

# AFP National Guideline on the Information Publication Scheme

## 1. Disclosure and compliance

This document is classified **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

### Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

<b>ACT</b>	Australian Capital Territory
<b>AFP</b>	Australian Federal Police
<b>FOI</b>	Freedom of Information
<b>GIF</b>	Governance Instrument Framework
<b>IPS</b>	Information Publication Scheme
<b>OAIC</b>	Office of the Australian Information Commissioner

## 3. Definitions

**AFP appointee** – means a Deputy Commissioner, an AFP employee, special member or special protective service officer and includes a person:

- engaged overseas under s. 69A of the [Australian Federal Police Act 1979](#) (Cth) (the AFP Act) to perform duties as an AFP employee
- seconded to the AFP under s. 69D of the AFP Act
- engaged under s. 35 of the AFP Act as a consultant or contractor to perform services for the AFP and determined under s. 35(2) of the AFP Act to be an AFP appointee.

(See s. 4 of the AFP Act.)

**Disclosure Log** – an online collection of documents released under certain FOI requests, so as to provide more efficient access to AFP material without the need for repetitious requests.

**External IPS information register** – means the method in which details of documents

published in the Information Publication Scheme (IPS) are recorded. It must include the document's:

- functional area ownership
- last update
- size and format
- contact person, to arrange for access or information
- category.

**External IPS review plan** – means the system by which the Coordinator Freedom of Information or Manager Legal assesses the measures for:

- monitoring and ensuring IPS compliance
- responding to IPS non-compliance by functional areas.

**Functional area** – means, in terms of an AFP functional stream, an AFP business area managed by one of the following:

- National Manager
- Chief Financial Officer
- National Manager Technology and Innovation
- Chief Police Officer for the ACT.

**Functional decision-maker** – means the functional National Manager or equivalent (e.g. Chief Police Officer for the ACT, Chief Financial Officer).

**Governance Instrument Framework (GIF)** – is the collection of key internal governance which helps outline the rights and obligations of AFP appointees in performing their duties, functions and powers under the [Australian Federal Police Act 1979](#) (Cth). For more information see the [GIF Hub page](#).

**Internal IPS information register** – means a complete list of documents held by functional areas that must be kept current, accurate and complete.

**Internal IPS review plan** – means a system by which the functional area adopts measures to assess and ensure IPS entries are accurate, current and complete, including measures to monitor and respond to IPS non-compliance.

**Minor amendment** – is a change (e.g. to format, spelling, grammar, contact details, etc.) which does not alter the document's:

- type, status or purpose
- security classification
- effect on making decisions about any person's rights or obligations.

**Operational information** – is defined in s. 8A of Part II of the [Freedom of Information Act 1982](#) (Cth) (FOI Act) and may include:

- guidelines
- aide memoires
- standard operating procedures
- templates, forms and pro formas
- administrative instructions

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FREEDOM OF INFORMATION ACT 1982

(COMMONWEALTH)

INFORMATION PUBLICATION SCHEME (IPS)

- manuals, handbooks, etc.

**Optional publication** – means publishing non-operational information ('other information' per s. 8(4) of the FOI Act) that could:

- provide information important or relevant to the community
- remove the need to respond to multiple requests
- help AFP appointees assist the public
- contribute to AFP accountability.

## 4. Guideline authority

This guideline was issued by the Chief Operating Officer using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

The Information Publication Scheme (IPS) is established per Part 2 of the [Freedom of Information Act 1982](#) (Cth), and is intended to form the basis for a more open and transparent culture across government. It is designed to encourage agencies to proactively publish information and, in particular, policies and procedures underlying their decision-making processes, to facilitate and promote public access to information promptly and at the lowest reasonable cost.

This guideline outlines the policies, standards and procedures for the AFP to comply with the Commonwealth IPS legislation and policy, and includes the obligations for:

- the Freedom of Information team
- other functional areas
- all AFP appointees.

