Office of the Victorian Information Commissioner

Freedom of Information Act 1982 (Vic)

Professional Standards

For consultation

March 2019

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Introduction

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Introduction

About

The professional standards (**standards**) have been prepared in accordance with Part IB of the *Freedom of Information Act 1982* (Vic) (**the Act**).

Section 6U of the Act enables the Information Commissioner to develop standards relating to the conduct of an agency in performing its functions under the Act, and the administration and operation of the Act by an agency.

The purpose of the standards is to ensure the Act is administered consistently with:

- its object – to extend as far as possible the right of the community to access information in the possession of an agency subject to the Act; and
- Parliament's intention – that the provisions of the Act are interpreted so as to further the object of the Act and any discretions conferred by the Act are exercised as far as possible to facilitate and promote the prompt disclosure of information at the lowest reasonable cost.

Structure

There are 35 standards based on 11 themes. Each theme is represented by:

- a statement – describing the general principles and sections of the Act on which the standards are based; and
- the standards – setting out the obligations of an agency and principal officer.

Note: following each group of standards is a rationale detailing the reasoning behind each group of standards. This rationale is provided for the purpose of consultation only and will be removed from the final published standards.

Application

The standards apply to every agency in Victoria that is subject to the Act. This includes government departments, statutory authorities, public hospitals, councils, TAFEs and universities. The standards do not apply to Ministers.

Section 6W(1) of the Act states the principal officer of an agency, and any officer or employee of the agency concerned in the operation of the Act, must comply with the standards.

It is the responsibility of a principal officer of an agency to ensure any officer or employee concerned with the operation of the Act complies with the standards.

Non-compliance with the standards may result in the Information Commissioner:

- receiving and dealing with a complaint under section 61A(1)(a) or 61A(1)(ab) of the Act; or
- conducting an own motion investigation under section 61O(1) of the Act.

Commencement

To be determined following consultation.

Interpretation

All legislative references are to the *Freedom of Information Act 1982* (Vic).

All terms in the standards have the same definition as in section 5 of the Act.

Professional standards

1. Right to government information

Statement

Everyone has the right to request access to information held by a Victorian government agency. This right is limited only by the exemptions and exceptions necessary for the protection of essential public interests and the private and business affairs of persons – *section 3(1) of the Act*. Any discretions conferred by the Act are to be exercised as far as possible to facilitate and promote the prompt disclosure of information at the lowest reasonable cost – *section 3(2) of the Act*.

Standard 1.1 An agency must consider whether a document in its possession, that is requested under the Act, can be provided to an applicant outside of the Act.

Standard 1.2 Where a document in the possession of the agency can be provided to an applicant outside of the Act, the agency must either:

(a) facilitate access to the document; or

(b) advise the applicant how the document can be accessed.

Standard 1.3 A principal officer must ensure information statements published in accordance with Part II of the Act are clear and accessible to the public.

Standard 1.4 A principal officer must ensure information statements published in accordance with Part II of the Act are available on their agency's internet site, where one exists.

Rationale

Why

Principal officers and agencies should be encouraged to proactively disclose government information, and where possible, release information outside of the Act. This is consistent with the object of the Act under section 3, section 16, and current guidance provided to agencies by the Office of the Victorian Information Commissioner (**OVIC**).

Providing the public with access to government information is an important mechanism for enhancing government accountability and transparency in a representative democracy.

The standards remind agencies of existing obligations, and give further effect to the following provisions of the Act:

- Section 3(1)(a) – the Act's object to make available to the public, information about the operation of an agency, and ensuring that rules and practices affecting members of the public are readily available.
- Section 3(1)(b) – the Act's object to create a general right of access to information in the possession of agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the protection of private and business affairs of persons.
- Section 3(2) – Parliament's intention that the provisions of the Act are interpreted so as to further the object of the Act and that any discretions conferred by the Act are exercised as far as possible to facilitate and promote the prompt disclosure of information at the lowest reasonable cost.
- Section 16(1) – agencies must administer the Act with a view to making the maximum amount of government information available promptly and inexpensively.
- Section 16(2) – nothing in the Act is intended to prevent or discourage agencies from publishing or giving access to documents, including exempt documents where they can properly do so.
- Part II – requiring agencies to publish certain information about the documents they hold.

Outcomes

- Agency officers always consider whether documents requested by an applicant can be provided outside the Act, and where applicable, direct applicants on how to access the requested documents.
- Agencies review and update their Part II information statements to ensure they are accurate, relevant and accessible.

