

AFP National Guideline on the Information Publication Scheme

1. Disclosure and compliance

- This document is classified **OFFICIAL** and is intended for internal AFP use.
- Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).
- This instrument is part of the AFP Governance Instrument Framework (GIF) as defined in the [AFP Commissioner's Order on governance \(CO1\)](#). The [AFP Commissioner's Order on professional standards \(CO2\)](#) and [AFP Commissioners Order on security \(CO9\)](#) set the framework for the conduct expected of AFP appointees through obligations and best practice to help maintain the safety and security of AFP information, operations, assets and people. Inappropriate departures from the provisions outlined within AFP governance instruments may constitute a breach and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

2. Guideline authority

- This guideline was issued by Chief Counsel using power under s. 37(1) of [the Act](#) as delegated by the Commissioner under s. 69C of [the Act](#).

3. Introduction

- The [Information Publication Scheme](#) (IPS) is established under Part 2 of the [Freedom of Information Act 1982](#) (FOI Act) and is intended to form the basis for a more open and transparent culture across government. The IPS underpins a pro-disclosure culture across the Australian government and transforms the freedom of information framework from one that is reactive to individual requests for documents, to one that relies more heavily on agency-driven publication of information. It is designed to encourage agencies to proactively publish information, 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 helps control risks to the AFP reputation and brand through adherence to the IPS, and to public, community and government expectations for the AFP to be open and transparent in its information management and decision making.
- This guideline outlines the policies, standards and procedures for the AFP to comply with the IPS legislation and policy, and includes the obligations for:
 - the Freedom of Information (FOI) team
 - IPS decision makers
 - all appointees.

4. Policy

- The AFP must publish those items listed in s. 8(2) of the [FOI Act](#), including:
 - the AFP IPS Plan
 - the AFP's structure and organisation details
 - the AFP's functions, including associated decision-making powers and other powers affecting members of the public
 - details of AFP statutory appointments

- information in annual reports, prepared by the AFP and laid before parliament
- arrangements the public may use to comment on AFP policy proposals
- information which the AFP routinely gives access to, either in response to FOI requests, or in response to requests from parliament
- contact details for an officer responsible for information requests under the [FOI Act](#)
- operational information.
- The AFP may also consider publishing optional information, under s. 8(4) of the [FOI Act](#), where appropriate (see section 6.2 below for further information).
- In determining whether a document falls within the scope of s. 8(2) of the [FOI Act](#), or whether to publish a document as optional information under s. 8(4), appointees must consider both the objects of the [FOI Act](#) and the [Office of the Australian Information Commissioner \(OAIC\) \(FOI Guidelines\)](#). These objects include increasing:
 - public participation in government processes to promote informed decision-making
 - scrutiny and discussion, comment and review of government activities
 - recognition that information held by government is managed for public purposes and is a national resource.

5. Determining what to publish on the IPS

- The IPS requires agencies to publish a broad range of information and authorises publication of other information (i.e. 'optional publication'). The information (or details of how to access the information) must be published on a website. There are significant advantages in publishing a broad range of information held by the AFP, for example:
 - providing transparency about the AFP's processes and policies
 - reducing the workload of appointees (e.g. FOI officers and business areas having to respond to FOI applications).
- In order to maintain the proactive publication of information on the IPS, IPS decision makers should ensure information within their business area is actively being considered for publication in accordance with this guideline.

Exceptions to publication

- Section 8C(1) of the [FOI Act](#) provides that an agency is not required to publish exempt matter in their IPS. An exempt document is:
 - a document of an agency that is exempt under an exemption provision in Part IV of the [FOI Act](#); if a document contains exempt and non-exempt material the agency should prepare an edited copy (see Parts 5 and 6 of the [FOI Guidelines](#))
 - an official document of a minister that contains information not relating to the affairs of an agency or a department of state (see Part 2 of [FOI Guidelines](#)), or
 - a document in respect of which an agency, person or body is exempt under s 7 of the [FOI Act](#), such as an intelligence agency document or a document relating to the commercial activities of a specified body (see Part 2 of the [FOI Guidelines](#)).

- Section 8C(2) of the [FOI Act](#) provides that an agency is not required to publish information that is restricted or prohibited from publication by an enactment. That is, an agency is not required to publish information contrary to a legislative secrecy provision e.g. s. 60A of the AFP Act.
- A list of commonly applicable Part IV exemptions of the [FOI Act](#) can be found in [Attachment 3](#) to this guideline.

