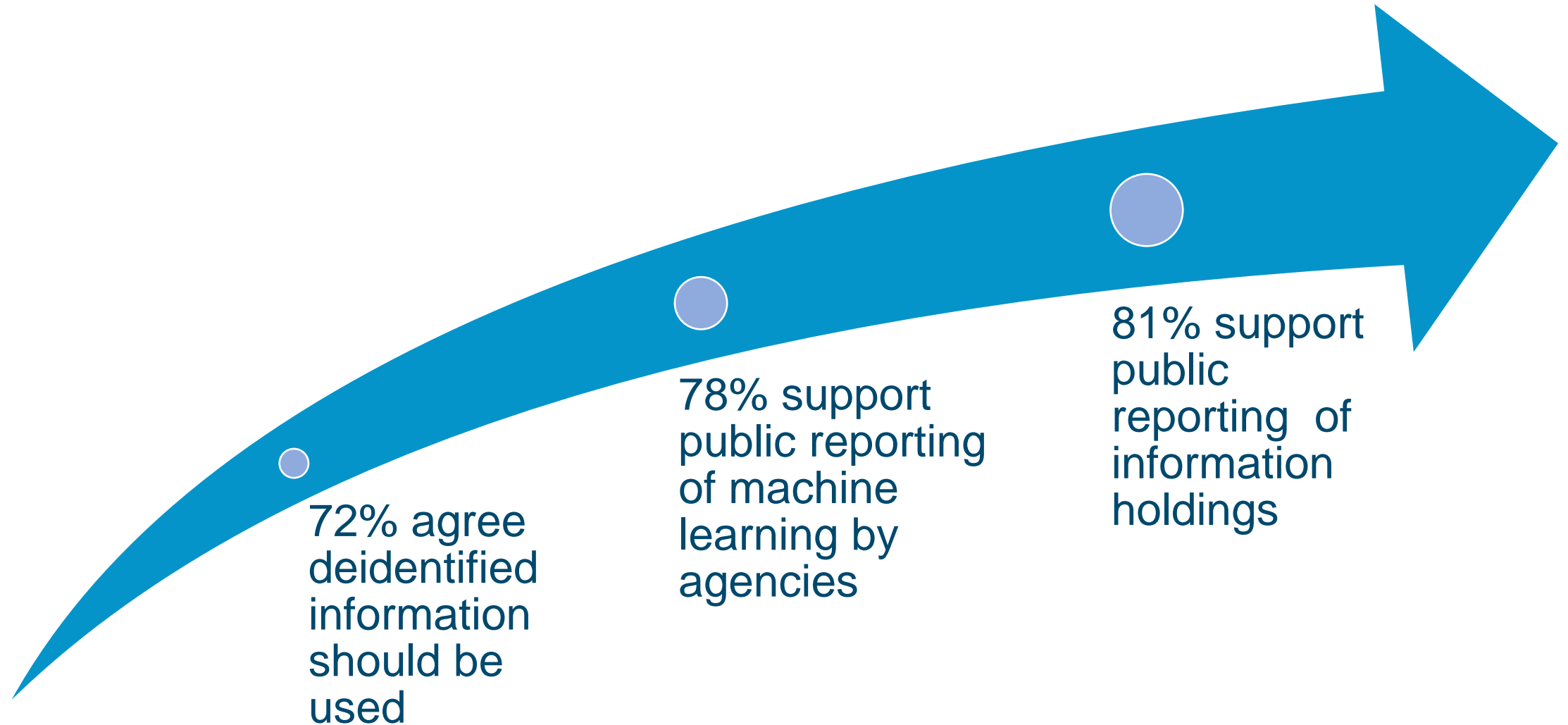


The 2021 government information landscape

Characterised by three immutable features:

1. digital government and data application
2. increasing partnerships and outsourcing arrangements
3. novel models of government that transcend traditional sectoral arrangements.

2020 NSW community attitudes to data sharing





THE PUBLIC INTEREST

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Information access, data sharing and COVID-19

- Information Commissioners throughout Australia joined in promoting government transparency and accountability during COVID, calling for three mandatory actions:
 1. Decisions must be documented
 2. Records and data should be secured and preserved in all sectors
 3. The security, preservation and access to digital content should be facilitated during the shutdown.
- 2021 Australia's 3rd OGP NAP commitment by Information Commissioners/Ombudsmen led by NSW Information Commissioner – Open by Design:
 - improve the accessibility of information held by government, or under government contractual or outsourcing arrangements, through the development of the key features for a nationally consistent approach to the proactive release of information commonly sought by members of the Australian community or which they identify as valuable and/or necessary for open and accountable government.

Securing the right to access information and the public interest – legal developments & adequacy

- Legislation throughout Australia
- O'Brien v Dept Communities and Justice
- *Calderwood v Department of Planning, Industry and Environment; Calderwood v Campbelltown City Council; Department of Planning, Industry & Environment v City of Ryde* [2020] NSWCATAD 200

**The three
fundamental
questions to
preserve
information and
secure access**

1. Who holds the information?
2. How access is provided?
3. In what form can access be provided?

Procurement contracts - essentials

- Purchaser must have access to:
 - Data sets and any input to training; configuration, quality testing, potential bias and proposed methodologies
 - Test version of system and performance analysis
 - Training and technical manuals
- Vendor agrees to:
 - Undertake algorithmic impact assessment and revalidation
 - Waive legal rights in respect of purchaser's testing/auditing
 - Provide ongoing advice of any legal claims, systems failures/unintended consequences
 - Ensure system operates within law/compliance requirements and subcontractors compliance
 - Ensure security and access by purchaser

NSW Government Open Data Policy

- The objectives of this policy are to assist NSW Government agencies to:
 - release data for use by the community, research, business and industry
 - embed open data into business-as-usual
 - use data to inform the design of policy, programs and procurement
 - advance citizen engagement with government
 - support the GIPA Act and promote compliance with its requirements.

