

# Operational Procedure: Identifying documents for the Information Publication Scheme

This Operational Procedure is issued under the authority of the Assistant Commissioner (General Counsel) and should be read together with the [ACNC Policy Framework](#), which sets out the scope, context and definitions common to our policies.

## Procedure

1. This Operational Procedure sets out how staff should identify documents that may be required to be published under the ACNC's Information Publication Scheme (IPS).
2. Part II of the [Freedom of Information Act 1982 \(Cth\)](#) (FOI Act) requires agencies to establish an IPS. Full details of the documents required to be published as part of the IPS are set out in the ACNC's IPS Agency Plan and IPS Review Procedure (OP 2013/02).
3. Staff preparing documents should be aware that certain classes of information are required to be published as part of the IPS. Staff should refer to the list at paragraph 9 below when preparing documents to determine whether they fall within any of those classes of information.
4. If staff members believe that their document falls within one of those classes, they should seek confirmation from their director. The staff member should then contact the Freedom of Information (FOI) contact officer to confirm that publication is required using the template at Attachment 1.
5. If the staff member or director thinks that a document falls within one of the classes of documents that are required to be published under the IPS, but believes that there are good reasons that the document should not be published, they must still provide the document to the FOI contact officer. When providing the document, any concerns about publishing the document should be clearly explained.
6. The FOI contact officer will then consider whether the document falls within a class of documents that are required to be published and whether any exemptions apply that would allow the ACNC to decide not to publish the document.
7. Once the FOI contact officer has confirmed that the document should be published and the IPS category under which it should be published, staff should supply a hard copy of the document as well as an electronic copy, both with the coversheet, to the Head of Digital Communications.

### *Documents that are required to be published*

8. All staff should consider whether a document that they hold falls within any of the relevant classes. The list below indicates the directorates most likely to be responsible for each class of information.

9. The following information must be published under the IPS:
- **Agency Plan** – this sets out what information the ACNC will publish, how and to whom it will publish information and how the ACNC otherwise proposes to comply with Part 2 of the FOI Act (legal).
  - Details about the **ACNC's structure** (for example, its **organisational chart**) (business services and communications).
  - Details about the **ACNC's functions and powers** – this would include functions that are established by legislation, a decision of government or an executive action (legal).
  - **An annual report, or information contained in an annual report** – prepared by the ACNC to be laid before the parliament (communications).
  - Details about the **Commissioner's appointment and the appointments of advisory board members** (legal).
  - Details of **consultation arrangements** for members of the public to comment on specific policy proposals (policy and education).
  - A document that is **routinely provided through FOI requests** (under Part III of the FOI Act) (legal).
  - Information that is **routinely provided to Parliament** (communications).
  - **Contact details of the FOI officer** (legal).
  - **Operational Information** (which is discussed in more detail below from paragraph 11) (all directorates).
10. Staff should familiarise themselves with the definition of 'operational information', as this is the class of documents that is most likely to be required to be published and updated on a regular basis.

### Operational information

11. Operational information is defined in section 8A(1) of the FOI Act as 'information held by the agency to assist the agency to perform or exercise the agency's functions or powers in making decisions or recommendations affecting members of the public (or any particular person or entity, or class of persons or entities)'.
12. Operational information should be published so that members of the public can be adequately informed about the framework of rules, policies, principles and procedures that agencies apply in making decisions or recommendations that affect them. Publication helps to ensure that no-one is disadvantaged by not understanding how the ACNC operates.
13. Examples of operational information that should be published include the Commissioner's policy statements, which explain how the ACNC interprets, approaches and administers the ACNC Act. Another example is a checklist or set of guidelines used by Registrations staff in assessing an application for registration by a charity. Access to this checklist will assist applicants to understand the registration process and to prepare their application.
14. Section 10 of the FOI Act says that, if an agency does not publish operational information, a person should not be disadvantaged because they do something which they may not have if they had had access to that information.

*Documents that are exempt from publication*

15. Some classes of information are exempt from publication as part of the IPS. In some cases, the document may be only partially exempt, which means that it can be published after the exempt information has been removed.
16. The FOI contact officer will consult with staff members and directors when considering whether an exemption applies to a particular document.

**References**

[Freedom of Information Act 1982 \(Cth\)](#)

[Privacy Act 1988 \(Cth\)](#)

[ACNC Information Handling Policy](#)

[ACNC Freedom of Information Policy](#)

[ACNC IPS agency plan](#)

[Operational Procedure: Review of the Information Publication Scheme](#)

Operational Procedure: Publishing Information under the Information Publication Scheme

**Attachment: Information Publication Scheme publication coversheet**

To: FOI contact officer; Head of digital communications

From:

Date:

Subject: IPS document

The attached document may be required to be published under the IPS.

Category of document: [agency plan/ ACNC's structure/ functions and powers/ annual report/ Commissioner's appointment/ consultation arrangements/ information released through FOI/ information routinely provided to Parliament/ contact details of FOI officer/ operational information]

Location on website: [url]

[Insert any concerns or risks associated with publishing the document]

Confirmation from the FOI officer that document should be published:

Yes    Category\_\_\_\_\_

No     Reason\_\_\_\_\_

Version	Date of effect	Brief summary of change
Version 1 - Initial policy	28/03/2013	Initial OP endorsed by Assistant Commissioner (General Counsel) on 28/03/2013
Version 2 – Amended policy	24/10/2013	<p>Changes added to ensure that:</p> <ul style="list-style-type: none"> <li>• directors are consulted before documents are provided to the FOI contact officer</li> <li>• Staff do not consider exemptions when deciding whether to provide documents to the FOI contact officer, however, any concerns with publication must be raised with the FOI contact officer.</li> <li>• All categories of IPS documents are included in this document (since staff may not consult the other procedures), and nominal responsibility for classes are given to relevant directorates.</li> </ul>
Version 3 – Amended policy	14/01/2014	<p>Minor changes made to better explain the categories of information required to be published under the IPS.</p> <p>Removal of director consideration during monthly reporting obligations</p> <p>Adding responsibility for ‘details about the ACNC’s structure’ to Communications as well as Business Services.</p>