

# Information can save lives

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Justice Stephen Hall delivers the verdict to Bradley Robert Edwards.

Today is International Access to Information Day, previously known as Right to Know Day. On this day we recognise the importance of citizens having access to accurate, government-held information (which includes data), and the vital role this plays in providing government transparency.

This year, the focus for the day is on the value of information providing transparency to build trust in times of crisis and beyond.

IAID is an opportunity for information commissioners, the Open Government Partnership, of which Australia is a member, and other supporters of information access laws, to promote the community's right to timely and low-cost access to information and emphasise the importance of that right in a democratic society.

It is also a reminder that greater access to information can deliver better public services, strengthen economic outcomes, and build public trust and confidence in government and the public sector.

Australia's relative success in managing the COVID-19 pandemic, underpinned by significant openness with information and reliance upon expert opinion, has also been accompanied by an important development in public trust in government.

Research published in late 2019 by ANU into how democracy has been performing over the past 40 years found historic low levels of trust in the Australian political system at that time. In January 2020, prior to COVID-19, global analysts Edelman also reported that trust in government was at an all-time low. Just four months later Edelman issued an update to reveal a remarkable shift — during the crisis, trust in government has surged.

These findings are supported locally by a recent Curtin University survey in which attitudes to government were found to have dramatically improved. The researchers put this down to the government's management of the pandemic and a finding that government is highly regarded as a source of accurate, reliable information.

In a modern, functional democracy citizens can expect to see “open justice” (never more obvious in recent times than with the trial in WA of Bradley Robert Edwards) and “open parliament” (for example, live broadcasts, written Hansard records, published daily order of business). In the same vein, citizens should also expect to see “open government”.

High levels of transparency in government equip citizens with the information they need to understand and evaluate public policy and decision-making, permitting informed debate and, ultimately, informed choice at the ballot box. This transparency can also improve social cohesion, which will be

particularly important during the delivery of economic stimulus, enabling communities and businesses to recover.

The right to information is enshrined in access to information laws across the world. In some places it is also afforded constitutional or human rights recognition. Australia is among more than 120 nations around the world which now provide citizens with information access rights.

In Western Australia, the laws requiring government to keep records and provide access to information are found in the State Records Act 2000 and the Freedom of Information Act 1992. These laws were reform priorities recommended in the 1992 seminal report of the “WA Inc” royal commission that enquired into the WA government during the 1980s.

In a follow-up report in 1995, the Commission on Government also recommended that existing statutory secrecy provisions in WA laws ought to be repealed and that a freedom of information regime should be the governing legislation for determining when information held by the government should not be disclosed.

Good record keeping by public bodies also ensures that actions and decisions made today can be analysed in the future, so that important lessons about how we handle such crises are not lost. Almost 30 years on since it came into operation in late 1993, the FOI Act continues to guard against unwarranted or excessive government secrecy, while also protecting certain documents so that the legitimate business of government can take place.

In the absence of State privacy legislation, it also provides some protection for personal information held by government.

Information commissioners across Australia and New Zealand, and also internationally, also work together to improve community and public sector awareness and understanding of both informal information access and information access under FOI laws, as well as support for pro-active public information release. Supporting and developing a culture across government of pro-active information and data release is a key focus for us and also open-data advocates.

In WA, we see a number of government agencies aiming to be more open with public data — although mindful of the appropriate protections required for personal information — as well as be collaborative with their data.

In central government, the State Records Office is also doing important work with the Office of Digital Government and other agencies, to facilitate better access to public data recognising that it is a valuable public asset.

As governments respond to any future health crisis, natural disaster or other emergencies, the need for information access should be front-of-mind, as in some cases it can literally save lives and help limit the impact upon people's civil liberties and prosperity.

Timely, reliable access to information and good record keeping must be a central part of that strategy.

**Catherine Fletcher is the WA Information Commissioner**