   |
|                               | Release of Information/Right to Information GOC contact details  |                             |                                   |
|                               | Annual report  |                             |                                   |
| Our Services                  | Information about services provided including leaflets and newsletters<br><br>Schedule of fees and charges for those services<br><br>Media releases                        |                             |                                   |
| Our Finances                  | Annual audited financial statements (last three years)   |                             |                                   |
|                               | Financial results the previous year:<br>Earnings before Interest and Tax (EBIT) (\$m)<br>Net Profit after Tax (NPAT) (\$m)<br>Return on Equity (%)<br>Return on Assets (%) |                             |                                   |
|                               | Procurement processes  |                             |                                   |
|                               | Audit results  |                             |                                   |
|                               | Expenditure related corporate policies   |                             |                                   |
|                               |  |                             |                                   |
| Our Priorities                | Annual Report  |                             |                                   |
|                               | Statement of Corporate Intent (as tabled in Parliament)  |                             |                                   |
|                               | Performance Indicators   |                             |                                   |
| Our decisions                 | Delegations of Authority   |                             |                                   |