In addition to the IPS, the AFP is required to publish Freedom of Information requests following an FOI access request through our Disclosure Log. The Disclosure Log is established under s. 11C of the [Freedom of Information Act 1982](#) (Cth) and lists information which has been released in response to a Freedom of Information request. This information is not published proactively, but rather up to 10 working days after the documents have been provided to an applicant. The Disclosure Log has similar objectives to the IPS, but does not involve the proactive publication of documents.

## 6. Policy

In determining what information should be published, the AFP must consider the [Freedom of Information Act 1982](#) (Cth) and [guidelines](#) issued by the Office of the Australian Information Commissioner, including:

- increased public participation in government processes to promote informed decision-making
- increased scrutiny and discussion, comment and review of government activities
- increased recognition that information held by government is managed (499) for public purposes

and is a national resource.

The overall responsibility for ensuring compliance with the IPS rests with functional areas and AFP appointees, while the Freedom of Information (FOI) team should oversee and guide the IPS process.

## 7. Freedom of Information team

The Freedom of Information (FOI) team must coordinate and manage the Information Publication Scheme (IPS) in accordance with legislation. The FOI team:

- set policies, standards and procedures for IPS publishing and ensuring they are current and available to all functional areas and AFP appointees
- provide guidance, advice and training to functional areas in relation to applying the exemptions under the [Freedom of Information Act 1982](#) (Cth)
- arrange publication of the document on the AFP IPS website through the Online Services team.

## 8. Functional areas

The National Manager (or equivalent) must ensure their functional area:

- complies with the Information Publication Scheme (IPS) legislative obligations to review and publish their document holdings
- maintains an internal IPS information register of all portfolio document holdings and the reasons for publication/non-publication of those documents on the IPS website using the standard template
- manages their internal IPS information register and documents published on the IPS website to control business risks by:
  - assuring its content is current, accurate and usable
  - addressing risk on a coordinated, national basis
  - upholding the AFP's [core value](#) of accountability
- implements an internal IPS review plan, in conjunction with other review programs within the AFP (e.g. the [Governance Instrument Framework](#) and [Investigator's Toolkit](#)), to ensure their internal IPS information register and published documents meet the Office of the Australian Information Commissioner (OAIC) compliance standards
- decision-makers are informed of any recommendations from subject matter areas and the Freedom of Information (FOI) team.

To assess a document for publication on the IPS, functional areas must:

- search all document systems and facilities for relevant documents
- identify the document owner
- identify the document's disclosure history and status
- apply FOI legislation and have regard to advice from the FOI team
- consider recommendations from subject matter areas, management and the FOI team
- record, in the external IPS information register, all considerations, recommendations, decisions and reasons for decisions.

Functional decision-makers must make all IPS publishing decisions, except for 'minor amendments' which may be approved by any AFP appointee who is a team leader or above.

Operational or optional documents, identified and assessed for publication, must be cleared by the functional decision-maker before they can be published on the IPS website.

Documents cleared for publication by functional decision-makers must be forwarded to the [FOI team](#), who must coordinate the publication of the documents on the AFP IPS website.

## 8.1 Operational information

'Operational information' must be published on the IPS unless an exemption under the [Freedom of Information Act 1982](#) (Cth) (FOI Act) applies. In applying an FOI exemption, the functional area must seek feedback from the FOI team to ensure their reasons for non-publication are sound and will withstand external scrutiny. A list of FOI Act exemptions can be found in Attachment 2.

In deciding what information should be published on the IPS website, functional areas should have regard to the [OAIC guidelines](#), including:

- general community interest
- client and stakeholder interest
- public demand for a particular type of information
- how publication of the information will assist the general public
- how the information will better inform the public about how the AFP makes its decisions
- whether publication would create greater accountability, openness and understanding of the AFP
- whether publication would decrease other requests for particular types of information.

