T R A N S C R I P T

INTEGRITY AND OVERSIGHT COMMITTEE

Inquiry into the Operation of the Freedom of Information Act 1982

Melbourne – Tuesday 12 March 2024

MEMBERS

Dr Tim Read – Chair
Hon Kim Wells – Deputy Chair
Ryan Batchelor
Jade Benham
Eden Foster
Paul Mercurio
Rachel Payne
Belinda Wilson

WITNESSES

Associate Professor Johan Lidberg, Head, Journalism and Media Innovation, and

Professor Moira Paterson, Faculty of Law, Monash University.

The CHAIR: The Integrity and Oversight Committee's Inquiry into the Operation of the *Freedom of Information Act 1982* is resuming. For the new witnesses, I would just like to say before you give your evidence there are some formal things to cover, so bear with me.

Evidence taken by this committee is generally protected by parliamentary privilege. You are protected against any action for what you say here today. If you repeat the same things anywhere else, including on social media, those comments will not be protected by this privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament.

All evidence given today is being recorded by Hansard, and you will be provided with a proof version of the transcript for you to check once it is available. Verified transcripts will be placed on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted.

I will just quickly introduce the Committee. Online from Mildura, we have Jade Benham. On my right we have Eden Foster and Ryan Batchelor. I am Tim Read, the Chair. The Deputy Chair is Kim Wells, and Paul Mercurio is at that end.

I welcome Associate Professor Johan Lidberg and Professor Moira Paterson, both from Monash. Thank you very much for coming. Do you have any brief opening remarks, or should we go straight into questions?

Johan LIDBERG: I do not know. Do you?

Moira PATERSON: I was not sure how you wanted to run it. Johan has played a big part in doing the review of the culture and I have done more of the record-keeping side, but I have also got comments that I could make about the consultation requirements and document versus information, all that sort of stuff, if you are interested. But I do not quite know what you are after.

The CHAIR: Why don't we take that as some opening remarks and go straight to the questions?

Johan LIDBERG: I would suggest that too, because we have a pretty detailed submission.

The CHAIR: If there is anything that you feel at the end you have not said that you need to, you can let us know then.

What I might do – we have got a long list of questions we have agreed on, so I might just kick off with the first one and then we might just go to Mr Mercurio and work up the table.

Johan LIDBERG: Sounds good.

The CHAIR: Feel free to decide who is to answer which question, but this one might be for Dr Lidberg. You have said that passing FOI [Freedom of Information] laws is the easy part but making them work well in practice is the hard bit. I wonder if you would like to elaborate.

Johan LIDBERG: There is a long, long history of political parties in Opposition being very keen. As a matter of fact, when you look at who uses them, that is one of the main constituents. It is political Opposition, it is journalists and it is members of the public. So, when you are in Opposition, you are really keen on getting the information so that you can keep who is in government to account. The problem is that when you get in then you want to be left alone to govern, so there is a natural tension there. This is not unique to Australia. You will see that it is across the board. There was a really good example in the first Obama administration in the US. Not many people are aware of this, but he made big promises about it being the most transparent White House in history. It turned out to be the absolute opposite. They were pulling people out of records and stuff and having meetings across the street. So that was a perfect example of my point there that, yes, it is great in Opposition, but when you get into government, not so much, and therein lies the core of the problem – those with most

power. As you would have seen in our submission here, we invited all of the government ministers with portfolios in the Andrews Government – not a single one participated. I should say the invitation came from the Victorian Information Commissioner, which I would have thought would have made it a bit more appetising to participate in. So, once you get into government, you are not so keen to have information access so high on the agenda. That is my point.

The CHAIR: Right. Thank you. Mr Mercurio.

Paul MERCURIO: Yes, thank you. What is required of information-management systems to enable a push freedom-of-information model to operate effectively and also how can government facilitate this?

Johan LIDBERG: I can start with one point, and then Moira is the main one.

