



Proactive Release of Data (Open Data) Policy

Version 2.0

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Preamble

A commitment to open government was made in the Legislative Assembly on 23 June 2011. The 2014 [Global Open Data Index](#) ranks [Australia](#) as number 5 in the world for openness.

Open data, a significant component of open government, is of increasing interest to the community, and is essential to achieving a Digital Canberra. In 2012, the ACT Government released one of Australia's first open data portals based on the following value proposition:

- **Improve public confidence in government.** Greater transparency and effective communications through the use of data narratives can work to improve community confidence in government.
- **Improve strategic relationships.** Strategic relationships with researchers, learning institutions, business, community organisations, NGOs, and government organisations is strengthened when government data is made available and easily accessible.
- **Generate revenue and create new jobs in the private sector.** Making more government data publicly available in standards-compliant, machine-readable formats makes it easier for private sector companies and entrepreneurs to create new innovations, and business ventures that can help strengthen and grow the local economy.
- **Empower employees to make better-informed, data-driven decisions.** Making it easier to find existing data is essential to being able to then incorporate that data into everyday decision-making processes for improved business intelligence.
- **Avoid duplicative internal research.** Greater internal transparency of data holdings can prevent the possibility of funds being wasted in re-collecting data due to lack of awareness of existing data holdings.
- **Save time and money responding to Freedom of Information (FOI) requests.** When data is open by default, the public can access the information it seeks directly, freeing directorates and agencies from the time and cost related to responding to FOIs.
- **Achieving greater value through linked datasets.** Linking datasets held by different directorates and agencies have the potential to produce more powerful conclusions and more complete analytics.

A 2013 Report by [McKinsey](#) suggests that open data could generate more than \$3 trillion a year in additional value to world economies. Similar scaling for Australia suggests that more vigorous open data policies could add around AUD \$16 billion per annum to the Australian economy ([Open Data helping to achieve G20 growth targets](#) report).

It is of continuing importance that a robust open data agenda be championed within government. This Policy sets out the official position on open data for the ACT Government.

Introduction

1. Purpose

The *Proactive Release of Data (Open Data) Policy* (Policy) concerns the proactive provision of data to the public, in support of an overall 'disclosure as default' philosophy, on a 'need to share' for datasets of community interest rather than 'need to know' basis. This Policy is designed to unlock the economic and productivity benefits of proactively releasing public sector information, in addition to the social utility gains associated with transparency, participation, and collaboration.

The Policy concerns disclosure of de-identified data sets. It does not set any mandates for the release of documents or personal information in any unlawful manner or in any way that is inconsistent with existing legislation, standards, or policies relevant to government data and information.

2. Scope

All ACT Government Directorates and agencies are required to do what is necessary and reasonable to improve access to existing datasets by making them 'open' to the extent legally possible, with appropriate consideration given to licensing.

This Policy mandates provision of as much Prioritised Data to the community as is practicable. In implementing this Policy, there will be inherent resource limitations and to ensure the long term success of open data, a disciplined approach to prioritisation and sustainability (through efficiently repeatable processes, such as automation) will be required.

Given that directorates and agencies are at different stages of open data maturity, it is reasonable to expect a period of transition. The Policy recognises that it is generally easier to build data extraction requirements into new systems rather than into existing ones and provides strategic direction on how the ACT Government can transition to a more advanced state of data openness.

Policy

3. Principles

ACT Government data shall be considered open under this Policy if it complies with the following principles:

- **Public.** Data owned or controlled by Government is open to the public, limited only by what is not permitted to be released under legislation, common law, or principles of public interest. See *Considerations* for further discussion.
- **Primary.** Data is published as collected where possible, and may be aggregated or modified if required to comply with legislation, common law, or principles of public interest.
- **Accessible.** Data is made available to the widest practical range of users for the widest range of uses. Publication of data is appropriately structured and encoded in machine-readable, non-proprietary formats.
- **Timely.** Data is made available in a timely fashion, taking into consideration the nature of the dataset. Time-sensitive datasets are generally updated at the same frequency with which the data changes, noting the sensitivity of such data being accessed retrospectively.

- **Reusable.** Open data is released under a Creative Commons Attribution Licence by default allowing users the right to share and remix data, unless there are strong reasons for not doing so. The most current is the [Creative Commons Attribution 4.0 International licence \(CC BY 4.0\)](#).
- **Trusted.** The extent to which open data can be trusted is achieved by clearly articulating data flaws, with appropriate explanatory metadata.
- **Sustainable.** Data release is efficiently repeatable. Opportunities may be pursued to enable open data to be self-sustaining, while balancing the public's desire to avoid exclusivity of access to data as a result of commercial arrangements.

