

UNCLASSIFIED



AUSTRALIAN CRIME COMMISSION

Information Publication Scheme Agency Plan



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Introduction

The Australian Crime Commission (ACC) is established under the *Australian Crime Commission Act 2002* (Cth) ('the ACC Act') as Australia's national criminal intelligence agency. The ACC works in partnership with other law enforcement agencies to develop a national understanding of serious and organised crime.

The ACC is subject to the *Freedom of Information Act 1982* (Cth) (FOI Act). However, in accordance with s 8C(2) of the FOI Act and s 51 of the ACC Act, the ACC is not required to publish any information under the FOI Act otherwise than as permitted or required by the ACC Act.

The ACC recognises that public sector information is a national resource managed for public purposes. To the extent permitted by the ACC Act, the ACC will strive to promote a culture of appropriate proactive disclosure similar to that required by the Information Publication Scheme (IPS).

The ACC Act prescribes the circumstances where certain ACC information can be disclosed. To this end, the ACC discloses information to others, including law enforcement agencies and agencies that are prescribed in the *Australian Crime Commission Regulations 2002*. However, much of this information cannot be lawfully disclosed to the public.

Purpose

The purpose of this plan is to:

- ensure the ACC complies with section 8 of the FOI Act to the extent permitted by the ACC Act
- assist the ACC in putting appropriate procedures in place to enable proactive publication of its information holdings to the extent permitted by the ACC Act
- detail what information the ACC proposes to publish, how and to whom the information will be published, and how the ACC will otherwise implement an appropriate IPS.

Objectives

The principal objective of this plan is to outline the mechanisms and procedures being established by the ACC to:

- manage the agency's IPS information holdings
- proactively identify and publish all information required to be released to the extent permissible under the ACC secrecy provisions, including this plan
- proactively identify and publish any optional information to be released (s8(4))
- ensure information published under the IPS is accurate, up to date and complete (s8B)

- ensure the ACC's disclosure log is place
- ensure that information published under the IPS is easily located, understandable, machine-readable, and re-useable
- ensure that the format of online content conforms with the Web Content Accessibility Guidelines (WCAG) 2.0
- review compliance of the ACC's IPS contribution.

Of course, as stated above, the ACC is only permitted to publish this information to the extent permitted by the ACC Act.

Establishing and administering the ACC's IPS contribution

The National Manager, Legal Services Unit is the ACC's senior officer responsible for leading the agency's compliance with the IPS.

(a) Establishing the ACC's IPS contribution by 1 May 2011

The National Manager, Legal Services Unit is supported by the FOI Act Reforms Committee (the Committee) in developing the ACC's contribution to the IPS. The Committee is comprised of members from the following sections of the ACC:

- Legal
- Compliance, Audit and Business Advisory
- Strategic Planning, Governance and Risk
- Communication and Media.

The Committee has met on a fortnightly basis to implement changes to meet the requirements that commenced on 1 November 2010, and to plan, develop and progress initiatives in anticipation of the requirements that will come into force on 1 May 2011.

Administering information published under the IPS from 1 May 2011

The ACC will develop a comprehensive information management framework which will apply to ACC information published under the IPS and taking into account the provisions of the ACC Act.. This framework will initially comprise records management plans and policies which are currently under development.

The ACC will finalise its records management plans and policies as follows:

- handover the management of the IPS to the Information Management (IM) Team and
- records management plan to be finalised within six months from 1 May 2011.

From 1 May 2011 the ACC's ongoing compliance with the IPS will be coordinated by the IM Team with assistance provided by the FOI Reforms Committee members. This team will be responsible for the management and administration of the IPS information holdings and will be responsible for reviewing and revising the agency plan.

As part of managing the ongoing administration of the IPS information holdings, the IM team will develop a *Guide to publishing information under the IPS* for ACC staff including an annexure to the *Accessibility guidelines for web publishing* developed by the Stakeholder Engagement Branch.

The ACC will list on its website any documents that are unable to be published online. The website will state that a person seeking access to any of these documents may contact foi@crimecommission.gov.au to arrange access.

Where it is impracticable to publish an IPS document online, the ACC may charge for access, but only:

- at the lowest reasonable cost; and
- to reimburse specific reproduction costs or other specific incidental costs (s8D(4)).

The list of documents will include indicative charges that may be imposed for making that information available and an explanation for the charge. These charges will be consistent with charges in the *Freedom of Information (Charges) Regulations 1982* (which generally apply to access requests under Part III of the FOI Act). A list of the charges that may apply under the IPS is provided at Appendix A.

IPS information architecture

The ACC will publish its IPS information holdings on its website.

The IPS information holdings that are available on the ACC website, will be published under the following headings:

- Agency plan (ss 8(2)(a))
- Who we are (ss 8(2)(b) and 8(2)(d))
- What we do (ss 8(2)(c) and 8(2)(j))
- Our reports and responses to Parliament (ss 8(2)(e) and 8(2)(h))
- Routinely requested information and disclosure log (ss 8(2)(g) and 11C)
- Consultation arrangements (s 8(2)(f))
- Operational information
- Contact us.