Paul MERCURIO: Fantastic.

Johan LIDBERG: What I have found in my comparative research between different jurisdictions around the country is that we have a few jurisdictions that have had a reform to push systems – so 2.0. That would be most famously so in Queensland and New South Wales and the Commonwealth – partly in Tasmania as well. That is all well and good. It is great to have as a default setting, as we have recommended here, that when you create information you should consider, 'Why shouldn't we just push this out and publish this straight away?' The problem, for instance, I have found in New South Wales. We did a trial run asking for quite benign information – I think it was the Premier's travel expenses for two years – and we could not get it, could not get it. We got in touch with the Freedom-of-Information officer who said, 'Oh, no, it's already published, but it's not discoverable.' That is the point. Coupled to pushing out information, and that goes to records management, you need to reform the whole records management system, as we pointed out in our submission, starting with making sure that you digitise and making sure systems talk to each other so that information can be discoverable.

Moira and I have been doing this research in different areas for 20 years now, and we are saying essentially the same things as we have said for 20 years. I think the new thing here is how our research has exposed how incredibly behind and poor the record management record system is. I will hand over to Moira now.

Kim WELLS: Sorry, just on that point, if something was published but not discoverable – how so?

Johan LIDBERG: It was published as a PDF, right? But for it to be discoverable it needs to have tags to it. It was only published as a PDF, and a PDF gets lost in the big churn of searching. Part of making it discoverable is to have a system where you do tag it so that search engines and browsers can find it. That was the reason why that particular document was not found, but it was on a server.

The CHAIR: Okay.

Moira PATERSON: That comes to metadata. That was one of the big things that we found. For push [FOI systems] you have got to have what works for pull and more. We do not have enough for pull at the moment, and that is we have got a whole lot of stuff that is not digitised. It is less so, but there is still stuff like that. In addition to that, a number of agencies are faced with systems that simply do not talk to each other – so when you do a Google search, it searches the internet. When they are doing a search, they are having to go in to all these different systems with different searches and possibly using different terminology and so forth. The number one wish list for them [FOI officers] was to have either one centralised system or at least systems that talk to each other so that when you put in the search it goes system wide. That makes, I think, perfect logical sense. There are issues with training. There are issues with lack of compliance or lack of understanding even, so the sort of concept where people think they own stuff that is on their laptop or on their phone or whatever and taking it away with them. There is stuff that maybe never gets onto the system, which could be like Google meetings or those other sorts of things. So, there is a whole lot of stuff that never gets there. That is for pull.

When it comes to push, you really need well-designed systems that will bring up what needs to be or what can potentially be pushed out, and then you need systems that will allow that information to be checked to make sure it does not have stuff in it that should not be disclosed, which is a concern. If you cannot automate that in some way, or if there is no system for doing that, then there is going to be a lot of reluctance and a lot of hesitation in terms of putting stuff out there, so it needs to be easy. Then, as Johan was saying, moving on from

the pull you need to have well-designed systems which make that stuff available in an informative way so that when someone is looking for information it is kind of obvious where that might be found and what that information is. You have got to contextualise it too. If you are just putting out datasets with no context, again that is an issue. Out of curiosity I did a bit of research going back, and I have been involved with FOI since it was enacted, so more like 40 years, and very early in the piece people were talking about record keeping and record management as being fundamental to the operation of FOI. That was something that was looked at in the UK when they brought their law in. There was a bit of discussion then. But unless you have got good records management then you are making the life of the FOI officer very difficult, you are making the system inefficient and you are making it very difficult for it to work well.

Johan LIDBERG: I will give you an example first that will hopefully illustrate the seriousness. In our study we identified a number of sectors, and one was health – hospitals. Some of the FOI officers and managers that we interviewed described dealing with up to six or seven different information systems: some hard-copy, some first-generation digital, some second-generation, some cloud-based – none of them, pretty much, spoke to each other. A lot of the historical hard-copy records are off-site, so they either have to request them out or go somewhere else physically. Records management – when you say that people glaze over and yawn, but it is actually at the very core. If that does not work, nothing works, and we might as well pack in FOI if we cannot identify and find the information. So, it needs to start there.

