Opening Government: transparency and engagement in the information age

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Background Paper to the ANZSOG 2015 Annual Conference, Melbourne, Victoria

'Transparency promotes accountability and provides information for citizens about what their government is doing. Information maintained by the Federal Government is a national asset. My administration will take appropriate action… to disclose information rapidly in forms that the public can readily find and use' – US President Barack Obama (memo to Heads of Departments and Agencies on Transparency and Open Government January 2009).

'We now have technologies that offer unprecedented opportunities for the direct and secure communication of information. More importantly, they provide us with unprecedented opportunities for interaction. And they are woven into everyday life so inextricably that, to the younger members of our community especially, they have become invisible. They offer a huge potential to party organisation and for party democracy, and at the same time fundamentally change expectations of participation, engagement and responsiveness' – Senator John Faulkner, 'Public Pessimism, Political Complacency: restoring trust, reforming Labor', Inaugural Address to the Light on the Hill Society, October 2014

'…the Government commits to actively releasing high value public data… [held] on behalf of the New Zealand public. We release it to enable the private and community sectors to use it to grow the economy, strengthen our social and cultural fabric, and sustain the environment. We release it to encourage business and community involvement in government decision-making'... 'the Government's Open Data Initiative … is one of a range of measures driving better use of public data, while upholding high ethical and privacy standards. Measures include investing in Statistics NZ's Integrated Data Infrastructure System, establishing the Data Futures Forum and data.govt initiative' – NZ Declaration on Open and Transparent Government 2011 and Deputy Prime Minister Bill English February 2015.

'If we are serious about promoting the benefits of digital innovation, as a government we need to improve the quality and availability of our own services. This includes opening up and releasing government data that would otherwise only be collecting dust in digital cupboards…I am sure many of you are aware of the 2014 report by Lateral Economics which suggests that "more vigorous open data policies could add around $16 billion per annum to the Australian economy". Governments hold an extraordinary amount of unique data, collected directly and indirectly in the course of doing our job. It is there. We have it. But there is no point in keeping all that data stored away. It needs to be accessed, analysed, understood, used and reused. Since the Government was elected [Sept 2013], the number of datasets available on data.gov.au has increased from 514 to more than 5200: a tenfold increase…But the Government's open data focus is not just about opening more and more datasets. It is also about opening high-value datasets' – Communications Minister Malcolm Turnbull, March 2015.

Revisions to the Australian Public Service Commission's guidance on public servants making public comment and participating online in social media, include: 'APS employees need to ensure that they fully understand the APS Values and Code of Conduct and how they apply to official and unofficial communications. If in doubt, they should consider carefully whether to comment and what to say; consult their agency's policies; seek advice from someone in authority in their agency; or consult the Ethics Advisory Service in the Australian Public Service Commission' – Circular 2012/1.

To fulfil ANZSOG's mandate with its stakeholder governments, the school hosts annual conferences that explore significant topics of import to good governance in the Australasian public sphere. Previous conferences have tackled complex issues including: implementation and project management in the public sector; collaborative governance and working collaboratively with NGOs and the 'not-for-profit' third sector; inter-jurisdictional and intergovernmental policy relations; social and economic responses to managing the global financial crisis; attracting political interest in delivering policy reform and making it 'stick'; citizen engagement and putting citizens first in service delivery; learning from disaster management to 'future-proof' the state and society, and enhance resilience and risk management; responding in innovative, strategic and productive ways to the post-GFC fiscal crisis facing present-day governments who have imposed austerity agendas and tight budgets across their areas of responsibility; and, most recently, leveraging the capacities of the public sector to increase national prosperity and wellbeing. In all of these events ANZSOG has striven to be relevant and engaging to governments, public sector executives, policy practitioners and service deliverers.

ANZSOG's 2015 annual conference, the tenth successive in the series, is similarly aimed at a compelling issue of immediate relevance to governments, their governance relationships and citizenry engagement. It explores new horizons and scenarios for better governance in the context of the new information age, focusing on the potentials and pitfall for governments (and governance more broadly) operating in the new information rich environment. It asks what are the challenges to our governing traditions and practices in the new information age, and where can better outcomes be expected using future technologies. It explores the fundamental ambiguities extant in opening up government, with governments intending to become far more transparent in providing information and in information sharing, but also more motivated to engage with other data sources, data systems and social technologies.

