

Metrics on Public Use of Freedom of Information Access Rights

Commitment 3.2 of Australia's Open Government Partnership National Action Plan 2016

The development of consistent metrics aligned with the World Justice Project's (WJP) Open Government Index aims to assist in building a more complete picture of FOI rights in Australia and help governments improve processing of information access requests. This will improve understanding of the public's utilisation of access rights; government processes and practices, and allow for international benchmarking against established measures including the WJP Open Government Index.

The WJP Open Government Index is the first effort to measure government openness based on the general public's experiences and perceptions in 102 countries. The Open Government Index is composed of four dimensions: publicised laws and government data, right to information, civic participation and complaint mechanisms. Further information is available [here](#).

The metrics developed by the Association of Information Access Commissioners in 2017 are the first of their kind for Australia, and reflect the currently available data that is reasonably comparable across jurisdictions and the priorities agreed in the National Action Plan. These metrics relate to requesting information using formal processes set out in FOI, Right to Information or equivalent legislation. Some jurisdictions have moved from a reactive or "pull model" of information release to a proactive or "push model". The push model requires agencies to proactively push information out to the community, as much as possible, with the goal of making formal applications a last resort. This difference may be reflected in the national dataset dashboard. As jurisdictions become more proactive in releasing information, application rates and release rates may therefore be lower as more information will be made available outside of formal application processes.

Where jurisdictions are not currently able to report on the metrics as proposed, it is intended that jurisdictions will report their best available data. In such instances, differences in reporting are outlined for these metrics. In order to support improvements in more detailed reporting, and respond to feedback from civil society about these inaugural metrics, jurisdictions will explore over time (including with other jurisdictionally relevant organisations and departments), the possibility of further developing the data collected to meet these reporting criteria.

While every effort has been made to provide a common baseline across jurisdictions, the metrics cannot deliver directly comparable data between jurisdictions. The metrics and data should be read in conjunction with the specific legislative arrangements in each jurisdiction. The AIAC Jurisdictional Compendium highlights the jurisdictional differences and is available [here](#).

In addition, each jurisdiction has its own data reporting parameters and mechanisms, sometimes outside the remit of Information Commissioners/Ombudsmen, and these should be consulted when considering the utilisation of FOI access rights at a local level.

Metric 1: Type of applicant

Alignment with the World Justice Project Open Government Index

This metric is not strictly aligned to a WJP Open Government Index variable. However, it does align with metrics outlined in page 35 of the [WJP Open Government Index 2015 Report](#) which separates requests for information by the gender, socio-economic status and level of education of the requestor.

Purpose

To inform the community about the types of applicants making use of information access regimes.

Definition / How measured

Count of the number of valid/formal applications for information received by all agencies categorised as:

- member of the public (i.e. individuals and their legal representatives)
- other (i.e. members of parliament, media, private businesses, not for profit organisations, other government agencies)
- unknown (not categorised)

Calculation

N/A

Metric 2: Applications per capita

Alignment with the World Justice Project Open Government Index

This metric is not aligned to a WJP Open Government Index variable, however its utility is recognised in other measures and as a base line measure it has significance given its prevalence within jurisdiction specific legislation. The per capita rate is based on jurisdiction. For example, where the metric reports on release under NSW legislation, it is based on per capita in NSW.

Purpose

To indicate the relative use of information access regimes across jurisdictions.

Definition / How measured

- Count of the number of valid, formal applications received in a financial year by agencies per 100,000 population. The count includes:
 - applications that are subsequently withdrawn
 - applications subsequently transferred to another agency
 - excludes applications subsequently found to be invalid.
- Population numbers taken from The Australian Bureau of Statistics, ([Report 3101.0 Australian Demographic Statistics](#)) as of the end of financial year (i.e. end of June quarter of each year).

Calculation

$$\frac{\text{The number of valid, formal applications received by agencies in a financial year}}{\text{Jurisdiction population per 100,000}}$$

Metric 3: Release rates

Alignment with the World Justice Project Open Government Index

GPP12: Right to Information – Information Requests - Responsiveness

Purpose

To identify the extent to which governments release information that has been formally requested under information access laws.

Definition / How measured

- The generic term 'decision' is used to encompass the use of similar terms across jurisdictions such as 'determination' to indicate that an agency has come to a settled position on how an information access application received /page is processed by an agency.
- The percentage of all decisions made on valid/formal applications/pages where access was granted in full or in part, combined.
- Expressed as the number of decisions made which granted access in full or in part as a percentage of the total number of decisions made on valid applications.

Calculation

$$\frac{\textit{The number of decisions made to grant access in full or in part, combined}}{\textit{The total number of decisions made on valid/formal applications}} \times 100$$

Metric 4: Refusal rates

Alignment with the World Justice Project Open Government Index

GPP12: Right to Information – Information Requests - Responsiveness

GPP13: Right to Information – Information Requests - Responsiveness

Purpose:

To indicate the responsiveness of agencies to requests for information.

Definition / How measured

- The generic term ‘decision’ is used to encompass the use of similar terms across jurisdictions such as ‘determination’ to indicate that an agency has come to a settled position on how an information access application received/page is processed by an agency.
- The percentage of all decisions on valid/formal applications/pages where access was refused in full, where the information was held by the agency but not released.
- Expressed as the number of decisions made where access was refused as a percentage of the total number of decisions made on valid/formal applications.

Calculation

$$\frac{\textit{The number of decisions made to refuse access in full}}{\textit{The total number of decisions made on valid/formal applications}} \times 100$$

Metric 5: Timeliness

Alignment with the World Justice Project Open Government Index

GPP18 – Information requests - timeliness

QRQ12 – Information requests - timeliness

Purpose

To indicate the responsiveness of the information access regime, particularly the extent to which decisions are made within legislated timeframes.

Definition / How measured

- The number of decisions made within the relevant jurisdiction’s statutory timeframe, including within valid extension periods, as a percentage of all decisions made.

Calculation

$$\frac{\textit{The number of decisions made within the statutory timeframe}}{\textit{The total number of decisions made}} \times 100$$

Metric 6: Review rates

Alignment with the World Justice Project Open Government Index

QRQ42 – Ability to seek review of a decision before another agency or judge (i.e. external review).

Purpose

To indicate the extent to which the community is dissatisfied with an information access decision and seeks recourse from an independent agency.

Definition / How measured

The total number of external reviews received by the Information Commissioner/Ombudsman, expressed as a percentage of all applications received within each jurisdiction.

This metric does not measure reviews conducted internally by the agency that made the original decision, or reviews conducted by courts or tribunals.

Calculation

$$\frac{\textit{The number of external reviews received by the Information Commissioner/Ombudsman}}{\textit{The total number of applications received by agencies}} \times 100$$