The CHAIR: Yes, okay. Mr Wells.

Kim WELLS: How useful and reliable is the country-based Global Right to Information Rating?

Johan LIDBERG: I am on the advisory committee there, and I have been for quite some time. It is reliable in terms of the comparison of the law; that methodology is really strong. The problem of course is that, as you would probably know, Afghanistan is rated at the top. The reason for that – and I pushed for this for years, but it is very expensive – is that it is quite doable to compare a number of legal parameters on different parts, and they do that really well. That is a good first indication, but there is no assessment of it in practice. The first system, the Swedish one, which was passed in 1766, is old but in practice works really, really well, and it ranks pretty far down. Then the new laws have had the benefit of looking at existing ones, so that is why they rank highly. I would say that you can rely on it in terms of legal comparisons, but in practice, no.

The CHAIR: That is very interesting. So, something that has been going for centuries has had a chance to affect the culture.

Johan LIDBERG: Yes. I was suggesting years ago that we set up a sort of parallel assessment to assess how it functions in practice, but it is just so expensive and labour-intensive to do that, compared to just comparing the laws.

The CHAIR: Very good. Mr Batchelor, you have a question.

Ryan BATCHELOR: I do. The submission you have provided to us gets to the heart of one of the challenges of operating under an FOI Act that relies on the concept of a document which was useful in 1982 but is somewhat less useful in 2024. I wonder if you have any thoughts on what we could more usefully think of as being the types of products that should be captured by Freedom of Information or right to information.

Johan LIDBERG: Do you mean changes or information?

Ryan BATCHELOR: I mean types of information. On the one hand, it is everything that anyone who is engaged in or by executive government writes down. Are there limits to that? Is that scope too wide? Documents was really designed to get to pieces of paper in files. The world is fundamentally different to that. How should we conceptualise what should be made available through these laws in terms of the types of information products that exist?

Johan LIDBERG: You wrote that piece, Moira, so you go.

Moira PATERSON: I did not look at it so much from that angle. Information, by definition, is something that has meaning. In New Zealand, for example, where they have an information Act, that has been looked at. If you just give someone bare data, that is not information because you have got to contextualise it. Are there

limits? There is debate. Most of the laws in the world would require that, whatever it is, [it] is recorded in some way. The alternative is stuff that is not recorded, which would be presumably in people's brains or somewhere else. I think while possibly that gets at some of the issues where people avoid writing stuff down and the little post-it notes and so on, it is not very practicable. I think it is having information rather than documents and giving it its true meaning. But in terms of the stuff that is missing, I think with the new IT there is lots of stuff, and there is a danger that it does not go into the system. It can be quite important, as I say, where you have a Google Meet, where you have texts on a phone. I mean, it depends on how someone engages in their work. Some of that stuff can be just as critical as stuff that –

Ryan BATCHELOR: Using that example, in a Google Meet or in a Teams chat, because we are all bound to the Microsoft ecosystem –

Johan LIDBERG: How did that happen, I wonder?

Ryan BATCHELOR: I do not know. We could have an inquiry. Things that are written in a Teams chat on a work call, would they fall within the scope of what is part of a modern-day FOI regime?

Moira PATERSON: It should do, and of course it will then be subject to the exemptions if you were worried about the deliberative processes side of that. I mean, I think absolutely, a lot of decision-making occurs in those electronic informal contexts. Some of that information is actually very critical. The whole idea of the FOI is to shed light on the government, on what it is doing and its performance and its activities, and so that should be part of it. I am not talking a work chat where people are just exchanging news, like an informal conversation, but where it is work-related.