In one sense we are at an important crossroads with various future paths available to tread. ANZSOG and its principal stakeholders are also conscious that this is an agenda with which most Western societies and their governments are presently wrestling and will do so for some further decades to come. But at a time when Western governments and their public managers are grappling with how the new information age can contribute to the provision of effective, efficient, open and accountable government, which we (may) all value, we are also aware that the liberal democratic values that promote transparency and disclosure, authentic engagement with clients and citizens, and greater trust and legitimacy between governments and their constituencies are becoming particularly fragile. If governments are genuine about opening government up (and they may have much less choice in this matter than they currently think), then it behoves them to maximise the potential of the opportunities offered but also to weigh and manage the risks well and appropriately – in a global social milieu they cannot control, replete with disruptive technologies, new channels of communication, new forms of interconnectivity, new information sources, and new influential players.

The power asymmetries between governments and civilians are shifting dramatically, and have the potential to shift even further into the future. Socially-based interactive digital technologies like social media may give way to other less digital based technologies in the future – recognition technologies, thought identification, telepathic or telemapathetic detection, self-calibrating information management systems (driverless vehicles or trains, automated transport management systems). The present highly-individualised, multi-channelled information age is already a discursive challenge for governments and

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regulators (especially channelled through social media), where following the norms of 'expressive individualism' everyone's voices, thoughts, photos and videos are digitally communicated and relayed across the cyber universe, where self-indulgence and relativism rules, and bounds of inappropriateness are tested. Future technologies and new forms of expressivity that bring other forms of social or individual empowerment (choice, discretion, assertiveness, resistance) will pose additional ethical dilemmas (eg, abusiveness, shaming, cyber-bullying, trolling etc). Governments will have to cope with the libertarian and emancipatory possibilities of social media and other interactive technologies.

Many technological innovations are conceived as intrinsic 'means' and neutral platforms that are indiscriminate as to ends, and therefore open to good and bad uses, virtuous or evil ends. This is as true for nuclear physics as for the internet, as it is for Facebook and the smartphone. Smart technologies are adopted by and as useful to the terrorist, crime gang, anarchist protester, tax-evader, paedophile as they are for community-minded purposes, social clubs and friendship circles, personal entertainment, and enhanced service experiences. New technologies provide new opportunities for society but also change the risk profiles, and open up new risks. So, how should governments position themselves in this information age, how will they be best able to manage the processes and consequences, and how might governments exploit the new possibilities to enhance the quality of their outputs and improve outcomes?

This year's conference will explore and address these issues under six key themes:

1. Shaping (and re-shaping) our democracies and democratic outcomes in the new information age – exploring how our public, private and community sectors can better respond to the potentialities of the information age;
2. Using transparency to rebuild or enhance legitimacy and trust relationships between governments and citizens, and contributing to greater confidence and assurance;
3. Engaging in authentic engagement through opening up policy processes to improve the public sector's capacity to deliver public value and meet rising citizen and community needs;
4. Exploring how we can better share administrative data for effective outcomes, integrate additional and non-governmental data sources and gain real benefits from managing and interrogating 'big data';
5. Reflecting after nearly 40 years on whether we have got the balance right with freedom of information (FOI) laws, especially as most of our jurisdictions have now adopted default disclosure provisions and open access regimes;
6. Finding ways to use rapidly evolving digital systems and other transformational technologies to improve policy advice and public management and the quality delivered services.

The overriding intention of the 2015 ANZSOG conference is to traverse practical and applicable ways in which governments can best respond to the ongoing challenges – to find practical ways to gain more value from these opportunities and from our best mix of inputs, resources and relationships. But this is not to neglect the theoretical and conceptual underpinnings associated with the opening government agenda, which will be examined in many of the conference sessions. Hopefully, the new information age can reshape what we do, how we do it and the quality with which it is done. The aim as always is to deliver effective outcomes across our various domains and changing responsibilities of public policy. It is

a challenge we hope to share with you, so that you can take back these concepts, ideas, and practical ways of doing the business of government under today's more productive imperatives.

