

Information Commissioners and Ombudsman look to the future: embracing innovation and strengthening independence

On 15 March 2024, Information Commissioners and Ombudsmen from around Australia and New Zealand met in Melbourne as the Association of Information Access Commissioners (**AIAC**).

Key areas of discussion were:

- the public sector's appetite to adopt Artificial Intelligence (**AI**) in their business operations and service delivery, including in assisting access to information and administrative decision making;
- the need to ensure access to information laws can regulate the use of new AI technologies and protect information, privacy and human rights; and
- the importance of protecting and maintaining the independence of Information Commissioners' and Ombudsman offices.

AIAC members heard from Dr Jake Goldenfein (Melbourne University Law School) about developments in AI that are disrupting long-held notions of administrative decision making by government, notions of how data is used and who can access that data. These complex issues are being grappled with in a rapidly evolving convergence of private sector innovation and public sector investment.

AIAC members urge public sector agencies in Australia and New Zealand to ensure that information produced as a result of contracts they enter into for the provision of goods and services can be accessed by the agency and the public, including under access to information laws. Particularly where those contracts use AI or data held by, or obtained from, the public sector.

AIAC members agreed that while governments are eager to adopt new technologies, it is imperative that they do so in such a way that preserves and protects access to the data and information that is central to automated operations and decisions. Members acknowledged the importance of considering whether keeping a 'human in the loop' could ensure that information, privacy and human rights are preserved and protected.

Given the central role open government plays in building trust in public administration, more than ever there is a need for access to information laws to

be modernised to ensure they are technology neutral, fit for purpose and protect the information rights of the public.

Forming part of the independent integrity systems within our jurisdictions, it is imperative that Information Commissioners and Ombudsmen are funded to fulfil their statutory functions in overseeing the public's right to lawful and fair access to government information. This communique is endorsed by:

New Zealand	Bridget Hewson Deputy Ombudsman
Commonwealth	Angelene Falk Australian Information Commissioner Elizabeth Tydd Freedom of Information Commissioner
Australian Capital Territory	Iain Anderson ACT Ombudsman
New South Wales	Rachel McCallum Information Commissioner
Queensland	Stephanie Winson Acting Information Commissioner
Victoria	Sean Morrison Information Commissioner
South Australia	Emily Strickland Ombudsman
Tasmania	Richard Connock Ombudsman
Western Australia	Catherine Fletcher Information Commissioner
Northern Territory	Peter Shoyer Ombudsman / Information Commissioner