5.1 Operational information

- 'Operational information', as defined in s. 8A of the [FOI Act](#), must be published on the IPS unless an exemption under the [FOI Act](#) applies. In applying an FOI exemption, the business area should seek feedback from the FOI team to ensure their reasons for non-publication are sound and will withstand external scrutiny.

5.2 Optional publication of information

- Appointees must also record and consider publishing AFP information as an 'optional publication' having regard to its:
 - importance or relevance to the community
 - established or routine public demand
 - potential to assist appointees to deal with the public
 - contribution to AFP accountability.
- In deciding what information should be published on the IPS as an 'optional publication' appointees should have regard to the factors listed in [part 13](#), paragraph 13.138, of the OAIC's [FOI Guidelines](#) including:
 - client and stakeholder interest
 - general community interest
 - public demand for the information
 - will publication of the information assist the community
 - will the information better inform the public about how the AFP makes decisions
 - will publication of the information create greater accountability, openness and understanding of the AFP
 - is the information for publication in an appropriate and accessible format, and able to be used and re-used by the public
 - will published information require frequent revision, or is it part of the historical record
 - whether there are privacy or security concerns that require information to be edited before it is published.
- Additionally, the OAIC's [FOI Guidelines](#) reiterate, in paragraph 13.139, that the publication of information for the purposes of the IPS, should not be excessively resource intensive.

6. Responsibilities

6.1 FOI team

- The FOI team oversee and guide the AFP's IPS process. The FOI team is responsible for:

- coordinating and managing the AFP's IPS process in accordance with Commonwealth legislation and this guideline
- setting AFP policies, standards and procedures for IPS publishing and ensuring they are current and available to all appointees
- providing guidance, advice and training to appointees in relation to applying the exemptions under the [FOI Act](#)
- finalising and arranging publication of a document on the IPS through the Digital Engagement team
- assisting AFP business areas to maintain the currency of the documents on the IPS and ensuring AFP website content, Disclosure Log etc. is accurate and up to-date (Note: business areas have the primary responsibility for maintaining the currency and accuracy of their documents on the IPS).
- The FOI team will not arrange publication or removal of information on the IPS, unless the action to publish or remove has been approved in accordance with this guideline.

6.2 IPS decision makers

- For the purposes of this guideline, an IPS decision maker is an SES band 1 or above.
- IPS decision makers are responsible for:
- ensuring that information within their business area is actively being considered for publication in accordance with this guideline
- making decisions on whether or not to publish documents on the IPS relating to their business area, except for having to approve the publication of 'minor amendments' to documents which may be approved by any appointee who is a team leader or above
- ensuring their business area's documents published on the IPS are current, accurate and usable.
- The IPS decision maker may wish to maintain an internal IPS information register to keep a record of their business area's specific internal IPS information holdings including all considerations, recommendations, decisions and reasons for decisions to assist with this process (see [IPS information register template \(DOCX, 30KB\)](#)).

6.3. Governance network members

- [Governance network members](#) are the community of governance practitioners appointed by an AFP SES appointee within each business area or command to administer its governance instruments. Under this guideline, governance network members are responsible for ensuring the governance instruments owned by their business area are:
- assessed for publication on the IPS
- maintained and remain current e.g. if a document published on the IPS website has been revoked or reviewed and updated in the [Governance Instrument Framework](#) (GIF), the governance network member must reassess the document for IPS publication in accordance with this guideline.

6.4 Appointees

- Appointees who create, archive or update any document should consider whether the document is subject to IPS publication. To ensure compliance with the IPS, appointees must:
- ensure a document is assessed or re-assessed for IPS publication in accordance with this guideline
- notify their [governance network member](#) if the document is a governance instrument in the [GIF](#)

- engage with the FOI team and escalate to their IPS decision maker as required.

6.5 Digital Engagement team

- The Digital Engagement team is responsible for uploading content and providing technical services for the IPS in accordance with the [Better Practice Guide on AFP online publishing \(DOCX, 3.6MB\)](#).