Westminster's Reluctant Transformation – from secrecy to relative openness

Westminster and open information were traditionally uneasy fellow travellers, and some might argue even antithetical. The antipathy to openness was humorously captured by *Yes Minister*'s Sir Humphrey when he asserted open government was a *non sequitur*; one could have openness *or* government but not *both* at the same time.[1] Traditional Westminster (pre-dating mass democracy) was essentially derived from crown prerogative. It prided itself on being an efficient form of government, loosely based on consent rather than consultation or direct input from the populace. Its strong executives, with command over parliaments, ruled by convention and were largely unconstrained by countervailing forces (or checks and balances) until relatively recently in its long history. When Walter Bagehot put his finger on the 'efficient secret' of English government he meant that it was very amenable to political action and rule from behind-the-scenes, unconstrained by hard and fast constitutional impediments or rigidities. Over many centuries Westminster operated on the basis of executive decree, supported by norms of secrecy, confidentiality, minimal disclosure of rationales for action/inaction; governments would readily announce decisions once taken but rarely explain or disclose how they came to the decision-making.[2] Despite its reluctant embrace of elected representational government from the nineteenth century onwards, Westminster remained shrouded in royal mystique and crown privilege. It produced a system of government in Britain and a few settler dominions where the political culture insisted elitist governments 'knew best' and should be left alone to govern until the next election, and where the populace was characterised by a 'subject political culture', less motivated by participation or aggressive self-interest (Almond and Verba 1963).

Westminster structured a fundamental informational asymmetry between a powerful executive government and the official opposition, media outlets and its citizenry or residents (in many instances even parliament did not know what the executive was up to, and the executive composed the majority of the legislature). These cultures prevailed with few challenges largely until the post-war years, when many factors combined to engineer change – growing international compulsion through declarations and treaties, the United Nations, growing domestic and international legalism, social mobility and mass education, new technologies and the arrival of mass communication, the erosion of party loyalties and rising distrust in governments/politicians, increased media scrutiny, democratic pressures and the growth of pressure groups and the after-effects of major government scandals. But alongside these developments a more sceptical society emerged with sections of the population alienated from the political system (Norris 1999). Gradually, governments also came to view greater openness more positively, but still sceptically – especially with the adoption of freedom of information provisions and administrative law more generally (ironically the UK was the last Westminster system to embrace FOI as recently as the Blair government).

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[1] These sentiments echoed similar statements by the US President Harry S. Truman who argued that 'secrecy and a free democratic government don't mix', but Truman tried to have it both ways when he said ''always be sincere, even if you don't mean it'.
[2] Some other Western countries had fashioned political systems comparatively more open than Westminster, notably the United States, Sweden, Denmark and Switzerland.

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The rise of the new information age (probably from the early 1990s) began to change the landscape, at first evolutionary but then much more radically. Some new technologies such as the arrival of desktop PCs and new communication media (such as email and Facebook) were eagerly adopted by governments and changed the ways government internally operated and communicated, dispensing with the need to maintain paper files and formal memos. These early communicative technologies were quick and convenient and tended to reinforce old modes of government rather than challenge them. Governments initially simply gained more computing, calculating and communicating capacities – and they seized the opportunities to gain more information from their populations, greater integration of information sources and more analytical capabilities to analyse the collected data (especially important for taxation, financial monitoring, welfare administration, people movements etc).

But the speed of technological change escalated markedly and, as far more individualistic and atomistic technological systems emerged that could build into social networks and wage social media campaigns, old asymmetries in information richness quickly shifted, placing enormous pressures on our political and democratic systems and cultures of governance. On the one hand, these new social media technologies suddenly offered the prospect of greater democratic empowerment and citizen participation in decision-making; but, on the other hand, they also unleashed new forms of enslavement, apathy, faddish following and herd-instincts. Not only were previous imbalances in information access suddenly realigned, but entirely new areas of information, knowledge and communication were flourishing in which citizens (individually and collectively) were much more in control of the framing of ideas/attitudes and control of the content conveyed, especially through social media and social networking platforms. Not only were ordinary people empowered but many of the new channels were anonymous or virtually so. These socially-empowering technologies were soon forcing governments to react – at extreme levels protesters were soon using social media to organise mass riots, but more prosaically significant sections of society were gaining their knowledge and information not from government sources but from each other. Government's near monopoly of information provision and analysis, was contested by new (non-state) sources of information, new analytical capacities in the community and non-government sectors, and new networks of communication with influence and opinion-shaping capacities largely beyond the scope (and sometimes knowledge) of government. Although modern governments responded with the rapid escalation of the 'surveillance state' governments had largely lost control of the initiative in the new information age.