Ryan BATCHELOR: Where do you draw that line? Where is the line? How do we as reviewers of legislation, as people making suggestions about where legislation should be drafted, draw the line?

Moira PATERSON: I would draw the line where it relates to the work or functioning of the agency or the department. If it is just purely a social encounter between two people, unless that has work-related implications, it is not relevant, but most of the other stuff is. I would say one errs on the side of bringing this sort of material in. The problem is now that with more and more of what would have been done – sitting in meeting rooms with recorded minutes, with decisions being written decisions on pieces of paper going through the system and being approved – a lot of that is now happening in this far more informal context. If you look certainly in the health area, social work and so on, a lot of what is important is done in that electronic way. If you exclude that, then you are excluding a lot of really valuable information that sheds light on what the government is doing. I think it is a question of, again, realigning people's expectations too. If you are going to have informal chat groups, they should not be the same ones that you are using for your work-related encounters so there is some degree of separation. But there is always that issue. I mean, as an academic I could see that – some of the stuff I would have in my office or that I would do would not be related to Monash and some of it would, and where does that line come. But it is really to do with if it is shedding light on information that is relevant to Monash.

Johan LIDBERG: It is famously Hillary Clinton's different servers. You have got to be clear on what is government business and what is actually private.

Can I add to this here that the Committee may want to take a look at – we do mention it in the introduction of the final report – a directive the EU [European Union] passed in 2002 called the Public Sector Information Directive, PSI, which has come to be at the very core of how the EU runs things, because, apart from the accountability part, which used to be the main justification for FOI existing, there is now also the digital economy, which is growing, as you know, at a crazy rate. That economy is very dependent on easy and quick access to government-created and held information. There was a report done and published in 2018, which we refer to in our introduction, which showed that the Public Sector Information Directive probably, at an estimate, made the EU economy grow by several billion euros, and if it had not been there it would not have grown that way.

To give you an example, the weather apps that we have would not work without the weather data that the BOM [Bureau of Meteorology], for instance, and other such agencies make available. That is an example of the digital economy. At this directive's core sits the notion that all information that is created with public money should by default be public. That is how they created it, and it took years for that to filter through to national legislation. But last time I looked, most EU members had passed this. Apart from the accountability part, there

is now a strong economic or practical argument for why we should have default information available. When you ask about where to draw the line, yes, there have to be lines drawn. National security is a classic one, and it is not a coincidence that Cabinet documents have this lag time. That is understandable too. But I would have thought that there are very few areas where you do need to have that limitation. We have far too many limitations now, I would say. That is another reason for working on the Act.

The CHAIR: Thank you very much. Let us go to Ms Foster.

Eden FOSTER: Thank you, Chair. I guess my question is on records management. How can agency adherence to the Public Record Office Victoria's [PROV] records management requirements be improved?

Johan LIDBERG: That is a good question.

Moira PATERSON: I think it comes down to really looking at PROV and looking at the legislation that sets it up just to begin with. Really you need a stronger emphasis on the information-management role of the PROV and its auditing and enforcement, and you have not got that at all in terms of the legislative structures. Presently it is difficult to assess whether public officers are meeting their records-management objectives and standards, so there are no systematic mechanisms for investigating that to ensure that that is all happening. I am sure that the PROV is doing a good job with this – measures to ensure standards are reflective of evolving technologies but [it is also important] that they facilitate efficient retrieval, redaction, access to data and [there are] some realistic penalties for serious breaches. The current penalty for unlawfully destroying a public record is only five penalty units, and, when I last did a comparison, it was way, way lower than what you are looking at in other States. I do not think criminal law is going to play a big role here, but if you look at the Act, I do think there can be a strengthening, giving more of that role to PROV. Then also it is a question of making it matter to agencies, dep secs [deputy secretaries] and so on so that their performance has regard to issues like records management, because it does not just touch on FOI. It touches on privacy, security and just the efficient operation of an agency, so it should be a really high-priority area. But it is not sexy, it is not well known, and no-one really cares about it. So, if you had PROV being able to lead, that being its actual responsibility to do that, and then within agencies you attach some significance to records management and making sure that they have got a key role – I mean, we talk about technology in terms of facilitating push and so on, but we have heard stories where the IT teams just buy stuff or put stuff in and they have not consulted with the FOI or the records management. So, it is crazy: you are spending all this money for a new system, and then it might work well for some things but not work well for the key things that really are required. And, as I say, if you have got a really good records- management system, that is fundamental to many aspects of the operation of an agency. So, it goes beyond FOI, but it certainly is helpful for FOI. That is what I would suggest.