## 8.2 Optional publication

Functional areas must also record and consider publishing its information as an 'optional publication' having regard to its:

- importance or relevance to the community
- established or routine public demand
- potential to assist AFP appointees to deal with the public
- contribution to AFP accountability.

## 9. AFP appointees

AFP appointees must not publish information on the IPS website, or remove IPS content, unless it has been assessed against Freedom of Information legislation and AFP Information Publication Scheme (IPS) policy.

AFP appointees who create, revoke or update any document liable for IPS publication must:

- notify their functional area IPS record keeper
- ensure it is assessed or re-assessed for IPS publication in accordance with this guideline.

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## 10. Publication of documents

Documents to be published on the Information Publication Scheme (IPS) website should contain AFP branding and, if necessary, an overarching document to provide context. Queries regarding AFP branding should be directed to [Corporate Communications](#).

All content approved for publication on the [AFP IPS website](#) must be emailed as a PDF document to the [FOI team](#).

The FOI team must email all documents for IPS publication to the Online Services team.

The Online Services team is responsible for uploading and managing IPS content on the IPS website.

The Online Services team must, per the [AFP National Guideline on internet publishing](#), provide the technical services and governance over IPS publications.

Documents published on the AFP IPS website that are subsequently reviewed, updated or redacted significantly, must be reassessed for publication using the same process as the initial publication phase.

The IPS website will only publish current and accurate documents. It does not retain historical lists or publications of documents.

Attachment 1 outlines the IPS process that functional areas must follow.

Attachment 2 lists naming conventions for documents.

### Protective security markings

Functional areas must review the protective security markings of documents in conjunction with the review of information contained in the document prior to publication on the IPS.

Documents published on the IPS must have the same security marking as the most current and up to date document in use within the AFP. This is consistent with the disclosure of information made under the FOI Act. The IPS website must include a caveat that the documents published under IPS retain the protective security markings as the document is use within the AFP regardless of any redactions made and have been authorised for publication.

## 11. Review and reporting of agency compliance

The AFP is required to periodically review its IPS compliance including:

- agency plan
- governance and administration
- IPS document holdings register
- IPS information architecture
- agency compliance review systems.

In accordance with the [Freedom of Information Act 1982](#) (Cth) and the [Australian Information Commissioner Act 2010](#) (Cth), the Office of the Australian Information Commissioner (OAIC) in conjunction with the AFP, must conduct 2 compliance surveys. Functional areas are responsible

for maintaining their IPS registers and responding in a timely manner for requests from the Coordinator FOI for updates on their holdings.

The FOI team is to brief Manager Legal periodically as required on IPS compliance.

## 12. Disclosure Log

The Disclosure Log includes information which has been released in response to a FOI access request.

The Disclosure Log requirement does not apply to:

- personal information about any person if publication of that information would be unreasonable
- information about the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable
- other information covered by a determination made by the Australian Information Commissioner if publication of that information would be unreasonable
- any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete the information listed in the above dot points.

Documents are published on the Disclosure Log 5–10 working days after release to the applicant.

## 13. Further advice

Queries about this guideline or the Information Publication Scheme (IPS) should be referred to the Coordinator Freedom of Information at [IPS@afp.gov.au](mailto:IPS@afp.gov.au).

## 14. References

### Legislation

- [Freedom of Information Act 1982](#) (Cth)
- [Australian Information Commissioner Act 2010](#) (Cth).

### AFP governance instruments

- [AFP National Guideline on internet publishing](#)
- [AFP Practical Guide on applying protective markings](#).

### Other sources

- [AFP IPS collection](#)
- [AFP IPS Plan](#)
- [Attorney-General's Department Protective Security Policy Framework](#)
- [Office of the Australian Information Commissioner](#)
- [Office of the Australian Information Commissioner – FOI guidelines](#).

