

DOCUMENT PROPERTIES

Schedule of Amendments

New features (insertions) New document	
	Date 4 June 2024
Enhancements (changes)	
	Date
Deletions	
	Date

Amendment History

Version No.	Issue Date	Author
Version 1.0	4 June 2024	Sarah Nash

Details *example*

Area responsible for Policy/Plan/Program	CFC – Corporate (<i>example</i>)
Stakeholders	All Cultural Facilities Corporation Staff (<i>example</i>)
Document location	G:\CFC\Staff\Documents\CFC\CFC Open Access Compliance Strategy
Record number and name	TRIM No - CFC2024/193 – RECORDS & INFORMATION MANAGEMENT - Compliance - CFC Open Access Compliance Strategy
Strategic Plan aligned	YES
<i>Freedom of Information Act 2016</i> compliant	Document linked to the Open Access Information website? No ☐ (the document is not appropriate for public viewing) Yes ☒ (the document is appropriate for public viewing)

Authorised by: Gordon Ramsay
Chief Executive Officer
Cultural Facilities Corporation

Date endorsed: Date 5/6/24

Date for review: Date 5/6/29

Version: Version 1.0

OPEN ACCESS COMPLIANCE STRATEGY

Cultural Facilities Corporation (CFC)

June 2024

CFC Open Access Compliance Strategy

Background

In January 2018 the [Freedom of Information Act 2016](#) (The FOI Act) introduced the *open access* regime that ensures regular disclosure of certain categories of government information. Open access information is government information which must be routinely published, modified, and reviewed under Part 4, Sections 23 and 24 of the FOI Act.

Section 23 of the FOI Act sets out the types of information considered to be open access information. Section 24 provides that an agency or minister must make open access information publicly available unless it is assessed as being contrary to the public interest information under Section 6 of the FOI Act.

ACT Government organisations must support the principles of open access and manage their records, information and data in a way that supports openness, ensuring they remain accessible for as long as they are required to meet accountability, legislative and business requirements, and community expectations. The Cultural Facilities Corporation (CFC) is committed to meeting its obligations under the FOI Act.

The CFC recognises that the management of open access information under the FOI Act is crucial to ensuring that the CFC fully meets its legislated responsibilities and is consistent with the ACT Government's commitment under the *Parliamentary and Governing Agreement* to increase open and transparent access to government information. The CFC is responsible for identifying its government information that falls within the requirements of open access, ensuring processes are ongoing, with all new or modified documents being reviewed annually.

Government information refers to papers and other materials on which there is writing and any other material from which sounds, images or writing are capable of being reproduced and includes emails and other electronic records, post-it notes, message pads, maps, diagrams, plans, photographs, film, sound and video recordings, notebooks, and diaries.

The CFC's government information can include:

- functional information including its structure and functions;
- information about the CFC or the work of the CFC contained in any document tabled in the Legislative Assembly by or for the CFC;
- policy documents including any of the following (excluding draft form):
 - a document containing interpretations, rules, guidelines, statements of policy, practices, or precedents;
 - a document containing operational information that ensures that members of the public can be adequately informed about the framework of rules, policies, principles, and procedures that agencies apply in making decisions or recommendations;
 - a document describing the procedures to be followed in investigating a contravention or possible contravention of an Act or administrative scheme; or
 - another document of a similar kind used to assist the CFC to exercise its functions;
- budget papers and appropriation acts presented to the Legislative Assembly under the [Financial Management Act 1996](#);
- information about government grants made or administered by the CFC;
- the CFC's disclosure log (FOI requests made to the CFC under the FOI Act), omitting personal information;

- a statement listing all boards, councils, committees, panels, and other bodies that have been established by the CFC (whether under an Act or otherwise) for the purpose of advising the CFC or the responsible minister and any related reports or recommendations;
- any of the following ministerial briefs prepared by the CFC that are five or more years old:
 - incoming ministerial briefs;
 - parliamentary estimates briefs;
 - annual reports briefs;
 - question time briefs;
 - information an agency undertakes to make publicly available;
 - information declared by the ombudsman to be open access information;
 - information prescribed by regulation.
- information the CFC undertakes to make publicly available under Section 29 (agency publication undertakings);
- information declared by the ombudsman to be open access information; and
- information prescribed by regulation.