Other considerations

- Cost to government – nil/minimal.
    - The Act already requires information statements published in accordance with Part II of the Act to be updated every 12 months. Ensuring these information statements are clear and accessible should not impose any significant administrative costs on an agency.
    - By releasing information outside of the Act, an agency may save time and costs in processing requests.
- The standards need to be flexible to accommodate changes in technology and the community's expectations when dealing with government.

2. Receiving a request

Statement

An agency has a duty to assist a person to make a request in a manner that complies with section 17 of the Act – *section 17(3) of the Act*. An agency must administer the Act with a view to making the maximum amount of government information available promptly and inexpensively – *section 16 of the Act*.

Standard 2.1 An agency must provide an applicant with an electronic method for making a request.

Note: an agency will satisfy this requirement where it provides an option for making requests by email or another online method.

Standard 2.2 An agency requiring payment of an application fee must provide an electronic method for payment of that fee, unless the agency has received, on average, 12 or fewer requests per year in the preceding 2 years.

Note: an agency will satisfy this standard where it provides an option to pay the application fee by credit or debit card, bank transfer, EFTPOS payment or another online payment method such as PayPal.

Standard 2.3 An agency must not refuse to accept a request where an applicant has not utilised an agency's proforma application form.

Note: a request must still meet the requirements of section 17 of the Act to be a valid request.

Rationale

Why

The standards ensure agencies continue to facilitate and promote access to government information promptly and at the lowest reasonable cost.

The Act was passed in 1982 before electronic methods of communication and payment of fees were widely used. To give adequate effect to sections 3, 17 and 39 of the Act, agencies need to accommodate changes in technology and the community's expectations when accessing government services and information.

Collectively, the standards recognise that the Victorian community expects agencies to offer modern methods for accessing government services and exercising their right to access government information under the Act.

Standard 2.1 ensures applicants are not required to rely solely on postal services when faster, cheaper and more accessible methods of communication exist. This is consistent with the statutory timeframes for determining a decision.

Standard 2.2 ensures applicants are not compelled to incur additional expenses and fees associated with obtaining a money order, cheque or bank cheque when exercising their rights under the Act. Further, these payment methods are becoming outdated by new and more efficient technologies.

However, Standard 2.2 also recognises many agencies do not receive a large number of requests. Data collected as part of the 2017-18 annual freedom of information agency survey indicates the following:

- 602 agencies received no requests;
- 326 agencies received requests:
    - 190 agencies received 12 or fewer requests;
    - 136 agencies received 13 or more requests.

Outcomes

- Electronic methods for making requests and paying fees is made available to applicants, which will in turn facilitate and promote access to information promptly and inexpensively.

Other considerations

- Cost to government – medium.
    - Many agencies have a bank account into which fees and charges are or can be deposited.
    - Some departments and agencies already have existing transaction portals.
    - A number of agencies will need to make administrative arrangements to enable electronic payment.
- The standards need to be flexible to accommodate changes in technology and community expectations when dealing with government.

3. Assistance to make a request

Statement

An agency is required to provide an applicant with a reasonable opportunity to clarify a request where the request does not provide sufficient information as is reasonably necessary to enable the agency to identify the requested document – *section 17(4) of the Act*.

Standard 3.1 An agency must acknowledge receipt of a request within 5 days of receiving the request.

Standard 3.2 An agency must take reasonable steps to notify an applicant within 14 days of receiving a request that:

(a) the request is valid and the date a decision is due; or

(b) the request is not valid and why, and provide practical assistance to the applicant about how to make the request valid.

Standard 3.3 Before refusing to comply with a request that is not valid, an agency must provide an applicant with a minimum of 28 days from the date of the agency's notice in Standard 3.2 to:

(a) pay the application fee;

(b) provide evidence of hardship, if seeking a fee waiver; or

(c) consult with the agency to clarify the request.

Rationale

Why

The standards require an agency to review requests early to identify whether the request is valid and communicate with an applicant accordingly.

This means an agency must communicate early, to advise an applicant about how to make their request valid or when to expect a decision on their valid request.

Additionally, the standards clarify how long an agency must wait for an applicant to make a request valid once the agency has told them how to do so. If an agency does not receive a valid request from the applicant after waiting the minimum amount of time, the agency may refuse to comply with the request and finalise it.