## 15. Attachments

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INFORMATION PUBLICATION SCHEME (IPS)

## Attachment 1 – Steps for IPS process

Step	Procedure
1	Functional area to identify document and add to internal IPS information register for assessment.
2	Assess the document as: <ul style="list-style-type: none"> <li>• publishable in full</li> <li>• publishable with redaction</li> <li>• exempt (not suitable for publication).</li> </ul>
3	Functional area to review the protective security classification markings on the document in accordance with the: <ul style="list-style-type: none"> <li>• <a href="#">Protective Security Policy Framework</a></li> <li>• <a href="#">AFP Practical Guide on applying protective markings</a> (including <a href="#">Business Impact Levels</a>).</li> </ul>
4	Mark document with reasons for exemption and consult with the FOI team.
5	FOI team reviews document in accordance with the <a href="#">Freedom of Information Act 1982</a> (Cth) (FOI Act) and provides feedback.
6	Functional area updates records with FOI team feedback and obtains National Manager (or equivalent) approval for IPS publication.
7	Functional area sends National Manager (or equivalent) approval and approved document to FOI team.
8	If the document is published on the Governance Instrument Framework (GIF): FOI team obtains a copy of the document from the GIF and, if necessary, redacts approved exemptions. The FOI team must advise the GIF team of the IPS category and decision date.
9	FOI team forwards final PDF document to Online Services team to publish on the AFP IPS website. FOI team to advise whether it is a new or a replacement document. For replacement documents, FOI team is to provide the Online Services team the title or hyperlink as it currently appears on the AFP IPS website.
10	Online Services team to upload documents and advise FOI team when document is published on the AFP IPS website.

## Attachment 2 – Naming conventions for documents for publication on IPS

The IPS publishing categories and naming conventions (using document type and document name) have been set by the Coordinator Freedom of Information (FOI). Functional areas must follow the structure outlined below:

- structure: INFORMATION PUBLICATION SCHEME (IPS)

- AFP National Guidelines
- AFP Practical Guides
- Commissioner's Financial Instructions
- Commissioner's Orders
- determinations
- aide memoires
- standard operating procedures
- policies
- other documents
- useful links
- naming convention on the AFP IPS website:
  - AFP National Guideline...
  - AFP Practical Guide...
  - AFP Commissioner's Order...
  - Determination...
  - Aide Memoire – [Function] - ...
  - Standard Operating Procedure – [Function] - ...
  - Policy [full name of document]
  - other document [full name of document]
  - useful link [link full title].

## Attachment 3 – Schedule of Freedom of Information (FOI) exemptions

There are 2 types of exemptions under the [Freedom of Information Act 1982](#) (Cth) (FOI Act): documents which are exempt, and documents which are conditionally exempt and must not be released if their disclosure would be contrary to the public interest. In deciding where the public interest lies, the Functional decision-maker must weigh factors favouring access against those favouring non-disclosure.

The following is a list of FOI exemptions (and a summary of the basis for the exemption) commonly applied to documents held by the AFP. **This is intended as a guide only and specific queries about the use of particular exemptions should be discussed with the FOI team.**

### 15.1 Exemptions

#### International relations

**s.33(a)(i)** Deletions are made on the grounds that disclosure would or could reasonably be expected to cause damage to the security of the Commonwealth.

**s.33(a)(iii)** Deletions are made on the grounds that disclosure would or could reasonably be expected to cause damage to the international relations of the Commonwealth.

**s.33(b)** Deletions are made on the grounds that disclosure would divulge information communicated in confidence by the authority of a foreign government.

#### Cabinet documents

**s.34(1)** Deletions are made on the grounds that disclosure would divulge information submitted to the Cabinet for its consideration or is proposed by a Minister to be so submitted, being a

document that was brought into existence for the dominant purpose of submission for consideration by the Cabinet. Also applies to documents brought into existence for the dominant purpose of briefing a Minister on a document for submission to cabinet, or a draft of a document.

## **Law enforcement**

**s.37(1)(a)** Provision of this document would disclose information that would reasonably be expected to prejudice the conduct of an investigation of a breach or possible breach of the law, or prejudice the enforcement or proper administration of the law in a particular instance.

