

Senate Community Affairs Legislation Committee

ADDITIONAL ESTIMATES - 27 FEBRUARY 2014 ANSWER TO QUESTION ON NOTICE

Department of Human Services

Topic: Freedom of Information

Question reference number: HS 83

Senator: Ludwig

Type of question: Written

Date set by the committee for the return of answer: 24 April 2014

Number of pages: 6

Question:

- a) Can the department please outline the process it under goes to assess Freedom of Information requests?
- b) Does the department consult or inform the Minister when it receives Freedom of Information requests?
 - 1) If so, when?
 - 2) If so, how does this occur?
- c) Does the department consult or inform other departments or agencies when it receives Freedom of Information requests?
 - 1) If so, which departments or agencies?
 - 2) If so, when?
 - 3) If so, how does this occur?
- d) Does the department consult or inform the Minister when or before it makes a decision on a Freedom of Information request?
 - 1) If so, when?
 - 2) If so, how does this occur?
- e) Does the department consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request?
 - 1) If so, which departments or agencies?
 - 2) If so, when?
 - 3) If so, how does this occur?
- f) What resources does the department commit to its Freedom of Information team?
- g) List the staffing resources by APS level assigned solely to Freedom of Information requests.
- h) List the staffing resources by APS level assigned indirectly to Freedom of Information requests.
- i) Does the department ever second addition resources to processing Freedom of Information requests?
 - 1) If so, please detail those resources by APS level.

- j) How many officers are currently designated decision makers under the *Freedom of Information Act 1982* within the department?
 - 1) How does this differ to the number of officers designated as at 6 September 2013?
- k) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the Minister's office?
 - 1) How does this differ to the number of officers designated as at 6 September 2013?
- l) Of the officers that are designated decision makers under the *Freedom of Information Act 1982* within the Minister's office, how many are seconded officers from the department?
- m) What training does the department provide to designated decision makers under the Freedom of Information Act who work within the department?
 - 1) Of the officers designated as decision makers within the department, how many have received formal training?
 - 2) Of the officers designated as decision makers within the department, how many have received informal training?
 - 3) How long after each officers appointment as a designated decision maker did they receive formal training?
 - 4) What did the training involve?
 - 5) How long was the training?
 - 6) By whom was the training conducted?
- n) 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?
 - 1) Of the officers designated as decision makers, how many have received formal training?
 - 2) Of the officers designated as decision makers, how many have received informal training?
 - 3) How long after each officers appointment as a designated decision maker did they receive formal training?
 - 4) What did the training involve?
 - 5) How long was the training?
 - 6) By whom was the training conducted?
- o) Since 7 September 2013, how many Freedom of Information requests been shown or alerted to the Minister or their office?
 - 1) List those notified requests.
 - 2) How many instances were each of this requests brought to the office or the Minister's attention?
 - 3) How many of these items resulted in a separate formal brief being provided to the Minister?
 - 4) How many of these items resulted in a separate informal briefing (including by email) being provided to the Minister?
 - 5) How many requests have resulted in multiple formal briefs being provided to the Minister or their office?
 - 6) How many requests have resulted in multiple informal briefs (including by email) being provided to the Minister or their office?
- p) Does the department provide FOI PDFs for download on their website?

- q) If not, what is the cost associated with staffing to require monitor email and collate and forward requested FOI documents?
- r) How does the department test it is complying with accessibility standards for its websites?
- s) Does the department comply with accessibility standards for all its websites?
- t) What would be the effect on the accessibility rating of the department's website if FOI PDFs were provided on the department websites?
- u) What accessibility testing of the website was done and what were the points of failure prior to this change in access for FOI documents?
- v) Have the website accessibility standards been solely or partly responsible for not putting FOI PDF documents on the department websites?
- w) How does the department facilitate anonymous access to the FOI disclosure files?
- x) 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?
- y) 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?
- z) What was the content of communications with other departments about the website accessibility standards and FOI PDFs?
- aa) Where did advice concerning the website accessibility certification and provision of PDFs come from and what was the content of that advice?
- bb) 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?
- cc) What efforts have been made to make FOI PDFs accessible to members of the public who have disabilities?
- dd) Has advice from the information commissioner been sought regarding providing FOI requests available by email request only?
- ee) Has any disability advice group or consultant been contacted regarding making the FOI requests accessible to people with disabilities?
- ff) 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)".
- gg) 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'"?
- hh) Is not providing the FOI PDFs on the website a means of avoiding not conforming to the WCAG 2.0 or other guidelines?
- ii) Does the department have a separate email address or inbox for receiving and responding to FOI requests?
 - 1) If so, list each email account
 - 2) List the officers who can assess and reply from those separate accounts, broken down by staffing classification level.
- jj) Do FOI officers ever receive or respond to applicants from their individual email account as opposed to from a central account?