The standards provide greater certainty to agencies on when they can refuse to process a request that is not valid.

Outcomes

- An applicant:
    - receives an acknowledgment that their request has been received;
    - knows when their request is valid and when they can expect a decision from agencies;
    - will be contacted by the agency promptly in order to make the request valid where it does not comply with section 17.
- An agency will have certainty over when it can refuse to comply with a request that does not meet the requirements of section 17.

Other considerations

- Cost to government – nil/minimal.
- An agency may need to change administrative procedures to ensure an applicant is contacted promptly with the relevant information, however this should not incur substantial costs.

4. Timeframes and extensions of time

Statement

An agency must take all reasonable steps to notify an applicant of a decision as soon as practicable but no later than 30 days after the day on which a request is received, or if the 30 day period is extended or further extended under section 21(2) of the Act, the day after the extended period ends – *section 21(1) of the Act*.

Standard 4.1 An agency must not extend the time to make a decision under section 21(2)(a) of the Act unless third party consultation:

(a) is being undertaken; or

(b) will be undertaken.

Standard 4.2 A notification under section 21(4) of the Act advising an applicant of an extension to the time for making a decision must state:

(a) under which section of the Act the time has been extended or further extended;

(b) the particular reasons for the extension; and

(c) the revised due date of the request.

Note: section 21(4) of the Act requires an agency to notify applicants in writing where the time is extended or further extended.

Rationale

Why

Provisions allowing for the extension of time for deciding a request were introduced in the 2017 amendments to the Act, along with a reduction in the time for making a decision from 45 days to 30 days.

Standard 4.1 clarifies when an agency may unilaterally extend the time for deciding a request under section 21(2)(a) of the Act due to third party consultation. An agency can only extend the period for deciding a request by no more than 15 days where an agency is, or will be, undertaking actual third party consultation, as opposed to anticipated consultation.

Standard 4.2 will ensure an applicant is aware of why the period for deciding a request has been extended or further extended and the date a decision will be made. An agency is already required under section 21(4) of the Act to notify an applicant in writing of an extension of time. This standard sets the minimum level of detail to be provided to the applicant in the notification.

Outcomes

- An agency will only utilise an extension under section 21(2)(a) of the Act when third party consultation will occur.
- An applicant will be better informed about why the time for making a decision has been extended or further extended and the date a decision will be made.

Other considerations

- Cost to government – nil.
    - The standards merely clarify an agency's procedures on existing obligations and do not impose additional administrative obligations.

5. Access charges

Statement

An agency may impose access charges in accordance with section 22 of the Act and any access charges regulations published under section 22(1A). Any discretions conferred by the Act must be exercised as far as possible so as to facilitate access to information promptly and at the lowest reasonable cost – *section 3(2) of the Act*.

Standard 5.1 In addition to the requirements of section 22 of the Act, a notification under section 22(3) notifying an applicant of access charges must include the following:

(a) total estimated access charges;

(b) required deposit;

(c) how the access charges were calculated;

(d) date the deposit must be paid;

Note: an applicant has 60 days from the day they receive a notification requesting a deposit to apply to the Tribunal for a review of the access charges amount where the Information Commissioner has issued a certificate – section 52(1)(g) of the Act.

(e) a statement indicating the applicant may contact the agency to discuss practicable options for reducing the anticipated access charges (see section 22(6) of the Act); and

(f) a statement indicating the agency may or will finalise the request without processing it if the applicant does not:

i. contact the agency to discuss options to reduce the anticipated charges; or

ii. pay the deposit by the date specified in the notification.

Standard 5.2 An agency must take reasonable steps to provide a notification under section 22(3) of the Act to an applicant within 14 days of receiving a valid request.

Standard 5.3 An agency requiring payment of access charges or an access charges deposit must provide an electronic method for payment, unless the agency has received, on average, 12 or fewer requests per year in the preceding 2 years.

Note: an agency will satisfy this requirement where it provides an option to pay the access charges or access charges deposit by credit or debit card, direct debit payment, bank transfer, EFTPOS payment or an online payment method such as PayPal.

Rationale

Why

Where an agency requires a deposit for access charges to be paid before processing a request, the applicant is entitled to know on what basis the access charges have been calculated.

Standard 5.1 will enable an applicant who wishes to discuss the possibility of altering the request, or waiving or reducing the anticipated access charges, to engage with the agency in a meaningful manner.