To ensure that the IPS information holdings and individual IPS documents are easily discoverable, understandable and machine readable, the ACC will:

- publish an IPS icon on the homepage of its website, which will link to the IPS section of the website
- design and publish an IPS entry point on the website
- wherever possible, provide online content in a format that can be searched, copied and transformed
- publish a sitemap for its website, to help individuals identify the location of information published under ss8(2) and 8(4)
- provide a search function for the website
- provide an alert service to notify subscribers of new publications under the IPS or other developments in relation to the ACC's contribution to the IPS
- establish links to this plan and to the sitemap at www.directory.gov.au
- seek and respond to community feedback about whether the IPS information holdings (and individual IPS documents) are easily discoverable, understandable and machine readable.

The ACC will, so far as possible, make its IPS information holdings available for reuse on open licensing terms.

Information required to be published under the IPS

The ACC will publish documents required to be published under the IPS where such publication is permitted by the ACC Act.

The ACC will publish these documents under the following headings on the ACC website:

Who we are

- This will include links to the organisation chart, Enterprise Agreement and information about statutory appointments.
- For statutory appointments, the ACC will publish the name of the person appointed, the length or term of appointment, the position to which the person is appointed and the provision of the Act under which the person is appointed.

What we do

- This will outline the functions and decision making powers of the ACC, and the ACC Board.
- The ACC will also publish policies, procedures and guidelines, and documents on its decision making powers and other powers affecting members of the public, to the extent permitted by the ACC Act.

Our reports and responses to Parliament

- This will include links to the 2008-09 and 2009-10 Annual Reports, the Senate Order Contracts list and the Senate File Lists.

Routinely requested information

- This will include information in documents to which the ACC routinely gives access in response to FOI requests.
- The ACC will clearly identify these documents in its disclosure log subject to the exceptions identified in section 11C(1). Where information is subject to these exceptions a notation will be made on the disclosure log indicating that the documents have been released in part. Where information subject to these exceptions is not released at all, the ACC will comply with any direction from the OAIC as to how that information should otherwise be recorded for the purposes of reporting on that information to the OAIC.

Consultation

- The ACC is not a policy agency and this section does not apply.

Our operational information

- Section 51 of the ACC Act limits the publication of operational information. In addition, the nature of the ACC's functions mean much of its operational information would, if published, prejudice law enforcement activities.
- However, from time to time, the ACC may prepare information of a general nature that explains the way in which the ACC exercise its functions and powers in making decisions or recommendations that affect members of the public. This information will be published on the ACC's website.

Contact us

- All FOI enquiries can be made via email or postal addresses:
- By email: foi@crimecommission.gov.au
- By post: FOI Coordinator
GPO Box 5260
Sydney NSW 2001

Optional information to be published under the IPS

- The ACC and its Board may publish information under a range of provisions of the ACC Act, including s 60(4). This information will be assessed for inclusion as operational information.
- The ACC already publishes a variety of criminal information on its internet site including the Accord newsletter, Illicit Drug Data Report and Australian Illicit Drug Reports, Organised Crime in Australia and Horizons. These regular publications inform the public of current criminal activities occurring within Australia and overseas without risking current ACC operations and investigations.

Identifying other areas of interest to members of the public

- The ACC may from time to time also undertake the other steps to ascertain trends or other areas of interest to members of the public, such as:
 1. preparing a frequently asked questions document received by ACC media which will indicate common themes; and
 2. reviewing future FOI requests for common themes.
- When considering optional information for possible upload, the ACC may consider:
 1. what unclassified information ACC stakeholders seek or would like to have access to;
 2. the level of demand the ACC experiences for a category of information.

Accessibility under the IPS

(a) Approach to accessibility by commencement of the IPS

The ACC will ensure that all online information published under the IPS conforms with the *Web Content Accessibility Guidelines* (version 2) (WCAG) on commencement of the IPS.

(b) Approach to accessibility after commencement of the IPS

From commencement of the IPS, the ACC will publish any new IPS documents as soon as they are available for publication.

The ACC will ensure that all new information published on the ACC website conforms with the WCAG 2.0 requirements. Efforts will be made to publish information in HTML, MS Word and PDF formats with an option for printed information to be provided on request.

IPS compliance review

The ACC will review and revise this plan annually (or more frequently as required), to coincide with the ACC's strategic planning process.

The ACC will add the IPS to the Strategic Audit Plan and review the operation of its IPS at least every five years. The review will be conducted in collaboration and in accordance with the better practice guidelines issued by the Information Commissioner.

Appendix A

Where it is impracticable to publish an IPS document online, the ACC may charge for access, but only:

- at the lowest reasonable cost; and
- to reimburse specific reproduction costs or other specific incidental costs (s8D(4)).

The following charges may apply depending on the type of access that is required. The charges set out are in accordance with *Freedom of Information (Charges) Regulations 1982*.

Document Type	Charge
Photocopy	10 cents per page
Electronic copy (disk or tape)	An amount not exceeding the actual costs incurred by the ACC in producing the copy
Transcript of a sound recording, shorthand or similar medium	\$4.40 per page of transcript
Onsite inspection of document or recordings under ACC supervision	\$6.25 per half hour (or part thereof)

The ACC may charge for the delivery of documents where requested by the applicant, at an amount not exceeding the actual cost incurred.