



Policy Statement

The Department of Mines, Industry Regulation and Safety (DMIRS) will ensure that its regulatory, decision making and policy making processes, together with the technical information and data supporting them are, where possible, made publicly available for the benefit of the Western Australian community (exemptions are outlined in Attachment 1 and 2).

Objective

The objective of DMIRS' Transparency Policy (the Policy) is to give effect to overarching government policy in relation to transparency and the community benefit of access to information.

This means that DMIRS' stakeholders should have access to data, documents and information relating to the department's administrative, regulatory and policy making processes unless there are specific legislative provisions, legal barriers or exemptions consistent with the *Freedom of Information Act 1992 (WA)* (FOI Act) that restrict access to the information (refer to attachment 1 for a summary of exemption clauses contained within the FOI Act).

Rationale

DMIRS' Strategic Plan Towards 2024 includes a priority to "Improve the use of government data and information to deliver better outcomes."

This Policy provides a single, overarching set of high-level principles to provide consistency in transparency across DMIRS' business areas.

Additionally, this policy is consistent with the Western Australian Government's approach to make data and information held by Government agencies accessible to the community, or through the FOI Act either free or at a low cost.

Access to DMIRS' data and information will result in better business practices in government and improved public sector accountability and transparency.

Principles

The release of data, documents and information held by DMIRS will be guided by the following principles:

1. Information is treated as an asset that is accessible for the community to use
2. Requests for information are provided in a timely manner free of charge or at low cost
3. Procedures for the release of information are consistent and straightforward.

Application

DMIRS is committed to upholding the State's Whole of Government Open Data Policy "... to improve management and use of the public sector's data assets in order to deliver value and benefits for all Western Australians. This includes greater release of appropriate and high-value data to the public in ways that are easily discoverable and usable."

To maximise the benefits of information made available, DMIRS will be as open as possible about its decision making processes and the data it holds.

DMIRS will:

- apply a presumption of openness and adopt a proactive publication stance;
- assist the public to obtain access to documents through the use of information technology; and
- allow access to information promptly and free of charge or at low cost.

DMIRS will make this policy publicly available to be clear that it is authorised and permitted to make information, accepted by DMIRS in the course of its business, available to the public, within the parameters outlined in this Policy.

In considering whether barriers exist that prevent DMIRS from releasing information, DMIRS will adhere to the requirements of the legislation it administers and apply the principles of the FOI Act. Where DMIRS identifies barriers to releasing information it will review if that is an appropriate position to maintain.

Anyone seeking information retains the right to make an application under the FOI Act.

Benefits

This Policy seeks to promote:

- increased confidence and trust in the community through greater understanding and awareness of DMIRS' decision making processes;
- the principle that public sector information is an asset that should be available for access and use;
- access to information that is current, relevant and easily accessible;
- access to information that can enable and attract investment in Western Australia;
- opportunities for communication with stakeholders and the community; and
- economic, social and environmental gains through better informed decision making.

Reference links

DMIRS Strategic Plan Towards 2024

https://www.commerce.wa.gov.au/sites/default/files/atoms/files/towards2024_0.pdf

DMIRS Information Statement 2019-2020

http://www.dmp.wa.gov.au/Documents/About-Us-Careers/DMP-FOI_statement.pdf

Freedom of Information Act 1992

https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_353_homepage.html

Western Australian Whole of Government Open Data Policy

<https://data.wa.gov.au/open-data-policy>

Attachment 1 – exemption clauses contained within the *Freedom of Information Act 1992 (FOI ACT)*

Documents are protected from disclosure where release would harm the interests of private and business interests of individuals and there is no overriding public interest in release, or where the proper functioning of government would be hindered.

A summary of the exemption clauses contained in the FOI Act are in the table below.

Exemptions based on document type	Exemptions based on expected adverse effects
<p>Clause 1 Cabinet and Executive Council</p>	<p>Clause 2 Inter-governmental relations</p>
<p>Clause 3 Personal information</p>	<p>Clause 4(2) and (3) Commercial and business information</p>
<p>Clause 4(1) Trade secrets</p>	<p>Clause 5 Law enforcement, public safety, and property security</p>
<p>Clause 5(2) and 5(3) Documents created by certain exempt agencies or by Commonwealth intelligence or security agency</p>	<p>Clause 6 Deliberative processes of Government</p>
<p>Clause 7 Legal professional privilege</p>	<p>Clause 8 Confidential communications</p>
<p>Clause 12 Contempt of Parliament or court</p>	<p>Clause 9 State’s economy</p>
<p>Clause 13 Adoption or artificial conception</p>	<p>Clause 10 State’s financial or property affairs</p>
<p>Clause 14 Information protected by certain secrecy provisions</p>	<p>Clause 11 Effective operation of agencies</p>
<p>Clause 15 Precious metal transactions</p>	

Attachment 2 – Exemptions to the public release of public sector data

(Extract from the Western Australian Whole of Government Open Data Policy)

Instances where data is protected and access may be restricted or precluded, include:

- **Privacy** – where personal or sensitive information is involved that can be identified for an individual, or may be involved as an unintended result of data linking or combination;
- **Security** – because of the nature of the data or information;
- **Confidentiality** – arising because of the nature of the data or information itself or because a contractual arrangement has been made in relation to the data or information;
- **Legal privilege** – attached to certain legal advice;
- **Commercial** – such as commercial-in-confidence, patent pending or intellectual property considerations; and
- **Public interest** – if there are public interest considerations against release and, on balance, those considerations outweigh the public interest considerations in favour of release.