In responding to the new information age governments tended to be 'behind the game' playing catch-up. By the 2010s most governments across our many jurisdictions in Australia and New Zealand had formally adopted 'Open Government' policies and endorsed the findings of relevant taskforces and investigative reports, and then enshrined the sentiments on websites (often leaving them unattended or frozen in time from that moment on). These 'Open Government' declarations talked of the benefits of transparency, the digitalisation of data and public release and disclosure of information, and the huge potential that could accrue to the economy through governments sharing data sources with business and the community. For instance, the Commonwealth government announced in 2010, that:

The Australian Government's support for openness and transparency in Government has three key principles:

- **Informing**: strengthening citizen's rights of access to information, establishing a pro-disclosure culture across Australian Government agencies including through online innovation, and making government information more accessible and usable;
- **Engaging**: collaborating with citizens on policy and service delivery to enhance the processes of government and improve the outcomes sought; and
- **Participating**: making government more consultative and participative (Commonwealth of Australia, Department of Finance website 2010).

These are laudable ideals but are they being actively implemented? Are they really changing the internal and external cultures practices of governments, their administrative practices, and their interactions with citizens? The following sections examine the value of transparency and openness (as well as some limitations); the prospects for sharing administrative data and how far governments will be able to overcome the reluctance to share their data sets; the possibilities of new technologies in enhancing authentic citizen engagement; and the reactions of governments to existing freedom of information regimes including the warnings of some that FOI has had perverse consequences.

The Value of Transparency (and some risks or challenges to its virtues)

'Transparency enables information flows that enhance policy decision-making and program design' – Professor Gary Banks Dean ANZSOG/former Chair of Productivity Commission.

Transparency in public life is a fundamental attribute of accountability and oversight. Transparency implies the disclosure of information held or collected by government on which it may base its decisions, administer and operate its affairs, seek to impact on the community, and establishes priorities. Information can include administrative or processing data, financial accounts and resource allocation, planning and policy priorities, information collected on citizens or groups, information involving other governments where some joint arrangement are open to scrutiny. Good governance flourishes not only where citizens have *rights* of access to information, procedures and documentation, but also where a *culture* of openness and accountability permeate the relations between governments and citizens. There is a huge literature on the need, value and normative scope of transparency going back centuries and including many of the great political philosophers and jurists of their age.

In recent times, although governments have formally endorsed the principle of transparency to better inform citizens, build trust and provide assurance – its adoption or realisation will be predictably on government's terms. Arguably transparency in itself is a double-edged sword, but not necessarily with equally sharp sides. The comparable status of the positives clearly outweighs any negatives, but both sides should be given some consideration. On the positive side transparency can be:

- A **Virtue** – a normative objective, noble ideal, something to aspire to, to better inform citizens and interest groups; it is a fundamental aspect of legitimacy and trust between the government and the governed;
- An effective (and efficient) **Enabler** – promoting better ways of making policy, adopting good practice, providing a level playing field open to all with transparent rules and information, allowing more effective and efficient policies because everyone has access to information on which decisions are based and the assumptions informing those decisions;

- An improved dimension of **Accountability** – promoting public disclosure, public insight into decision-making, scrutiny and evaluation, and democratic oversight; it provides a robust way of exposing information, policy announcements and analysis to critical scrutiny and contestability; it can also function to impress a self-imposed discipline on governments (eg over performance targets, or specific policy commitments);
- A promoter of **Confidence and Assurance** – contributing to the maintenance of confidence and trust in public institutions, for the legitimacy of their decisions (eg courts) or policy frameworks (governments), allowing the community to ascertain whether governing institutions have performed fairly and legitimately or delivered on their commitments or promises.

However, transparency involves certain challenges and risks to government (and occasionally to the community more generally). Transparency can also:

- Impose risks for governments when they want to or have to negotiate in confidence to secure agreements (eg the Trans Pacific Partnership negotiations), or when they wish to ration services but do not want to cause moral panic in explicitly divulging the dimensions of the rationing. Governments may wish to prioritise access to services (eg health services) without necessarily being explicit as to their rationing logics;
- Make it harder to deliver candid and frank and fearless advice to government (from officials but also from non-government actors who may choose to make inputs or lobby for outcomes) when analysts know that the information they provide will be released. The prospect of disclosure can also make it harder for public agencies to undertake basic research that could be politically sensitive – for instance, the Australian Treasury conducted confidential research into the affordability of home ownership for first home buyers to inform their advisory functions, yet were challenged to release the sensitive information – one consequence may be that senior officials conclude that it is better not to ask such questions or conduct such sensitive research in the future.
- Serve to encourage certain kinds of behaviour government's do not wish to see or would seek to discourage – for instance governments do not prevent modest gift giving but do not provide transparent information on the limits of monetary gifts citizens can give to family and friends, overt transparency could be seen to be detrimental to good public policy in gift-giving; similarly governments often chose to be economical with the truth over the extent or upper limits of tax concessions for fear of encouraging greater concessionary claims;
- More open information systems may encourage governments to engage in subterfuge and political spin more that otherwise, avoiding real issues of attempting to distract public scrutiny from the actual data (government announcements and ministerial statements in relation to Australia's off-shore detention regime may be an instance here). Simulated transparency and political spin may be a function of greater openness;
- Transparency can reduce the flexibility for governments and impede their capacity to adapt to changing circumstances – for instance, declared renewable energy targets can create expectations among the community and industry providers but if governments consider it prudent to change these targets the transparency of the process can stymie their intentions and possibly exacerbate the unintended consequences for those involved;