It also clarifies that an agency is entitled to finalise a request without processing it where the agency has provided a notification under section 22(3) of the Act and an applicant has not:

- contacted the agency about whether they want to proceed with the request;
- contacted the agency to discuss options to reduce or waive the anticipated access charges; or
- paid the deposit by the date indicated in the notification.

Standard 5.3 recognises many agencies do not process a large number of requests and accordingly will not necessarily collect access charges. Data collected as part of the 2017-18 annual freedom of information agency survey indicates the following:

- 602 agencies received no requests;
- 326 agencies received requests:
    - 190 agencies received 12 or fewer requests;
    - 136 agencies received 13 or more requests.

Outcomes

- An applicant will be better informed regarding deposits for access charges and options to reduce or waive access charges.
- Requests requiring payment of access charges may be finalised where Standard 5.1 has been followed.

Other considerations

- Cost to government – medium.
    - An agency may need to change administrative procedures to ensure applicants are contacted within the nominated time and provided the relevant information.
    - An agency may need to set up facilities to allow for electronic payment of fees.
- The standards need to remain flexible to accommodate changes in technology and community expectations when dealing with government.

6. Searching for documents

Statement

An agency is required to undertake a thorough and diligent search in response to a request. Where a decision is made that a document does not exist, an agency must explain to the applicant the findings on any material questions of fact, refer to the material on which those findings were based, and state the reasons for the decision – *section 27(1)(a) of the Act*.

Standard 6.1 An agency must record searches undertaken when processing a request, including information relating to:

(a) the locations the agency searched;

(b) the method or type of searches undertaken;

(c) where applicable, the key word searches used; and

(d) where required to calculate access charges, the time spent searching.

Standard 6.2 If an agency conducts a search and does not locate a document relating to a request or part of a request, the agency must:

(a) record reasons why the relevant document does not exist or could not be located;

(b) explain those reasons to an applicant in the agency's decision; and

(c) provide a summary of the searches undertaken by the agency including the information noted in Standard 6.1 in the agency's decision.

Rationale

Why

OVIC commonly receives complaints regarding inadequate searches by agencies, and that agencies cannot locate the requested documents, or the documents do not exist.

The standards seek to ensure the quality of decision letters provided to applicants where:

- no documents are located in response to a request or part of a request; and
- to improve record keeping in this context.

Agencies need to keep a detailed record of the searches undertaken to ensure a thorough and diligent search has been completed by agency officers, enable the agency to accurately calculate access charges where applicable; and respond to complaints made to the Information Commissioner under section 61A of the FOI Act.

In addition, where no documents are located in response to a request or part of a request, section 27(1)(a) of the Act requires agencies to state the findings on any material questions of fact, refer to the material on which those findings were based and state the reasons for the decision. In effect, an agency cannot comply with section 27(1)(a) of the Act unless it has detailed records relating to the searches undertaken.

Outcomes

- Decision letters are detailed and state all the facts an agency relies on where documents cannot be located.
- An applicant will be better informed as to the searches undertaken by an agency and the reasons why a requested document cannot be located.
- Reduction in adequacy of search complaints made under section 61A of the Act.

Other considerations

- Cost to government – nil/minimal.

  An agency may need to change administrative procedures to ensure details of each search are recorded, however this should not incur substantial costs.

7. Substantial and unreasonable diversion of resources

Statement

An agency cannot rely on section 25A(1) of the Act unless it has provided an applicant with a reasonable opportunity to consult with the agency, and as far as reasonably practicable, provided any information that would assist an applicant to make a request in a form that the agency can process – *section 25A(6) of the Act*.

Standard 7.1 An agency must take reasonable steps to notify an applicant under section 25A(6) of the Act of its intention to refuse a request under section 25A(1) within 14 days of receiving a valid request.

Standard 7.2 When providing a notice under section 25A(6) of the Act, in addition to the requirements of that section, an agency must:

(a) explain why the applicant's request would cause a substantial and unreasonable diversion of the agency's resources; and

(b) provide the applicant with a minimum of 28 days from the date of the agency's notice to respond.

Standard 7.3 When consulting with an applicant under section 25A(6) of the Act, an agency must record:

(a) consultation undertaken with the applicant;

(b) any responses received from the applicant; and

(c) the final terms of the request.