4. Requirements

Each Directorate/agency will be expected to comply within the extent of its existing administrative capacity.

Where databases include data elements that are exempt by law from public disclosure, such as personal information, exclude only the data elements that cannot be disclosed and release everything else if it is reasonable to do so.

Directorates/Agencies remain the business owner of their data. Data business owners with authority to release data may delegate this authority to an appropriate officer. Delegations shall be made in writing.

Metadata must be included wherever possible, in accordance with appropriate standards, for data that is released. During the implementation or upgrade of any information system, a review of data for publication must be conducted to ensure compliance with the Policy. Data must be published within a reasonable time frame, not exceeding three months after the installation or upgrade of the system.

Where new data is being collected, directorates and agencies must consider how they are to collect the data so that it complies with the Policy, as well as the costs associated, the priority order for release, and implement processes to enable this to occur. Directorates and agencies should refer to the *Open Data Standard Operating Procedures* (SOPs) in the first instance and contact the OCDO if they are unsure or need assistance in determining how to achieve this.

5. Roles and responsibilities

Role	Responsibilities	Position
All staff	<ul style="list-style-type: none"> • Actively supports and contributes to open data initiatives. 	Permanent, temporary and casual ACT Government employees. Non-government staff including contractors, consultants and volunteers.
Data Business Owner	<ul style="list-style-type: none"> • Provide authorisation for the release of data. 	As identified by the Directorate/agency.
Data Custodian	<ul style="list-style-type: none"> • Creates or manages government data in accordance with the Policy requirements. • Develops the directorates Open Data plan • Consults with communities of interest to determine dataset priorities • Contributes to the development and maintenance of the Standard Operating Procedures 	As nominated by the Directorate/agency.

OCDO	<ul style="list-style-type: none"> Co-ordinates a Whole of Government Working Group that will prepare Standard Operating Procedures, communicate the strategic value of open data to stakeholders, provide advice on open data and support policy implementation. Maintains a central register of Open Data Plans 	Chief Digital Officer or a nominated delegate.
Technical Support	<ul style="list-style-type: none"> Provides technical assurance and management for the publication of data. 	Shared Services ICT

6. Implementation and consultation

Each Directorate is required to prepare and implement a plan for the publication of open data in accordance with relevant Standard Operating Procedures (SOPs). The plan should take into account the viability, sustainability, interest and importance of the datasets to be implemented, and should prioritise the implementation based on these factors. Plans should be updated and sent to the OCDO annually. Directorates and agencies should refer to the SOPs for a template to help them develop a customised open data plan.

In addition, directorates should consult with their communities of interest to determine demand and priorities for the release of datasets.

7. Considerations

1.1 Standard Operating Procedures

SOPs will be developed by the OCDO in consultation with Directorates/Agencies to inform the practical application of the Policy. Variations may be made to the SOPs by Directorates/Agencies, with the agreement of the OCDO, to allow effective application within a Directorate/Agency. Please refer to Directorate/Agency SOPs when applying this Policy.

1.2 Legal

Data must not be published where this would breach any law or be inconsistent with any other Standard, Guideline or Policy concerning government information and data. Before an ACT Government agency or employee publishes data they must be mindful that:

- unauthorised disclosure may constitute a breach of legislation such as the *Information Privacy Act 2014*, the *Territory Health Records (Privacy and Access) Act 1997*, the *Territory Workplace Privacy Act 2011*, the *Territory Children and Young People Act 2008*, the *Territory Public Interest Disclosure Act 2012*, or the *Public Sector Management Act 1994*; and
- confidentiality, privacy and classification standards (*ACT Government Protective Security Policy and Guidelines*) apply to disclosure of data, practices, and requirements to the storage, retrieval, access and dissemination of information.

Note that in some cases, while disclosure under the FOI Act may be authorised, this may not always equate to authorisation to public release such as publishing on a website that can be openly accessed by a member of the general public.

1.3 Personal information and information that is reasonably identifiable

Personal information is information or an opinion about an identified individual or an individual who is reasonably identifiable –

- i) whether the information is true or opinion is true or not; and
- ii) whether the information or opinion is recorded in a material form or not;

but does not include personal health information.