- Finally, there is a divulgence risk if governments are obliged to release information they consider is best kept confidential; where there are serious arguments about the negative consequences of release; this could be sensitive information (residential locations of paedophiles or major criminals, or infection rates for hospitals or the insurance risk for GPs and medical specialists), inconsistent or confused information (location of asbestos properties, types of environmental data), commercial information (release of information revealing intellectual property, or foreign owned property registers).

Hence, transparency is an aspirational ideal, but not always free from risks or unintended consequences. So the questions we might ask: are the government and the community satisfied that the degree of transparency is appropriate and optimal for social outcomes? What opportunities and dilemmas for public sector managers does transparency entail, and how can these officials manage transparency appropriately?

Using Openness to Improve Authentic Engagement with the Community

Governments have long talked about improving meaningful engagement with the community probably dating back to the 1970s; but arguably far less progress has been actually achieved than expected – and much of what passes for 'engagement' can be perfunctory of confected. Technological developments have more recently facilitated the capacities of government bodies to engage over policy issues and matters of operational administration. The new information age and a new willingness to be more transparent does allow for more authentic and deeper forms of engagement with the community and citizens. But also engagement is about trust and nurturing greater collective benefits or value. And it applies both ways – the trust the community places in government but also the trust government has in the capacities and wisdoms of the community. Ethical and accountable leadership will involve investments in greater and more meaningful cultures of engagement. Evidence of distrust is markedly apparent: when UK Professor of Computer Science Dame Wendy Hall heard that a large Australian federal government department had appointed a senior official called a 'social media manager' who monitored and edited public comments on the department's site, said "I don't think you get it here in the Australian government" (Hall 2013). The instinctive desire to control and sanction is a legacy of statism perhaps best consigned to the history books.

Certainly, transparency and openness can serve to better inform the community before specific consultations or engagement exercises are undertaken. We can give the public various scenarios or alternative propositions to contemplate, we can provide them with information on the consequences of decisions, the costs, opportunity costs, and commitment requirements for them to consider before making input into decision-making. But while the technical possibilities for doing this already exist, we are yet far from this ideal. People in any polity routinely come into contact with the authorities at various gatekeeping points (eg, from birth, starting school, hospital admission, gaining a tax file number), and we still think of these interactions in one-dimensional terms. Slowly we are starting to think say of starting school with vaccination or dental schedules, obesity prevention and healthy eating; we are counselling intending matrimonial couples with financial and relationship counselling. But these connections are at the thin end of the wedge. Increasingly, governments will use new technologies to deliver client-oriented 'one stop shop' facilities and anticipatory client journeys. Personal records will become more pro-actively managed and utilised to make additional services available to people (at the

citizen's discretion) at these key contact points between government and the citizen. Governments and other important social organisations hold immense data banks of personal information which we readily collect but do not use effectively to engage with citizens and improve their wellbeing.

Governments have started to use social media campaigns to increase public input into decisions and address issues in the implementation of policy or regulatory practices. You can now provide local government with feedback on local service needs (the 'fix-my-road' sites), or provide your local police with information on social media. The areas where the use of social media has most taken off for government is in the local service delivery and frontline areas of government – for example, emergency and disaster response information, or liaison between local police and the community over missing persons. Social media has also been used to help areas of law enforcement such as with the NSW police's management of alcohol induced violence (and cowardly one-punch assaults) in Sydney's King Cross. There are examples from Australia and New Zealand of using social media to have input into national policy issues and legislative redrafting (but arguably these remain exceptions to date). For instance, the current consultation on Australian tax policy (*Re:Think*) is largely based on the familiar process of formal written submission, with some opportunity to receive updates on Twitter or make a comment. It often appears that the existing processes of consultation have simply been put online.