7. Publication of documents

- All content approved by an IPS decision maker for publication on the [IPS](#) must be emailed to the [FOI team](#) to finalise and arrange publication on the IPS by the Digital Engagement team.
- Documents to be published on the IPS and provided to the FOI team should reflect current AFP branding and, if necessary, include an overarching statement to provide background or context. Queries regarding AFP branding can be directed to [Corporate Communications](#).
- Documents published on the IPS that are subsequently reviewed, updated or redacted significantly, must be reassessed for publication using the same process as the initial publication phase set out in this guideline. Any 'minor amendments' approved by an appointee at team leader level or above must still be emailed to the FOI team to be processed.
- The IPS should only contain current and accurate documents and should not maintain or retain historical lists or publications of documents.
- Documents published on the IPS should contain a caveat or watermark noting that the document(s) have been authorised for publication.
- [Attachment 1](#) outlines the IPS process that business areas should follow.
- [Attachment 2](#) lists naming conventions for documents approved for publication.

7.1 Protective security markings

- Business 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 should 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](#).

7.2 Disclosure Log

- The [Disclosure Log](#) includes information which has been released in response to an FOI access request. The requirement to publish a disclosure log, in compliance with legislative obligations, is separate from the obligations of the AFP and business areas to publish information on the IPS.

8. Review and reporting of IPS compliance

- The AFP is required to periodically review its IPS compliance, including the:
- AFP IPS Plan
- IPS governance and administration (i.e. this guideline)
- AFP IPS
- IPS information architecture
- AFP compliance review systems.

- The FOI team (in conjunction with the OAIC), is responsible for conducting a review of its IPS compliance every five years, in accordance with the [FOI Act](#) and the [Australian Information Commissioner Act 2010](#) (Cth) (AIC Act).
- Agencies are also encouraged to undertake more regular reviews, and to regularly review the individual elements of their IPS, noting the requirement that an agency must ensure information published is accurate, up-to-date and complete. The FOI team must conduct a review of the AFP's IPS compliance and content published on the IPS annually.
- To assist the FOI team, business areas must maintain accurate documents on the IPS website and respond in a timely manner to requests from the FOI team for updates on their holdings.

9. Further advice

- Queries about this guideline, the IPS should be referred to the FOI team at IPS@afp.gov.au.

10. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth) (the Act)
- [Australian Information Commissioner Act 2010](#) (Cth) (AIC Act)
- [Freedom of Information Act 1982](#) (Cth) (FOI Act).

AFP governance instruments

- [AFP Commissioner's Order on governance \(C01\)](#)
- [AFP Commissioner's Order on professional standards \(C02\)](#)
- [AFP National Guideline on information management](#)
- [Better Practice Guide on applying protective markings \(DOCX, 160KB\)](#)
- [Better Practice Guide on production and publishing of digital content \(DOCX, 3.6MB\)](#).

Other sources

- [Information Publication Scheme \(IPS\)](#)
- [AFP IPS Plan](#)
- [AFP Disclosure Log](#)
- [Governance Instrument Framework](#) (GIF)
- [Internal IPS information register template](#)
- [Office of the Australian Information Commissioner's website](#)
- [Office of the Australian Information Commissioner's FOI guidelines](#)
- [AFP Corporate Writing Style Guide \(PDF, 685KB\)](#)
- [Corporate Communication Branding](#)
- [Protective Security Policy Framework](#).

11. Shortened forms

AFP	Australian Federal Police
the Act	Australian Federal Police Act 1979 (Cth)
AIC Act	Australian Information Commissioner Act 2010 (Cth)
FOI	Freedom of Information
FOI Act	Freedom of Information Act 1982 (Cth)
GIF	Governance Instrument Framework
IPS	Information Publication Scheme
OAIC	Office of the Australian Information Commissioner

12. Definitions

- **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 Act](#) to perform duties as an AFP appointee
 - seconded to the AFP under s. 69D of [the 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 Act](#) to be an AFP appointee.
 - (See s. 4 of [the Act](#).)
- **Disclosure Log** means the 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.
- **Business area/s** includes the following as described in the [AFP Corporate Writing Style Guide \(PDF, 685KB\)](#):
 - The Commissioner leads an **agency**
 - SES band 3 leads a **portfolio**
 - SES band 2 leads a **command**
 - SES band 1 leads a **branch**
 - EL/band 9 leads a **section**
 - Band 6/7 leads a **team**.
- **IPS decision maker** means an SES band 1 or above, in relation to documents from their business area.

