

REVIEW OF THE *FREEDOM OF INFORMATION ACT 1992*

TERMS OF REFERENCE

Background

1. The Queensland Government recognises that freedom of information is an essential right of every person and that access to government information is fundamental to openness, transparency and accountability in government.
2. At the same time, it needs to be recognised that the disclosure of particular information could have a prejudicial effect on public interests or the private or business affairs of members of the community about whom information is collected and held by government.
3. The *Freedom of Information Act 1992* (FOI Act) seeks to achieve a balance between these competing interests. However, the FOI Act is now 15 years old and there have been significant changes during that time to the way in which government creates, manages and stores the information it holds.
4. Rapid advances in information and communication technologies have led to the creation of millions of government documents each year. The culture within government is now generally more open, with considerable Government information publicly accessible on the internet. Nevertheless, there is still scope to improve access to government documents and reduce the time and costs involved in accessing government documents.
5. To this end, an independent expert review panel will be established to review the FOI Act and to identify ways to improve and modernise the FOI Act.
6. The independent review panel will be asked to prepare a discussion paper, for public consultation, on the extent to which the FOI Act provides an effective framework for access to documents held by government.
7. The discussion paper is to be developed within three months, with a view to the discussion paper being released in January 2008 for community consultation. Following community input, the panel will prepare a final report for Government's consideration. It is the Government's intention that any legislative amendments to implement improvements to the FOI Act will be introduced into Parliament during 2008.

Terms of Reference

8. The review panel is to consider (but not limit itself to) the following issues in relation to the FOI Act:
 - (a) The purposes and principles of freedom of information and whether the FOI Act satisfies those purposes and principles, in particular:
 - (i) the objects clauses in the FOI Act;

- (ii) the ambit of the application of the Act, including the appropriateness of the definition of ‘document’ (section 7 FOI Act) and the operation of section 11 and section 11A (bodies to which the FOI Act does not apply); and
 - (iii) the exemption provisions in Part 3 Division 2 of the FOI Act.
 - (b) The effectiveness of processes under the FOI Act (including application and review processes) and ways in which those processes can be streamlined and made more efficient and user-friendly, including the utilisation of current and future technologies.
 - (c) The time and costs involved in providing access to government documents, having regard to the need to achieve a balance between facilitating legitimate and timely access to government documents and ensuring proper and efficient government administration. In considering this issue, the review panel is to specifically consider:
 - (i) the appropriateness of the existing fees regime;
 - (ii) the appropriateness of current time limits contained in the Act; and
 - (iii) dealing with voluminous and/or vexatious requests.
 - (d) The effectiveness and adequacy of current reporting and data collection requirements, to inform public understanding about the operation and administration of the FOI Act.
9. In identifying ways to improve and modernise Queensland’s freedom of information regime, the independent review panel is to consider (but not limit itself) to:
- (a) relevant existing and proposed Commonwealth, State and Territory laws and practices;
 - (b) other recent reviews of freedom of information legislation, nationally and internationally;
 - (c) information or data from agencies that will assist in the identification of issues relating to the administration of the FOI Act;
 - (d) the operation of the freedom of information regime in an evolving technological environment;
 - (e) specific issues relating to access by individuals to personal information, including the interaction between Queensland’s freedom of information regime and the protection of privacy interests;
 - (f) balancing the public interest in access to information with the need to preserve the integrity and confidentiality of deliberative processes for Ministers and other decision makers; and
 - (g) the interaction of the FOI Act with other mechanisms (including non-legislative mechanisms) for accessing information held by government.