

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Hearings February 2014

Communications Portfolio

Australian Broadcasting Corporation

Question No: 255

Program No. Australian Broadcasting Corporation (ABC)

Hansard Ref: In Writing

Topic: Freedom of Information

Senator Ludwig asked:

1. Can the Department please outline the process it under goes to access Freedom of Information requests?
2. Does the Department consult or inform the Minister when it receives Freedom of Information requests?
 - a. If so, when?
 - b. If so, how does this occur?
3. Does the Department consult or inform other Departments or Agencies when it receives Freedom of Information requests?
 - a. If so, which Departments or Agencies?
 - b. If so, when?
 - c. If so, how does this occur?
4. Does the Department consult or inform the Minister when or before it makes a decision on a Freedom of Information request?
 - a. If so, when?
 - b. If so, how does this occur?
5. Does the Department consult or inform other Departments or Agencies when or before it makes a decision on a Freedom of Information request?
 - a. If so, which Departments or Agencies?
 - b. If so, when?
 - c. If so, how does this occur?
6. What resources does the Department commit to its Freedom of Information team?
7. List the staffing resources by APS level assigned solely to Freedom of Information requests
8. List the staffing resources by APS level assigned indirectly to Freedom of Information requests
9. Does the Department ever second additional resources to processing Freedom of Information requests?
 - a. If so, please detail those resources by APS level
10. How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the Department?
 - a. How does this differ to the number of officers designated as at 6 September 2013?
11. How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the Minister's office?
 - a. How does this differ to the number of officers designated as at 6 September 2013?
12. Of the officers that are designated decision makers under the Freedom of Information Act 1982 within the Ministers office, how many are seconded officers from the Department?
13. What training does the Department provide to designated decision makers under the Freedom of Information Act who work within the Department?

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- a. Of the officers designated as decision makers within the Department, how many have received formal training?
 - b. Of the officers designated as decision makers within the Department, how many have received informal training?
 - c. How long after each officers appointment as a designated decision maker did they receive formal training?
 - d. What did the training involve?
 - e. How long was the training?
 - f. By whom was the training conducted?
14. What training does the Department provide to designated decision makers under the Freedom of Information Act who work within the Minister's office, excluding those officers on secondment from the Department?
- a. Of the officers designated as decision makers, how many have received formal training?
 - b. Of the officers designated as decision makers, how many have received informal training?
 - c. How long after each officers appointment as a designated decision maker did they receive formal training?
 - d. What did the training involve?
 - e. How long was the training?
 - f. By whom was the training conducted?
15. Since 7 September 2013, how many Freedom of Information requests been shown or alerted to the Minister or their office?
- a. List those notified request
 - b. How many instances were each of this requests brought to the office or the Minister's attention?
 - c. How many of these items resulted in a separate formal brief being provided to the Minister?
 - d. How many of these items resulted in a separate informal briefing (including by email) being provided to the Minister?
 - e. How many requests have resulted in multiple formal briefs being provided to the Minister or their office?
 - f. How many requests have resulted in multiple informal briefs (including by email) being provided to the Minister or their office?
16. Does the Department provide FOI PDFs for download on their website?
17. If not, what is the cost associated with staffing to require monitor email and collate and forward requested FOI documents?
18. How does the Department test it is complying with accessibility standards for its websites?
19. Does the Department comply with accessibility standards for all its websites?
20. What would be the effect on the accessibility rating of the Department's website if FOI PDFs were provided on the Department websites?
21. What accessibility testing of the website was done and what were the points of failure prior to this change in access for FOI documents?
22. Have the website accessibility standards been solely or partly responsible for not putting FOI PDF documents on the Department websites?
23. How does the department facilitate anonymous access to the FOI disclosure files?

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24. How many times were the last 20 FOI requests PDFs which were made available on the website downloaded? How often have the FOI requests only available by email request been sent?
25. How long does it take to requests for disclosed FOI files to be processed? What was the average turn around from request to sending of files in the last 3 months?
26. What was the content of communications with other Departments about the website accessibility standards and FOI PDFs?
27. Where did advice concerning the website accessibility certification and provision of PDFs come from and what was the content of that advice?
28. Does the Department consider that not providing direct download of PDFs is more accessible for people with disabilities and the general public than providing the links?
29. What efforts have been made to make FOI PDFs accessible to members of the public who have disabilities?
30. Has advice from the information commissioner been sought regarding providing FOI requests available by email request only?
31. Has any disability advice group or consultant been contacted regarding making the FOI requests accessible to people with disabilities?
32. Is this compatible with the information commissioners guidelines- specifically that “published information should be accessible — in particular, it should comply with an Agency’s obligation to meet the Web Content Accessibility Guidelines (Version 2)“
33. How does email PDF provision meet the information commissioner’s requirement that “13.124 Information that forms part of the IPS must be published ‘to members of the public generally’”?
34. Is not providing the FOI PDFs on the website a means of avoiding not conforming to the WCAG 2.0 or other guidelines?
35. Does the Department have a separate email address or inbox for receiving and responding to FOI requests?
 - a. If so, list each email account
 - b. List the officers who can assess and reply from those separate accounts, broken down by staffing classification level
36. Do FOI officers ever receive or respond to applicants from their individual email account as opposed to from a central account?
 - a. If so, how does the officer distinguish between communication related to their task as a decision maker and their primary work task?
37. How do FOI decision makers that receive emails related to FOI decisions in their normal work capacity distinguish these emails from FOI decision emails?