Eden FOSTER: Thank you.

Johan LIDBERG: I will just add to that that we have found, especially in our interviews with agency secretaries and also CEOs of agencies, that they found they had a lot of agency in terms of provoking change, both in terms of proactive disclosure but also records management. I would say change needs to come from the top there because that is more consistent, because they usually stay in roles across government so they can keep enacting it. We found that that management or those agencies that were on board – that was effective change; that really provoked it. Then it does help if there are clear signals from governments. That is why one of our recommendations we will have to all partners here, including OVIC, is to keep chipping away at the agency execs [executives]. That is where you are going to get most bang for buck. If you get them on board, if you convince them, you see real change. We had a few examples where there were a handful of agencies in the study in Victoria where they had elevated it. So, in exec meetings they would have an access-to-information point, they would have the FOI manager come in and report not only on stats but also what they were really doing. That is where change was really provoked.

Eden FOSTER: Yes, great. Thank you.

The CHAIR: Let us go to Jade Benham online. Do you want to take us through a couple of questions, Jade?

Jade BENHAM: Yes, thank you, Chair. Records management not sexy – Dr Paterson, you leave me aghast. Let us talk about the ministerial noting rule. I would love you to elaborate a little bit on how this rule delays the processing of FOI requests and how it might adversely impact on the kind of information that is released.

Moira PATERSON: Did you want to answer?

Johan LIDBERG: No, you go.

Moira PATERSON: One of the issues is that it takes longer than the five days. We have got time limits, and as you can see with the records management and so on, you have got the FOI officers under a lot of time pressure. So, the amount of time – my understanding is that it is taking longer than those five days. Secondly, certainly one of the comments we received was that there was a sense that that might result in less disclosure, if I can put it that way.

Johan LIDBERG: It differed quite significantly between agencies, because we did put that question, especially in the focus group with the FOI practitioners: How much pressure do you feel from the political level? And it differed from pretty much 'nothing' to 'a lot of pressure', so there is a whole continuum there, to be honest.

Kim WELLS: Especially if there is a change of government.

Johan LIDBERG: Yes, I would say so.

Moira PATERSON: The comment was that the ministers' offices seem to have a significant influence on what information is being released and that there are huge volumes of requests, and these delays are really creating [issues] – before they can actually start on the processing of the request. I think that those are the two key aspects.

Jade BENHAM: Okay. So, do you think that a change from the pull system to a push system might negate that, and/or will it necessarily reduce the number of formal FOI requests in the first place?

Johan LIDBERG: I would say to that that we have found over the years now that you get most bang for buck if you address the culture of implementing FOI. But I would say with the age of the current Act as it stands in Victoria there are certain things that just have to be updated. There is some low-hanging fruit that would not be hard to get bipartisan agreement on, so that needs to be done. When you look at other jurisdictions across Australia, and based on the interviews that we did, I think that to formulate explicitly in the Act that the default setting is proactive disclosure sends a clear message. I think that is a way to provoke a culture change, because of course if you are leaning on statutory words, then it is probably easier to advocate for it inside agencies. Based on both what has happened in other jurisdictions and what we heard in the interview data, I think it would have a long-term effect. It will not happen overnight, but it will certainly have a long-term impact.