Rationale

Why

When seeking to rely on section 25A(1) of the Act to refuse to process a request, an agency must first consider the object of the Act and Parliament's intent, as described under section 3. When utilising sections 25A(1) and (6) an agency must ensure any discretion conferred by the Act is exercised, as far as possible, so as to facilitate and promote promptly and at the lowest reasonable cost, the disclosure of information.

An applicant should be afforded a reasonable opportunity to reduce the scope of their request and an agency has a duty to assist an applicant in this process. All efforts should be taken by an agency and applicant to remove the grounds of refusal so as to avoid duplicative requests and consultation in future. This also furthers the object of the Act under section 3(2), that any discretion conferred by the Act must be exercised as far as possible so as to facilitate the disclosure of information.

Outcomes

- A reduction in the number of refusals under section 25A(1) of the Act through meaningful consultation between an applicant and an agency.

Other considerations

- Cost to government – minimal.
    - Additional agency time may be required to identify practical ways to remove the grounds for refusal and to introduce or change administrative procedures.

8. Consulting with third parties

Statement

An agency is required to notify and seek the views of third parties under sections 29(2), 29A(1D), 31(5), 31(6), 31A(2), 33(2B), 33A, 34(3), or 35(1A) of the Act, unless it is not practicable to do so. These provisions allow third parties to provide their views on whether or not information should be released by an agency.

Standard 8.1 In determining whether it is practicable to notify and seek the views of a third party, an agency must consider all relevant factors which may include:

(a) whether the agency reasonably believes a third party may consent to providing access to the information or document;

(b) the relative age of the information or document;

(c) the number of third parties to notify; and

(d) whether the agency has, or is reasonably able to ascertain current contact details for the third party.

Standard 8.2 If an agency determines it is not practicable to notify and seek the views of a third party it must record why it is not practicable.

Standard 8.3 Where an agency notifies and seeks the views of a third party, it must ensure it records:

(a) who was notified;

(b) the third party's views on release of the information; and

(c) where a third party objects, their reasons for objecting.

Note: an agency should take reasonable steps to ensure a third party is aware of each limb of the applicable exemption or exemptions.

Rationale

Why

The 2017 amendments to the Act introduced new mandatory third party consultation provisions.

These provisions are important because they recognise that third parties should be consulted about the disclosure of their information and have their views considered by an agency in its decision.

However, the consultation provisions can also be difficult to implement. Standard 8.1 seeks to identify a number of factors that an agency may consider when determining whether it is practicable to consult.

Standards 8.2 and 8.3 seek to improve record keeping when a third party is consulted or when it is not practicable to consult.

Outcomes

- Clarification of when it may not be practicable to consult with a third party.
- Ensure records are kept regarding third party consultation.
- Comprehensive and meaningful consultation is undertaken with third parties.

Other considerations

- Cost to government – minimal.
    - Minimal changes to agency record keeping procedures.

9. Decisions and reasons for decision

Statement

The right to access information held by an agency is limited only by the exemptions and exceptions necessary for the protection of essential public interests and the private and business affairs of persons – *section 3 of the Act*. An agency must explain to the applicant the findings on any material questions of fact, refer to the material on which those findings were based, and state the reasons for the decision – *section 27(1) of the Act.*

Standard 9.1 In addition to any requirement under section 27 of the Act, in providing written reasons for a decision to an applicant, an agency must include the information noted in Standards 6.2, 9.2 and 9.3 where applicable.

Standard 9.2 In a decision, subject to sections 27(2) and 33(6) of the Act, where an exemption or exception is relied on, an agency must:

(a) clearly explain the agency's reasons for why each exemption or exception applies; and

(b) address each limb of the exemption or exception.

Standard 9.3 In a decision, subject to sections 27(2) and 33(6) of the Act, an agency must take reasonable steps to:

(a) identify the number of documents discovered;

(b) describe the documents or nature of the documents discovered; and

(c) identify the number of documents released in full, released in part, or denied in full.

Rationale

Why

Section 27(1)(a) of the Act requires an agency to:

- state its findings on any material questions of fact;
- refer to the material on which those findings were based; and
- state the reasons for the decision.

The standards ensure agencies provide adequate reasons in their decision letters provided to applicants, and ensure agencies properly explain their reasons for a decision, and the basis for those reasons.