Information is reasonably identifiable if it is information that can be used to determine an individual's identity, either by itself or when combined with other pieces of information that can be put together to identify an individual.

8. Associated legislation, policies and standards

1.4 Legislation

- *Aboriginal and Torres Strait Islander Elected Body Act 2008 (ACT)*
- *Annual Reports (Government Agencies) Act 2004 (ACT)*
- *Children and Young People Act 2008 (ACT)*
- *Copyright Act 1968 (Commonwealth)*
- *Freedom of Information Act 1989 (ACT)*
- *Human Rights Act 2004 (ACT)*
- *Health Records (Privacy and Access) Act 1997 (ACT)*
- *Information Privacy Act 2014 (ACT)*
- *Public Interest Disclosure Act 2012 (ACT)*
- *Public Sector Management Act 1994 (ACT)*
- *Public Sector Management Standards (Part 2.5)*
- *Territory Records Act 2002 (ACT)*
- *Workplace Privacy Act 2011 (ACT)*

1.5 Policies, guidelines and standards

- *ACT Aboriginal and Torres Strait Islander Agreement (2012-2017)*
- *Australian Standards*
- *Protective Security Policy Framework*
- *Protective Security Education Guideline*
- *Territory Records Office Records Advice 3*
- *Territory Records Office Records Advice 5*
- *The FOI ACT 1989 Online FOI Publication Policy*

<http://sharedservices/actgovt/ICTdocs/FOI-Online-Policy.pdf>

Agencies may also have complementary policies that need to be adhered to.

Contact

For all queries about this Policy, please contact the action officer at OCDO by emailing: cdo@act.gov.au.

Owner: Chief Digital Officer, OCDO

Document location: http://www.cmd.act.gov.au/open_government/what_is_open_government

Review cycle: The Policy should be reviewed within three years.

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Glossary

Term	Definition
De-Identified Data	Data which is not about an identifiable individual or an individual who is reasonably identifiable.
Data	Structured information in a raw or pre-interpreted form. Data does not contain an explicit narrative.
dataACT	The designated portal for ACT Government non-exempt data release.
Dataset	A collection of data, with an appropriate license, in tabular or non-tabular form, unstructured, graphic or a mixture.
Data Custodian	Person within a Directorate/Agency responsible for creating and/or managing data.
Data Business Owner	Person within a Directorate/Agency with established business ownership over data and who has authority to release data.
Open data	Publicly available data that can be freely used, reused and redistributed by anyone.
Closed data	Data that restricts access or reuse by way of aggregation, proprietary formats, time limits, passwords, license or copyright.
Government information	Production level data, final documents and reports (not drafts) which are created through the undertaking of Government business, with an appropriate license.
Master Data	A <i>single source</i> of basic business data used across multiple systems, applications, and/or processes.
Metadata	Data that defines and describes other data, allowing users to find, manage, control and understand the data.
Open government data	Data produced or commissioned by government or government controlled entities that can be freely used, reused and redistributed by anyone.
OCDO	The Office of the Chief Digital Officer of the Chief Minister, Treasury and Economic Development Directorate.
Personal information	Personal information is information or an opinion about an identified individual or an individual who is reasonably identifiable: <ul style="list-style-type: none"> i) whether the information is true or opinion is true or not; and ii) whether the information or opinion is recorded in a material form or not; but does not include personal health information.
Prioritised data	Data that has been prioritised by a Directorate or Agency in accordance with relevant Standard Operating Procedures.
Real-time data	Data subject to 'real-time constraint' — e.g. operational deadlines from event to system

Term	Definition
	response often in the order of milliseconds or microseconds. This is relevant for example in the public provision of Real-Time bus location information.
Record	Information created and kept, or received and kept, as evidence and information by a person in accordance with a legal obligation or in the course of conducting business; and includes information in written, electronic or any other form. ⁱ
Report	A mostly written narrative often containing interpretations of data provided in a form aiming to communicate to people, that is in addition to metadata.

Note: other terms may be found in the [Shared Services ICT Glossary of Terms](#).

Appendix

9. Amendment history

Version	Issue date	Amendment details	Author
1.0	17 Mar 2015	Initial draft	GIO
2.0	15 Dec 2015	Cabinet endorsed initial release	Office of the Chief Digital Officer

Note: This is a CONTROLLED document. Any documents appearing in paper form are not controlled and should be checked against the intranet version prior to use.

As defined in the dictionary of the *Territory Records Act 2002, A2002-18*