Moira PATERSON: I would say that where it works well – and this is what it is meant to do – it will reduce the number of formal applications. In an ideal world your formal applications would be for the material that is complex and contentious, where there are going to be issues of application of exemption provisions. So that means you are going to have very large volumes just handled in that way – and quickly. What you may see – and it is important not to attach a negative consequence to it – is that of those that then go to FOI, more of them might be rejected because there will only be that narrow amount of contentious applications that are there.

Johan LIDBERG: We did find a concrete example that illustrates the win–win in trying to automate it a bit more, if you like, so that the FOI teams can then spend time on the hard requests. I can disclose this without identifying the agency. There was a Victorian government agency that was absolutely swamped for years by members of the public requesting the photographs of themselves speeding – so speeding cameras. They looked at that and they got a bit of money, a small bit of money. Someone who was proactive at the agency said, 'Why don't we look at this? Maybe we can just put the information out there and give each member of the public a specific code to get their photos.' They did that. It did not take long to put that together and to do it safely. I think from memory their FOI requests dipped by 15 per cent within weeks and months. There would be so many examples that you could do, but it would require a bit of funding and backing to find these. But there is such gain from those examples, I think.

Moira PATERSON: I think also in the health area – you know, patients being given information on their discharge and therefore not having to put in FOI requests.

Johan LIDBERG: It is crazy that to access your personal information you have to use FOI. You are actually making the public angry and you are burdening the FOI teams.

The CHAIR: Indeed.

Johan LIDBERG: That is a lose–lose.

Jade BENHAM: Interesting. Just as a follow-up to that, and going back to the references you made to culture – and this is something that comes up again and again – do you think that a change in language from 'Freedom of Information' to 'Access to Information' or 'Right to Information' might help to provoke that culture shift or at least help start that?

Johan LIDBERG: I am in two minds on this one. I do not know what you think, Moira. We have spent decades now trying to educate people and public servants and Members of Parliament on Freedom of information, and I know it has changed. They have gone to 'Right to Information', RTI, in Queensland. They call it 'public information access' in New South Wales, don't they?

Moira PATERSON: GIPA [*Government Information (Public Access) Act 2009* (NSW)].

Johan LIDBERG: GIPA, yes. And they call it RTI in Tasmania. I do not know, I think there is a risk of confusing people, especially now since it is different in different jurisdictions. I would probably recommend sticking with FOI but using the term 'information access' more, because that is pretty self-descriptive. I do not know what you think, Moira.

Moira PATERSON: I would probably differ a little, but I think there are both sides of those arguments. I think 'Right to Information' is quite nice because it really emphasises the fact that it is a right. One of the problems with FOI is that it gets parodied as 'freedom from information'. There has been poor performance, so sometimes just sort of drawing that line in the sand, having a new name – but I think having a new name and not having a new reality achieves nothing. The name is not going to do it.

The CHAIR: I am just going to jump in and ask: what do the Swedes call it, and have they changed the name much in the last 260 years?

Johan LIDBERG: No. It is hardly translatable actually. It is called the 'principle of public information being accessible to everyone'. That is the best I can do.

The CHAIR: Okay. We will make a note.

Johan LIDBERG: I do not recommend that one.

The CHAIR: That is very good. Anything more from you, Jade Benham? I will keep going then. I was wondering if you could elaborate on your view that the Queensland and Tasmanian approaches to third-party consultation with respect to exemption provisions are preferable to our approach here in Victoria.

Johan LIDBERG: Yes. Do you want to do that one, Moira?

Moira PATERSON: Okay. The key difference is that they only require consultation where the disclosure is likely to be of substantial concern to the person consulted. What has happened in Victoria is that we started off with one duty to consult; in the original Act it was only section 34 – business documents. It then extended – quite rightly, I think – to personal data. But we have now got I think nine exemptions where there is a duty to consult, and you have to consult irrespective of whether you think it is likely to be an issue of concern.