In the immediate future there may be scope for providing new e-services through various e-government platforms, creating evolving service mixes to benefit citizens and clients, even shaping policy and distributional logistics. There is also great potential for visualisation technologies to inform and engage citizens over 'real life' issues to explain or consult over the relevant context and complexities.

Casting off the Reluctance to Share Administrative Data with the Community

As mentioned above, governments collect, through a variety of sources, enormous amounts of information on their populations for various often unconnected reasons. Much of this information sits in silos, used for specific purposes. But much of this information is under-utilised, especially if such sources are not compounded, correlated, integrated and shared more widely in the community. Perhaps as a consequence of our Westminster legacies (and concerns over privacy) we have not generally explored how we can better share administrative data for effective outcomes. In fact, legislation generally requires that information collected under a particular statute can only be used for the specific purposes set out in the respective legislation (taxation, auditing, health records, criminal histories, welfare applications, child custody and child support). Should we maintain this rigid compartmentalisation of information – or prepare to share its potential through linking and data mixing?

There are a whole cluster of policy areas that would greatly benefit from data-sharing innovations – from intelligence gathering, to pathway programs and custodial rehabilitation, educational pedagogies, between scientific research and industry, policing strategies, land management and monitoring activities.[3] Data sharing between different jurisdictions and between internal and external stakeholders can enable policy-makers to appreciate a more rounded view of citizens' needs and compare this with the combination of services they are already receiving to gauge whether programs are making a

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[3] We should also be aware of the political and social context within which data transparency and data sharing takes place. There is the salutary tale of the Indian government's decision to digitalise land ownership across the country – only for unscrupulous land developers to then attempt to seize communal lands or lands not held by formal title for their own aggrandisement.

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discernible difference or providing value for money (Yates 2014). With fewer jurisdictional barriers, the New Zealand government has experimented with this analytical approach through its longitudinal 'investment' calculations applied to service expenditures and transfers (Mintrom 2013). So the question we may need to ask ourselves in federal nations such as Australia, is how can we change the incentive structures so that relatively independent jurisdictions will more readily experiment with data-sharing initiatives, and adopt learning policy cultures? Such inter-jurisdictional sharing of data will require political and cultural shifts and greater relationships of trust. But equally we need to be aware that there may be potential downsides from a more open data-sharing culture, not least privacy issues and data management.

Government websites are still managed too cautiously, dominated by official information, and government sanctioned presentations and formal publications. Few are genuinely interactive; few ask users or respondents to provide feedback or indicate satisfaction with the site and its information (even sporting clubs do this!). Few have links to other sources of information across government or outside of government (and if they do it is usually where government itself is involved – eg a consultative committee, a collaborative research endeavour). Although governments talk of 'big data' and 'open data' there remains much caution about linking data from different sources both internally and externally. We have put toes in the water with initiatives such as My-school or My-hospital, where heavily sanctioned information is posted on sites implying some comparability, but these sites are not interactive and users cannot post their own responses/experiences/opinions (whereas even hotels, accommodation and tourism services do this). Examples of this kind of discussion, support and feedback on services or experiences abound in commercial domains – strong evidence of people's desire to share their experiences with others. Think of travel advice, ratings of restaurants, etc. This is not to suggest that government priorities are set this way – but there must be opportunities for more interactive.

One of the structural problems with sharing data or releasing integrated data sources is that governments are likely to release only information that serves their purposes or interests, not necessarily the community's. For instance, governments do not release much hard-edged performance information or comparative analyses of program performance, and too often any basic information published is activity-related and unaudited. (But this may be because of commercial in confidence restrictions of the private entities involved in delivering government services?). Governments will spend time and resources compiling spending and program data on a regional or electoral basis (for their own promotional purposes), but not divulge (say) longitudinal data, future plans, comparable data across jurisdictions or between countries. A further problem with governments is that they become preoccupied with data integrity and reliability – they are reluctant to be seen in any way to be endorsing any competing data source or interpretation that is not theirs or officially sanctioned, or could be constructed on different assumptions or criteria. There are a range of health related websites with reputed studies, useful information, alternative treatments that are not only not condoned by government health agencies but are effectively ignored. Visualisation techniques provides a way to build simulations and scenarios, explore correlations and present data from diverse sources.