Answer:

1. Freedom of Information (FOI) requests are accessed and acted upon by the ABC FOI Coordinator who receives such requests via electronic communications to the ABC’s dedicated FOI mailbox or by pre-paid post to the address published on the ABC’s website.
2. The ABC consults with the Minister when an FOI request is received if consultation is required, for instance under s26A or 27A of the *Freedom of Information Act 1982* (FOI Act). Any such consultation occurs by written correspondence with the Minister’s office.
3. The ABC does not routinely consult or inform other Departments or Agencies when it receives FOI requests. Consultation is conducted as required under the FOI Act.

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4. No.
5. The ABC consults other Departments or agencies as indicated above.
6. The ABC does not assign a specific budget or resources to management of FOI requests. For staffing resources, see below.
7. The ABC does not assign any staff solely to FOI requests. Management of FOI requests is part of the duties of two employees, who also have other responsibilities. The ABC has assigned specific FOI functions to those two employees as follows:
 - FOI Coordinator, a function performed by an employee classified as EL2 under the *ABC Senior Employment Agreement 2011-2013*; and
 - FOI Internal Reviewer, a function performed by an employee classified as EL2 under the *ABC Senior Employment Agreement 2011-2013*.
8. There are no specific resources assigned indirectly to FOI requests. All officers and employees of the ABC are required to participate in the identification and location of documents at the request of the FOI Coordinator or FOI Internal Reviewer.
9. No. See answer to part 8 above.
10. Two- see above at part 7. This is the same number of designated officers as at 6 September 2013.
11. This question is not applicable to the ABC.
12. This question is not applicable to the ABC.
13. Training is provided as needed.
 - a. Two
 - b. It is not clear what is meant by “informal training”. Informal discussions about FOI issues and cases are held with legal advisors from time to time. The FOI Coordinator and FOI Internal Reviewer keep themselves up-to-date with reported developments in FOI law and administration.
 - c. 7 months
 - d. Familiarisation with FOI Act requirements, FOI Reform; FOI Reforms.
 - e. Each program was a one day training program
 - f. Australian Government Solicitor and the Office of the Australian Information Commissioner.
14. This question is not applicable to the ABC.
15. None.
16. Yes.
17. Not applicable.
18. Digital media teams in each division that produce websites are responsible for managing compliance with accessibility standards in line with the ABC User Interface Guidelines and WCAG Accessibility Guidelines within available resources. A conformance guide is provided to assist those teams test accessibility standards. If necessary, the ABC commissions an expert in accessibility to conduct tests on a per project basis
19. Given the sheer number of websites provided by the ABC this is a difficult and costly exercise. Currently, it is unable to do so.
20. This question is not applicable to the ABC. Access to PDF versions of documents is already provided on the ABC’s website.
21. The ABC tests its compliance with accessibility standards as indicated above.
22. This question is not applicable to the ABC. Access to PDF versions of documents is already provided on the ABC’s website.

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23. Any member of the public is able to download documents from the ABC's Disclosure Log at any time without directly disclosing their identity to the ABC. As indicated in the ABC Privacy Policy, The ABC uses a "cookie" system on its digital services. The information stored in a cookie is not used to identify personal details. A request for copies of those documents may also be made anonymously or pseudonymously in writing to the FOI Coordinate.
24. The last 20 FOI requests were downloaded 287 times. None have been requested to be sent by email.
25. No requests for access to disclosed FOI files have been made in the past 3 months.
26. The ABC has not communicated with other Departments about the website accessibility standards in relation to FOI matters.
27. The ABC's accessibility standards are based on WCAG Accessibility Guidelines.
28. Not applicable
29. The ABC's Disclosure Log contains the following statement as part of the ABC's efforts to ensure that members of the public who have a disability are able to access published material:
"There may be documents in the disclosure log that are currently not available in html format. If you are unable to read the format provided, please contact the FOI Contact Officer at the above address or by email at foi.abc@abc.net.au. We will try to meet all reasonable requests for an alternative format of the document in a timely manner."
30. No.
31. No.
32. The ABC is taking steps to comply with OAIC guidelines, including to make published information accessible and to comply with WCAG Accessibility Guidelines.
33. When access is granted to documents under the FOI Act, the ABC provides access to those documents in the form requested, to the extent that it is practicable and reasonable to do so. Access to PDF versions of those documents can also be obtained through the ABC's disclosure log (where it is appropriate to grant access to the general public having regard to the nature of the request), or by contacting the ABC in the manner indicated in the ABC's website.
34. The ABC provides access to PDF versions of documents as indicated above. The ABC is not seeking to avoid compliance with WCAG 2.0 or other guidelines.
35. Yes.
 - a. foi.abc@abc.net.au
 - b. FOI Coordinator, a function performed by an employee classified as EL2 under the *ABC Senior Employment Agreement 2011-2013*.
36. Yes.
 - a. The officer distinguishes between communication related to their task as a decision maker and their primary work task by reading the content of the communications.
37. FOI decision makers that receive emails related to FOI decisions in their normal work capacity distinguish these emails from FOI decision emails by having regard to the subject header and the content of the emails.