I mean, I have been consulted – I cannot remember whether it was Victoria or the Commonwealth – because I made a submission on law enforcement, something like this. I think I had published it, it was available, and then I got consulted because it was my personal information: Was it okay that they released my name? Now, I mean, that is stupid. It takes time and effort, and what this means is because there are so many exemptions and because there is no regard to whether this is really likely to be a genuine issue, we are taking a great deal of extra time. There are notionally 15 extra working days, but if the person is not readily available and so on, it can be a real issue.

Also, some of the provisions do not say 'where practicable'. The thing that you notice in both Tasmania and Queensland is that it is only if the issues are reasonably likely to be of concern and, secondly, where it is reasonably practicable to engage in that consultation. In Victoria, because the different consultation requirements have come in at different times, they are all differently worded. With business affairs, personal and in-confidence I think it is where it is reasonably practicable. For the other ones it is not. And then there is no requirement to assess whether it is likely to be of concern to that person.

So, I would query two things. The first is whether you need all those consultations or why you have to consult so widely in relation to all those extra provisions. But secondly, if you are going to have it and then if you can narrow it in that way. Now, Queensland is quite widely worded. It is not referenced to exemptions; it is where it is likely to be of concern. Tasmania only has it in relation to two exemption provisions – business and personal affairs. So, there are different approaches as between different states. But what I would suggest is that even if you brought in a requirement where it is reasonably practicable for those [provisions] that have not got it and secondly where it is likely to be of concern to the person or the body consulted – I think that would be tremendously helpful and avoid a lot of time being wasted.

Johan LIDBERG: Yes. What came up most, apart from funding, which I will have in my closing here, in the focus groups with the FOI practitioners were two things. The first was that when consultation was brought in so widely in Victoria their workload just went through the roof, because it was too wide. It is overkill. The second one was vexatious requests. They pointed to the other Act, saying it does not have to be a narrow definition of it – it can be quite wide – but something in the Act so you have an out. When you have seen as an FOI practitioner the same request week in and week out from the same person asking for the same information and they know they are not going to get it, there is something wrong there. So there needs to be an out. Those were the two they were pointing to. If we could deal with those, it would make our lives and the requesters' lives much easier.

The CHAIR: All right. We might wrap it up unless there are any more questions from the Committee. I am going to thank you both very much. You are obviously doing a lot of work in this space. It is quite possible we might want to get back to you for clarifications or more info.

Johan LIDBERG: Can I just make a fine final point?

The CHAIR: Yes, please.

Johan LIDBERG: As I said, we will provide you with the embargoed report in May at some point so that you have that. There is no point in us holding on to it and you have to finish yours, so you will get it. I have three points to make in closing. The first one is, as you know, Professor Paterson and I have done this for a long time now, and we both feel that the research really is in on this now. We do not need to do more research on the functionality side. It is in; it is settled that it could work much better. That is very clear. Now is the time to act.

Three things: the first one is that transition to proactive disclosure or 'open by design' as OVIC has called it. That is a no-brainer. It will provoke change, to go to Jade Benham's point before. That is a given. Both previous experience and our research show that. The second one is to properly fund the FOI teams. These poor people – I have seen them cry in focus groups. Really, we are asking things that are beyond what you can ask of anyone. Our research shows that more than 90 per cent are totally pro facilitation and disclosure. They are not holding back. They are not the problem. The problem is they are not funded and they are not getting support – both from execs and from government. The third thing is that we need to have some sort of holistic approach to bringing records management up to speed, because that sits at the core. What is meant by that? Well, digitisation and systems that talk to each other, just what you mentioned before. Those three, I would say, would be my final points. Then they are all of course dependent on convincing governments to make information access a priority. How are we going to do that? I do not know, but that is an overarching thing.

The CHAIR: Great. All right. Good words to finish off on. Thank you both very much. We will suspend the hearing now and take a lunchbreak before we go to our final witness. Thank you both for coming in.

Witnesses withdrew.