Hence, a further challenge is for governments to become more cognisant of the benefits to be gained from 'big data' and become proactive and proficient in using and managing these various data sources. Firms have been doing this already for some years, and are well down this path especially in anticipating consumer preferences. Governments are still flat-footed. A few client-based agencies are issuing

individualised age-related invitations (often still by traditional forms of communications, 'snail mail', pamphlets) anticipating client needs for such things as driving licences, electoral enrolment, proclivities of certain cancers and illnesses. It remains the case that the vast majority of datasets and data sources released publicly (and available on public websites for searching) relate to spatial and physical information (Turnbull 2015).

'Big data' offers many new possibilities for both governments and the community to benefit from the interrogation of diverse data sources to improve their information thresholds. Such data can be analysed, integrated, categorised, critiqued and evaluated. But do governments have the capacities to design and architecturally build these 'big data' systems, and manage them over time? Departments can make a big splash and look 'hip' by making grandiose open data announcements and spruiking up their websites, but to what extent are these initiatives purely symbolic? What is the take-up rate by outside organisations and community users? Does anyone use the data that is currently available and to what effect?

Investing in open data initiatives with information that governments have collected is one strategy to adopt (providing public access to data sources governments control), but we may also want to consider how the a community can gain access and use the vast quantities of public data that private business entities hold – and enabling the broader community to benefit from these datasets.

As different sources of data are capable of being linked, integrated or compared, there is another important role for governments moving forward. Their role here is not to dismiss, censor or attack such data sources, but to comment on the overall quality and reliability of the data presented and importantly to provide expert opinion as to whether the data in appropriate for capturing a particular policy problem.

Freedom of Information – or Information Free-for-All

Freedom of Information legislation has been in place across our jurisdictions since the early 1980s with both the Australian Commonwealth and New Zealand introducing legislation effective from 1982, and the last Australian state Queensland coming on board in the early 1990s. The role and benefits of FOI are widely appreciated, regularly interpreted and commented upon by the courts and in the media (Stewart 2015). Executive government has frequently asked parliament to amend the acts – sometimes to tighten access regimes, at other times to widen disclosure. Law reform commissions, administrative tribunals and court have also played significant roles in shaping access to official information. There is now a prevailing orthodoxy based on the presumption that releasing any information is always good and in the public interest, despite its potential to discredit or embarrass government.

But after nearly 40 years it is worth reflecting about whether we have got the balance right with freedom of information laws, especially as most of our jurisdictions have now adopted default disclosure provisions and open access regimes. New Zealand has a far more open freedom of information regime with executive information released immediately including cabinet decisions, information briefings, policy submissions (but what have been the consequences of such a formal release policy?). In Australia the recent Information Publication Scheme and agency disclosure plans elevates the virtues of disclosure, perhaps unduly. Has disclosure gone too far? Has the constant threat of disclosure changed the way governments are advised by their officials, and perhaps also reduced

their candour and diluted their appetite for giving frank and fearless advice to ministers? Is the nature of the advice proffered second or third best because of the likely prospect of it emerging in the public realm? Is advice tempered by officials and constructed to be politically palatable, and are ministers now served bland advice that officials know must be made public. There are stories of ministers on both sides of the Tasman choosing only to take oral advice in strictly confidence in the sanctity of their chambers – leaving no briefing history or records of decisions. In some cases confidential pre-meeting meetings are arranged to shape what will be decided at the formal meeting. There is ample evidence that the Red and Blue books, which were once confidential briefings presented to an incoming government, are now written with the expectation that they will be in the newspapers shortly after they are formally presented. Senior officials across many of our jurisdictions are expressing (usually privately) their concerns about the perverse effects of too much transparency on the quality of advice and institutional memory. So what does this imply for public sector managers going forward?

Accordingly, we might ask, are our FOI regimes achieving optimal performance and the expected public benefit, if governments are receiving sub-optimal advice and if ministers and officials are finding creative ways to circumvent the intent of the open access laws? Is FOI eroding the capacity of governments to deal with complex, intransigent or thorny problems? What are the consequences for various stakeholders of the public record being lessened because advice and decisions are not written down, and what specific risks to officials does this pose (eg, the fall-out from the Home Insulation Program seemed to shift blame for design problems from ministers to officials). Parliaments and courts may accept a certain degree of confidentiality for national security information, but are their other areas of sensitive policy deliberation that would be improved by some greater capacity to have frank internal advice? Should a Treasury department be able to research the effects of 'bracket creep' on revenue collection, or the relative affordability of housing for first home-buyers, without making their investigations public? Are public agencies politically self-censoring to align with government agendas and sensitivities, and not commissioning the range and depth of analytical research?