**s.37(1)(b)** Deletions are made on the grounds that disclosure would enable a third party to ascertain the identity of a confidential source of information in relation to enforcement or administration of the law.

**s.37(1)(c)** Deletions are made on the grounds that disclosure would endanger the life or physical safety of people other than the FOI applicant.

**s.37(2)(a)** Deletions are made on the grounds that disclosure could prejudice the fair trial of a person or the impartial adjudication of a particular case.

**s.37(2)(b)** Deletions are made on the grounds that release would disclose lawful methods or procedures for preventing, detecting, investigating or dealing with matters arising out of breaches or evasions of the law, the disclosure of which would or could be reasonably likely to prejudice the effectiveness of those methods or procedures.

**s.37(2)(c)** Deletions are made on the grounds that release would prejudice the enforcement of lawful methods in the protection of public safety.

## **Secrecy provisions**

**s.38** Material is exempt if disclosure of the document is prohibited under a provision of an enactment and, either specified in Schedule 3 of the FOI Act, or this exemption is expressly applied to the document, by a provision of an enactment.

## **Legal professional privilege**

**s.42(1)** Material is considered exempt on the grounds that it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

## **Breach of confidence**

**s.45** Deletions are made on the grounds that disclosure of the material would be a breach of confidence.

## **Contempt of court/parliament**

**s.46(a)** Deletions are made on the grounds that disclosure would be in contempt of court.

**s.46(c)** Deletions are made on the grounds that disclosure would be contempt of parliament and would infringe the privileges of the parliament of the Commonwealth or of a state or territory, or of a house of such a parliament.

## **Business affairs – trade secrets or commercially valuable information**

**s.47(1)(a)** Deletions are made on the grounds that disclosure would reveal trade secrets.

**s.47(1)(b)** Deletions are made on the grounds that disclosure of information having a commercial value would be or could reasonably expect to be destroyed or diminished.

## 15.2 Conditional exemptions

### Commonwealth/state relations

**s.47B** Exempted material is information detailing information exchanged between a state or territory and the Commonwealth government in confidence. Disclosure of the information in the documents would cause damage to relations between the Commonwealth and state or territory governments. Access must be given unless it would be contrary to the public interest.

### Deliberative documents

**s.47C** To grant access to the document would disclose information in the nature of or relating to opinion, advice or recommendation obtained/prepared in the course of the deliberative processes of an agency. Access must be given unless it would be contrary to the public interest.

### Commonwealth property interests

**s.47D** Deletions are made on the grounds that release would have a substantial adverse effect on the financial or property interest of the Commonwealth or of an agency. Access must be given unless it would be contrary to the public interest.

### Operations of agencies

**s.47E** Exempted material would disclose information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the AFP and would be contrary to the public interest. Access must be given unless it would be contrary to the public interest.

**s.47E(c)** Exempted material would disclose the methods used by the AFP for assessment of its personnel. Provision of this information would prejudice the effectiveness of those methods and have a substantial adverse effect on the assessment of personnel by the AFP. Access must be given unless it would be contrary to the public interest.

### Personal privacy

**s.47F** Deletions are made on the grounds that disclosure would involve the unreasonable provision of personal details of people other than the FOI applicant. Access must be given unless it would be contrary to the public interest.

**s.47F(4)** Exempted material contains information of a medical or psychiatric nature in relation to the applicant. Access must be given unless it would be contrary to the public interest.

### Business affairs

**s.47G(a)** Deletions are made on the grounds that disclosure would reasonably be expected to affect that person adversely in respect of his or her lawful business or professional affairs. Access must be given unless it would be contrary to the public interest.

**s.47G(b)** Deletions are made on the grounds that disclosure would prejudice the future supply

of information to the AFP for the purpose of administration of the law. Access must be given unless it would be contrary to the public interest.

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