- **Governance Instrument Framework (GIF)** is the collection of key governance instruments which provide guidance on the operation of the AFP and help AFP appointees understand their obligations in performing their duties, functions and powers under [the Act](#). For more information see the [GIF Hub page](#).
- **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.
- A minor amendment may be approved by an appointee who is a team leader or above.
- **Operational information** is defined in s. 8A of Part II of the [FOI Act](#) and may include:
 - governance instruments (e.g. national guidelines, better practice guides etc.)
 - templates, forms and pro formas
 - administrative instructions
 - 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.

13. Attachments

Attachment 1 – IPS process

Step	Procedure
1	Business area identifies document and assesses it in accordance with this guideline when document is being created or reviewed. If the document is a current governance instrument, the business area obtains a copy of the document from the GIF to use as the base document and tracks changes.
2	Business area assesses and identifies the document as: ▪ publishable in full ▪ publishable with redaction ▪ exempt (not suitable for publication).

3	Business area reviews the protective security classification markings on the document in accordance with the: ▪ Protective Security Policy Framework ▪ Better Practice Guide on applying protective markings (DOCX, 160KB) (including Business Impact Levels (PDF, 240KB)).
4	Business area marks the document with reasons for exemption and emails the FOI team for consultation at IPS@afp.gov.au .
5	FOI team reviews document in accordance with the FOI Act and provides feedback.
6	Business area updates document based on FOI team feedback and obtains IPS decision maker approval for IPS publication.
7	Business area confirms the IPS decision maker approval (or team leader if minor amendment) with the FOI team and provides the approved document.
8	If necessary, the FOI team redacts applicable exemptions and advises the Digital Engagement team of the IPS category and decision date.
9	FOI team forwards final PDF document to Digital Engagement team to publish on the IPS, and includes business area in email chain by way of status update. FOI team advises whether it is a new or replacement document. For replacement documents, FOI team provides the Digital engagement team with the title or hyperlink as it currently appears on the IPS.
10	Digital engagement team uploads documents and advises the FOI team and business area by reply email when the document is published.

Attachment 2 – Naming conventions for IPS documents

- The IPS publishing categories and naming conventions (using document type and document name) have been set by the FOI team. Business areas must follow the structure outlined below:
- structure:
 - AFP National Guidelines
 - Commissioner's Financial Instructions
 - Commissioner's Orders
 - Better Practice Guides
 - Commander's Orders
 - Determinations

- Standard Operating Procedures
- Handbooks/Plans
- policies
- other documents
- useful links
- naming convention on the AFP IPS:
 - AFP National Guideline...
 - AFP Commissioner's Order...
 - Better Practice Guide...
 - Determination...
 - Standard Operating Procedure...
 - 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 [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 IPS 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.**

Exemptions

National security, defence or international relations

- **s. 33(a)(i)** Disclosure would or could reasonably be expected to cause damage to the security of the Commonwealth.
- **s. 33(a)(iii)** Disclosure would or could reasonably be expected to cause damage to the international relations of the Commonwealth.
- **s. 33(b)** Disclosure would divulge information communicated in confidence by a foreign government.

Cabinet documents

- **s. 34(1)** 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 and public safety

- **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)** 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)** Disclosure would endanger the life or physical safety of people other than the FOI applicant.
- **s. 37(2)(a)** Disclosure could prejudice the fair trial of a person or the impartial adjudication of a particular case.
- **s. 37(2)(b)** 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)** Release would prejudice the enforcement of lawful methods in the protection of public safety.

Secrecy provisions

- **s. 38** 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 of such a nature it would be privileged from production in legal proceedings on the ground of legal professional privilege.

Breach of confidence

- **s. 45** Disclosure of the material would found an action for breach of confidence.

Contempt of court or parliament

- **s. 46(a)** Disclosure would be in contempt of court.
- **s. 46(c)** Disclosure 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)** Disclosure would reveal trade secrets.
- **s. 47(1)(b)** Disclosure of information having a commercial value would be, or could reasonably expect to be, destroyed or diminished.

Conditional exemptions

Commonwealth/state relations

- **s. 47B** Exempted material is information exchanged between a state or territory and the Commonwealth government in confidence. Disclosure of the information in the documents would, or could reasonably be expected to, 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 financial or property interests

- **s. 47D** 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(c)** Release 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.
- **s. 47E(d)** Release 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.

Personal privacy

- **s. 47F** 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.

Business affairs

- **s. 47G(a)** Disclosure would reasonably be expected to affect that person adversely in respect of their lawful business or professional affairs. Access must be given unless it would be contrary to the public interest.
- **s. 47G(b)** 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.