Tensions Between Technological Possibilities and Policy Capacities

Now that the tools are available to really examine what happens through new technologies, and to do more than theorise about the possibilities, can we anticipate the 'next big thing' in terms of transformational technologies and opportunities to come across the horizon? Can we find ways to use rapidly evolving digital systems and other transformational technologies to improve policy advice and public management and the quality delivered services, and how might we proceed down these pathways? How can we avoid repeating the problems of yesteryear and find lasting solutions to our perennial problems?

Technical possibilities allow us to better inform ourselves and monitor program performance. We can use technology to improve performance measurement in real time perspectives, and share these findings with clients, stakeholders and the general public. But these new technologies offer many more other possibilities. They are not just the monopoly of government and public sector providers (who might seek to use them purely for their own interests), but can be adopted and appropriated by non-government actors and ordinary individuals. Do we know how much demand there is from citizens for such technologies and what use they will put to them? Can we anticipate know where the citizens' use of these technologies is likely to be taking us in the policy sphere, what changes are likely to accrue, and

what consequences will be unleashed as a result? In short, what are the possibilities and the risks of such socially empowered performance monitoring?

One potential area to explore is the use of social new media to facilitate complaint processes from the general public – enabling people to complain on-line (using apps or dedicated sites) which can be monitored by both delivery agencies and by accountability units such as ombudsmen's offices, tax commissioners and postal services. Indirectly, this easing of complaints processes can be recalibrated into improved service delivery at the front end.

Citizens, though, are not all equally situated or attributed. There is still a significant digital divide – between those digitally rich and digitally poor – with up to 15% not connected by any technological channel or platform. This continues to raise issues of engagement including access and equity, communication, service delivery, and feedback. The digital divide is reflective of (and perhaps overlaid by) the generational divide which can doubly disadvantage the aged over youth and neglect their voices/participation in the information age.

We should also remember that transformational technologies are novel, on the one hand, but highly disruptive on the other. Large bureaucracies are often not the best placed to optimise the uptake of new technological possibilities if they threaten their *modus operandi*. Transformational technologies will pose threats and challenges to traditional hierarchic public organisations geared towards compliance and due diligence rather than experimentalism. And just as not all citizens are equally capable, so too not all governments or jurisdictional levels are equally capable (or resourced) to exploit the possibilities of a brave new world of information possibilities.

Conclusion

The complex relations between citizens and governments are being recalibrated through the adoption and dynamics of new technologies. But it is not a linear or unproblematic recalibration. Information and communication network platforms have much potential in changing the ways we approach policy and enhancing our democratic participation. But how is this potential to be realised and what might be the costs or consequences of doing to? Will it cause a fundamental transformation in government-citizen/client relations or will it merely become another instrument of possible influence and control? Already, some sections of government and the community are alert to the opportunities posed by these potentially transformational technologies; but many other sections are either showing little interest or waiting to see what transpires after others pioneer the way. We also do not yet know what citizens will make of the new possibilities. Will they seize them and exercise greater democratic involvement, or withdraw into a cyber world of social chatter and entertainment? If more information is going to be conveyed and shared, will the availability of abundant information enhance or erode trust relations between the state and society, or will increased communication channels, and the dissemination of greater amounts of data, mix meaningful with meaningless information and pollute the well? To what extent is it likely that the more people know about the processes of government and the data stored on their behalf, the more their trust will be maintained or are they likely to take the opposite stance which will see citizens become more critical and become motivated by a culture of complaint? These are significant questions underlying the ANZSOG conference themes/issues, and significant questions facing governments and society into the future.

Short References

Almond, G. and Verba, S. 1963. *The Civic Culture*, Sage, US.

Commonwealth of Australia, 2010. Department of Finance website, Openness and Transparency, Canberra.

Hall, W. 2013. The Social Machine, ANZSOG workshop ANU, April.

Mintrom, M. 2013. Public Policy as Investment, ANZSOG Occasional Paper no 24, ANZSOG, Melbourne, February.

Norris, P. 1999. *Critical Citizens*. Oxford Univ Press.

Stewart, D. 2015. 'Assessing Access to information in Australia: the impact of FOI laws on the scrutiny and operation of the Commonwealth Government', in J. Wanna, E. Lindquist and P. Marshall (Eds), *New Accountabilities: New Challenges*, ANZSOG ANU Press, Canberra.

Turnbull, M. 2015. 'The Power of Open Data', speech to locate 15 conference, March.

Yates, S. 2014. ANZSOG data Sharing/Common Clients Roundtable, ANZSOG, Melbourne, November.