As a government agency the CFC is required to publish open access government information on its public facing website, excluding disclosure of information deemed contrary to public interest, public safety, or the private or business affairs of others (Section 17 of the FOI Act). Such information could include policy documents comprising of law enforcement information that is assessed as being contrary to the public interest (for example, where the information, if disclosed, could prejudice a current investigation or law enforcement methodology or procedures).

Responsibilities

FOI Information Officers appointed under the FOI Act, are responsible for ensuring the agency meets its obligations to publish open access information under Part 4 of the FOI Act. The CFC has the following FOI Information Officers:

- Chief Financial Officer (CFO), Corporate, Finance and Human Resources;
- Corporate and Compliance Officer, Corporate and Finance; and
- Executive Support Officer, Corporate.

Compliance Strategies and Procedures

- CFC staff are to undertake the initial identification and assessment of documents falling under the category of open access information, and the suitability of publishing information.
- Wherever possible, open access considerations will be incorporated into the document creation and approval process to ensure it is suitable for public access.
- The CFC's FOI Information Officers assist staff in assessing whether information is contrary to the public interest to disclose, exercising their delegated functions in accordance with the [Freedom of Information Act 2016](#) (Section 3.1) and the best practice approaches outlined in the [ACT Ombudsman Freedom of Information Guidelines 2019](#).
- The CFC's Chief Executive Office, Chief Finance Office, Chief Information Officer, Director of Collaboration and Engagement, and FOI Information Officers have training on operations and responsibilities under the FOI Act.
- CFC FOI Information Officers make decisions not to publish, or partially publish, open access information if the information is contrary to the public interest and ensure regular

disclosure and public interest information is published on the CFC Open access information scheme (OAIS) website. If a single document includes both open access information and contrary to the public interest information, FOI Information Officers will, as far as practicable, make the open access information publicly available, with the contrary to the public interest information redacted. FOI Information Officers will publish a description of the information, why the information is contrary to the public interest, and a statement outlining review rights. This will apply to documents not released in full, or only released in part.

- CFC FOI Information Officers have continued support from Shared Services ICT. Shared Services ICT provides guidance and administrative access to the CFC to edit and publish documents on its OAIS website.
- The CFC *Key Documents Register* (KDR), implemented in 2018, includes specific documents required to comply with ACT Government service wide policies and procedures. The CFC KDR includes triggers for document review dates, cycles, rationales, and an option for public interest consideration of documents to be published. The Director of Collaboration and Engagement is responsible for the CFC KDR with the assistance of the CFC Corporate and Compliance Officer.
- As part of its strategic priorities, the CFC Board endorses the CFC's KDR. The CFC's KDR is reviewed at each Board meeting throughout the financial year.
- The CFC KDR is regularly reviewed and updated as required.
- When creating documents staff are encouraged to utilise the CFC's predefined *Document Template (ATTACHMENT A)*. The template has built in workflows, including a document properties page detailing amendment history, responsibility, version control, HPECM/TRIM record number, alignment to the current CFC's Strategic Plan and an option for consideration of documents to be published on the CFC website.

All CFC staff are encouraged to consider open access information when creating documents. A *CFC Open Access Information - Decision to publish* Flowchart is available at *ATTACHMENT B*.

Review

FOI Information Officers will monitor open access information and conduct an annual review of all open access information and relevant guidelines, unless otherwise indicated. Reviews may result in the replacement or amendment of CFC's publicly available information.

This document has been prepared as a companion to the [Freedom of Information Act 2016](#), [FOI Open Access Guideline \(act.gov.au\)](#), [Access Guideline - Territory Records Office \(act.gov.au\)](#), [Financial Management Act 1996 | Acts](#), [ACT Ombudsman Freedom of Information Guidelines 2019](#) the [Proactive Release of Data \(Open Data\) Policy](#), and the [Web Content Accessibility Guidelines \(WCAG\) 2.0 \(w3.org\)](#).

For further information contact:

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