

Senate Community Affairs Legislation Committee

SUPPLEMENTARY BUDGET ESTIMATES – 16 FEBRUARY 2012 ANSWER TO QUESTION ON NOTICE

Human Services Portfolio

Topic: Freedom of Information

Question reference number: HSW 41

Senator: McKenzie

Type of question: Written

Date set by the committee for the return of answer: 29 March 2012

Number of pages: 2

Question:

- a) Has the Department/agency received any advice on how to respond to FOI requests?
- b) What was the total cost to the department to process FOI requests for 2009-10 and 2010-11?
- c) What is the total cost to the department to process FOI requests for this financial year to date?
- d) How many FOI requests did the Department receive for the financial year 2009-10 and 2010-11? For each financial year, how many requests were denied and how many were granted? Did the department fail to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
- e) How many FOI requests has the Department received for this financial year to date? How many requests have been denied and how many have been granted? Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
- f) How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?

Answer:

- a) The department received the following:
 - i. Letter from Senator the Hon John Faulkner on 30 April 2009 on Open Government and Freedom of Information
 - ii. Letter from The Hon Brendan O'Connor MP on 28 October 2010 on Open Government and Freedom of Information
 - iii. Letter from Mr James Pople, Freedom of Information Commissioner on 18 November 2010

- iv. Letter from Professor John McMillan, Australian Information Commissioner on 2 May 2011
 - v. Guidelines issued under section 93A of the Freedom of Information Act 1982 provided by the Office of the Australian Information Commissioner (OAIC) agency website
 - vi. On 24 June 2011, the Department of the Prime Minister and Cabinet provided FOI Guidance Notes to all departments - http://www.dpmc.gov.au/foi/guidance_notes.cfm
 - vii. Legal advice from panel firms in relation to the operation of the *Freedom of Information Act 1982* (FOI Act).
- b) The total cost to the department to process FOI requests for 2009-10 was \$3,376,213. The total cost to the department to process FOI requests for 2010-11 was \$4,184,398.
- c) The department is required by the FOI Act to report FOI costs to the Office of the Australian Information Commissioner annually. To prepare year to date figures at this time would be an unreasonable diversion of resources.
- d) **2009-10** - Requests received: 5,026. Of those processed in this time frame, the department granted 4,461 in full or in part, and refused access to 380. As there is a 30 day time frame in which to process applications, not all of these would have been processed in the financial year in which they were received. Some applications would have been withdrawn or transferred to other agencies. The department did not meet the processing times outlined in the FOI Act in 428 cases. None of these matters remain outstanding.
- 2010-11** - Requests received: 4,350. Of those processed in this time frame, the department granted 3,856 in full or in part, and refused access to 351. As there is a 30 day time frame in which to process applications, not all of these would have been processed in the financial year in which they were received. Some applications would have been withdrawn or transferred to other agencies. The department did not meet the processing times outlined in the FOI Act in 618 cases. None of these matters remain outstanding.
- e) **July 2011 – January 2012** - Requests received: 2,215; of those processed in the timeframe, the department granted in full or in part 1,976 and refused access to 193. The department did not meet the processing times outlined in the Act in 102 cases. None of these matters remain outstanding.
- f) No conclusive certificates have been issued. The power to issue conclusive certificates was repealed as part of the Freedom of Information Reforms.