Outcomes

- Decision letters are detailed and state all the facts and circumstances an agency is relying on.
- Applicants understand an agency's reasons for a decision and in particular, understand why an exemption or exception has been relied on.
- More detailed decision letters will help applicants better understand, and potentially accept, an agency's decision.
- OVIC will be able to better rely on agency decision letters in order to conduct a review in a timely manner (i.e. an agency may not need to spend time preparing submissions in relation to a review where a decision letter is detailed).
- Applicants understand which documents have been located, along with where and how searches were undertaken.

Other considerations

- Cost to government – medium.
    - An agency may need to change administrative procedures to ensure decision letters adequately explain reasons.

10. Resources, training and awareness

Statement

An agency must administer the Act with a view to making the maximum amount of government information available to the public promptly and inexpensively – *section 16(1) of the Act*. This requires a principal officer to ensure their agency and its officers have the necessary resources and training to administer the Act.

Standard 10.1 A principal officer must ensure their agency has the necessary resources and procedures in place to be able to meet their agency's statutory obligations under the Act, which includes:

(a) sufficient officer capacity to receive and process requests within the required statutory time;

(b) the necessary software or systems to enable officers to process requests;

(c) internal policies to enable officers to carry out their functions across the agency; and

(d) anything else reasonably necessary for the agency to carry out its statutory obligations in an effective and efficient manner.

Standard 10.2 A principal officer must ensure, or must be actively working towards ensuring, all officers who are responsible for responding to requests have the appropriate skills and training to perform their responsibilities.

Standard 10.3 A principal officer must ensure officers who make decisions under the Act are authorised in accordance with section 26(1) of the Act.

Standard 10.4 A principal officer must ensure all officers are informed about the agency's statutory obligations under the Act.

Standard 10.5 A principal officer must ensure all officers are aware they have a duty to assist and cooperate with officers who process requests under the Act..

Rationale

Why

Administering the Act requires an agency to have in place sufficient resources to process requests, along with training and an awareness of the Act across the agency. The standards seek to recognise the importance of officers who process requests by requiring principal officers to ensure their agency has the necessary resources and training in place to support those officers in carrying out their functions.

Similarly, the standards seek to improve cooperation from all agency officers – to improve how requests are managed, and the time taken by an agency to respond to requests.

Outcomes

- Officers who process requests under the Act are supported by their agency.
- All agency officers understand the agency's obligations under the Act – including officers who do not process requests under the Act.
- Increased cooperation from all officers across the agency.

Other considerations

- Cost to government – medium.
    - OVIC offers free FOI training to agencies.
    - Agencies may need to introduce or change processes to ensure compliance with the Act and standards.
    - Agencies may need to provide additional resources to their freedom of information function.

11. Working with the Information Commissioner

Statement

An agency has an obligation under section 49I of the Act to assist the Information Commissioner to undertake a review. Under 61E of the Act, an agency must cooperate with the Information Commissioner in dealing with a complaint.

Standard 11.1 An agency must assist the Information Commissioner or Public Access Deputy Commissioner in their attempt to informally resolve reviews and complaints.

Standard 11.2 An agency must give consideration to a preliminary view issued by, or on behalf of, the Information Commissioner or Public Access Deputy Commissioner during a review.

Standard 11.3 An agency must respond to requests for documents and information by, or on behalf of, the Information Commissioner or Public Access Deputy Commissioner within requested timeframes.

Standard 11.4 When providing documents subject to review by the Information Commissioner or Public Access Deputy Commissioner, an agency must markup documents clearly and legibly to indicate which documents, pages, or parts of documents access has been refused and the relevant exemption or exemptions.

Rationale

Why

An agency must assist, and cooperate with, the Information Commissioner for reviews and complaints received by the Information Commissioner (sections 49I and 61E of the Act). The standards seek to identify ways in which an agency can assist the Information Commissioner by:

- cooperating with the Information Commissioner to informally resolve reviews and complaints at an early stage and without the need to conduct a formal review (consistent with section 6G(2) of the Act – the Information Commissioner must perform functions and exercise powers under the Act with as little formality and technicality as possible);
- considering the Information Commissioner's preliminary views on a review and responding appropriately;
- responding to requests for documents and information from the Information Commissioner on time; and
- marking up documents subject to review clearly and legibly.

Outcomes

- An increased number of reviews and complaints can be resolved informally.
- Agencies have an opportunity to respond to a preliminary view of the Information Commissioner on a review.
- The time it takes the Information Commissioner to conduct a review will be shortened by receiving information, submissions and clearly marked up documents from agencies on time.

Other considerations

- Cost to government – nil.