STRATEGY

Justice and Community Safety Directorate

OPEN ACCESS

OFFICIAL

UNCONTROLLED IF PRINTED

1. BACKGROUND

1.1 The Freedom of Information Act 2016 (FOI Act) requires the Justice and Community Safety Directorate (the Directorate) and its Ministers to release certain government information proactively. This means the public can access this information without needing to make a formal request. This is known as open access.

1.2 In line with the requirements of the FOI Act, the Directorate acknowledges the importance of a pro-disclosure culture and seeks to:

- provide a public right of access to government information
- promote public participation in government decision making and increase government accountability
- promote a culture of openness and transparency in government; and
- improve public understanding of government decisions and confidence in government processes.

1.3 This JACS Open Access Strategy (the strategy) outlines the Directorate's commitment to meeting the requirements of the Act.

1.4 The strategy is supported by the JACS Open Access Policy, which provides guidance to staff on roles and responsibilities for fulfilling the open access requirements.

2. OPEN ACCESS COMMITMENT

2.1 The Directorate is committed to continuously improving public access to government information. To assist in fulfilling this commitment, this strategy outlines the information that the Directorate will proactively make available and the information that will be excluded from publishing.

2.2 The Directorate will regularly review JACS Open Access documents to ensure the information is accurate, up to date and complete.

2.3 Whenever possible, open access will be considered from the beginning when creating a document. This will be part of the internal approval process to ensure timely public availability.

2.4 As much as reasonably practicable, information published by the Directorate will comply with web content accessibility guidelines, level AA.

3. WHAT INFORMATION WILL BE PUBLISHED?

3.1 JACS will proactively publish the following types of the information consistent with section 23 of the FOI Act:[1]

(a) functional information about JACS including:

- our organisational structure
- our Strategic Plan
- our service charters and standards as they apply to different functions within the Directorate.

(b) policy documents, including:

(i) any document that informs how we make decisions that affect members of the public, excluding policies relating purely to internal administrative functions

(ii) complaints handling policies

(c) information about grants made or administered

(d) JACS disclosure log

(e) a statement of boards, councils, committees, panels and other bodies that have been established by JACS for the purpose of advising the Directorate or its Ministers

(f) any report or recommendation prepared by a body mentioned in the above point

(g) any of the following ministerial briefs prepared by the agency that are 5 or more years old:

(i) incoming ministerial briefs

(ii) parliamentary estimates briefs

(iii) annual reports briefs

[1] ACT Ombudsman Freedom of Information Guidelines - Open Access Information - October 2019

(iv) question time briefs.

3.2 The following types of information about JACS is routinely published by other agencies:

(a) information about JACS and our work that is tabled in the Legislative Assembly, which is published on the ACT Legislative Assembly website.

(b) budget papers, which are available on the Treasury website.

4. WHAT INFORMATION WILL NOT BE PUBLISHED?

4.1 Information which is *contrary to the public interest* as defined in s 16 of the FOI Act will not be released. That is, information:

- which is taken to be contrary to the public interest to disclose under Schedule 1 of the FOI Act, or
- the disclosure of which would, on balance, be contrary to the public interest under the test set out in s 17 of the FOI Act.

4.2 The Directorate is aware that where a decision is made **not** to publish information under the above categories because it is contrary to the public interest, there is still a requirement, to publish the following under s 24 of the FOI Act:

- a description of the information—except in certain limited circumstances outlined below.
- the reasons the information was not disclosed, including any relevant grounds under Schedule 1 and the findings on key facts, or the reasons why the Directorate decided it was against the public interest to disclose the information under section 17.
- a statement outlining review rights in relation to the decision not to publish the relevant information, including that the person may apply to the ACT Ombudsman for review of the decision and explaining how to make such an application.

4.3 Examples of information that may not be published include policy documents relating to procedures at the Alexander Maconochie Centre that is assessed as being contrary to the public interest to release (for example, where the information, if disclosed, could prejudice a system or procedure for the protection of people and property).

5. HOW WILL INFORMATION BE ASSESSED FOR RELEASE?

5.1 Individual JACS business units will undertake the identification and assessment of documents falling under the category of open access information to determine the suitability of publishing the information publicly.

5.2 Wherever possible, open access considerations will be incorporated into the document creation and approval process to ensure it is suitable for public access.

6. WHERE AND HOW WILL THE INFORMATION BE PUBLISHED?

6.1 Open access information will be published on the JACS or relevant business unit website and the ACT Government Open Access Portal.

7. HOW WILL THE INFORMATION BE KEPT UP TO DATE?

7.1 JACS will undertake[2] a review of Open Access listings every 6 months to ensure the information remains accurate and up to date. This will include reviewing all of the documents that are listed on the ACT Government Open Access Portal to ensure they remain relevant for public access.

8. ENQUIRIES

Direct enquiries on the strategy to:

JACSEnquiries@act.gov.au

9. RESOURCES/ADDITIONAL GUIDANCE

- Freedom of Information Act 2016
- Explanatory Statement Freedom of Information Bill 2016
- ACT Ombudsman Freedom of Information Guidelines – Open Access Information October 2019
- JACS Open Access Policy
- JACS Freedom of Information Policy

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[2] JACS Open Access Policy

DETAILS

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AMENDMENT HISTORY

Version	Issue Date	Amendment Details	Author	Approved by
1.0	October 2021	Initial Copy.	GCR	Director-General
1.1	October 2023	Minor review and update.	GCR	Director-General
1.2	November 2024	Administrative update.	GCR	EBM, GCR