

Proactive Release Program

July 2021



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1. Objective

The Audit Office of New South Wales (the Audit Office) is committed to the object in the *Government Information (Public Access) Act 2009* (the GIPA Act) to maintain and advance a system of responsible and representative democratic government that is open, accountable, fair and effective by providing access to government information.

As part of this commitment, and consistent with section 7 the GIPA Act, the Audit Office maintains a program of Authorised Proactive Release to consider what information the Office holds that is of public interest and should be made publicly available.

2. Review process

The program has four stages as follows:

2.1 Identify

Every twelve months, the Executive Manager, Governance (Legal) will create a report (see Appendix One) identifying Audit Office information created in the previous twelve months (excluding information relating to the Office's investigative, audit and reporting functions and excluding information already published under Open Access provisions).

This report will be informed by:

- a review of the Office Executive minutes
- documents recorded with the Office of the Auditor-General (Executive Officer)
- inquiries made of branch heads
- stakeholder feedback relevant to access to Audit Office information including:
 - the correspondence received; and
 - stakeholder feedback including client and parliamentary survey responses.

2.2 Assess

For each Audit Office document identified in stage 1 above, the Executive Manager, Governance (Legal) will apply the public interest test as follows:

- identify the relevant public interest considerations in favour of disclosure (guided by section 12 of the GIPA Act)
- identify the relevant public interest considerations against disclosure (guided by section 14 of the GIPA Act)
- determine the weight of the public interest considerations in favour of and against disclosure and come to a conclusion about whether the factors favouring non-disclosure are strong enough to outweigh the factors in favour of disclosure (taking into account the presumption in favour of disclosure). The public interest test requires that for information to be withheld the factors against disclosure must ultimately override the public interest considerations in favour of disclosure
- complete the checklist at Appendix 2 for each document and make a recommendation for as to whether it should be published or not.

2.3 Consult

The Executive Manager, Governance (Legal) will provide a copy of the recommendation and completed checklist to the respective information owners (members of the Office Executive) for endorsement.

2.4 Approve

The Executive Manager, Governance (Legal) will submit the Summary Report (in Appendix 1) to the Executive Director, Professional Services and the Deputy Auditor-General containing the recommendation on publication and endorsement, or otherwise, of the information owner.

The Deputy Auditor-General has final authority to determine whether information should be published or not. In the event of differing views about publishing the information, the Deputy Auditor-General will consult with the Executive Director, Professional Services, Executive Manager, Governance (Legal), and the information owner before making a final decision.

Appendix 3 contains a list of information that has been proactively released in 2020-21.

3. Review

The Proactive Release Program will be reviewed every 12 months. The next review is due in July 2022.

Appendix 1 - Summary report [template]

Identified information	Source	Information owner (OE Member)	Checklist complete	Executive Manager Governance recommendation	Recommendation endorsed by information owner (with comments if NO)	Recommendation endorsed by Executive Director Professional Services	DAG approval to publish
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Date:

Appendix 2 - Checklist [template]

Proactive release program – checklist

[insert document name]

Completed by: Executive Manager, Governance (Legal)

Public Interest considerations in favour of disclosure (s12)

Does the document:

Promote open discussion of public affairs, enhancing government accountability or contributing to positive and informed debate on issues of public importance Y or N

Inform the public about the operations of agencies and, in particular their policies and practices for dealing with members of the public Y or N

Ensure effective oversight of the expenditure of public funds Y or N

Reveal or substantiate that an agency, or member of an agency, has engaged in misconduct or negligent, improper or unlawful conduct Y or N

Any additional considerations in favour of publication:

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-

Public interest considerations against disclosure (s14)

Would publication of the document:

Prejudice responsible and effective government Y or N

Prejudice matters of law enforcement or security Y or N

Adversely impact individual rights, judicial processes and natural justice Y or N

Adversely impact the business interests of agencies and other persons Y or N

Prejudice any system for protecting the environment, culture or economy Y or N

Breach any secrecy provisions Y or N

Constitute publication of an exempt document under Freedom of Information legislation Y or N

Do the factors against disclosure override the public interest considerations in favour of disclosure Y or N

Recommendation

Publish / Not publish

Appendix 3 - Information proactively released in 2020-21

The most recent proactive release (July 2021) was conducted in accordance with Part 2 of this Program. There have been no significant changes to information release made as a result of this review.

The following documents were identified for release in 2020-21:

1. Data Breach Management Policy
2. ASP Guide – how to use Audit Office templates
3. act of grace payments register
4. gift of government property register
5. ASP Fee Variation Approval Request Form
6. Summary of Engagement Types: Assurance Levels and Subject Matter.