- 1) If so, how does the officer distinguish between communication related to their task as a decision maker and their primary work task?
- kk) 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:

- a) The department assesses Freedom of Information requests consistently with the *Freedom of Information Act 1982*. Requests are processed in a centralised FOI Team in the department. Decisions are made by staff authorised by the Secretary under subsection 23(1) of the FOI Act.
- b) Yes.
- 1) - 2) A weekly FOI Report about significant FOI requests is sent to the Minister's Office. The department may also inform the Minister when it receives a significant FOI request and may consult with the Minister where it is considering the transfer of a request from or to the Minister under Section 16 of the *Freedom of Information Act 1982*.
- c) Yes.
- 1) - 3) The department consults with other departments or agencies whose functions are related to the subject matter of the documents within the scope of the FOI request, prior to making a decision regarding release of the documents, by telephone or email or letter.
- d) Yes the department informs the Minister [see answer to (b) above].
- 1) -2) The department provides a weekly report on the progress of significant FOI requests and may provide a brief to the Minister prior to the release of documents.
- e) Yes.
- 1) – 3) The department consults with other departments or agencies whose functions are related to the subject matter of the documents within the scope of the FOI request, prior to making a decision regarding release of the documents, by telephone or email or letter.
- f) The department has a centralised FOI Team within the Freedom of Information and Information Release Legal Branch. As at 27 March 2014 there were 31 staff in the FOI Team, with 30 assigned solely to processing Freedom of Information requests [see (g) below].

As at 27 March 2014:

EL2	2
EL1	4
APS6	6
APS5	14
APS4	4
Total	30

- h) All staff in the department have responsibilities with regard to FOI requests; for example, responsibilities for searching for and retrieving documents, to enable the dedicated FOI Team to process freedom of information requests made to the department.
- i) Yes

- 1) Staff may be available from other areas of the Legal Services Division to process FOI requests from time to time. The resources available would depend on whether staff in the Legal Services Division had capacity. Staff range between SES2 and APS4.
- j) As at 27 March 2014, 31 officers were designated decision makers under the *Freedom of Information Act 1982* within the department.
 - 1) This is five less than the number of officers who were designated decision makers under the *Freedom of Information Act 1982* as at 6 September 2013.
- k) The Minister has authorised her Chief of Staff and any member of her staff performing this role from time to time to make a decision on the Minister's behalf under the *Freedom of Information Act 1982* that the Minister is required or authorised to make.
 - 1) The former Minister had authorised her Chief of Staff and any member of her staff performing this role from time to time to make a decision on the Minister's behalf under the *Freedom of Information Act 1982* that the Minister was required or authorised to make.
- l) None.
- m) Internal and external training.
 - 1) – 6) All officers designated as decision makers within the department have received appropriate formal and informal training, provided by lawyers and FOI practitioners within the Legal Services Division and by the department's external legal services providers. The training duration and content varies. Training generally deals with the operation of the *Freedom of Information Act 1982* and FOI Guidelines and procedural and practical aspects of handling FOI requests.
- n) An introductory training course is provided by the department.
 - 1) - 6) The Chief of Staff has received appropriate formal and informal training, provided by senior lawyers within the Legal Services Division. The duration of the formal training was approximately one hour. The content dealt with the operation of the *Freedom of Information Act 1982* and FOI Guidelines and procedural and practical aspects of handling FOI requests.
- o) All significant FOI requests.
 - 1) - 6) The Minister's Office is provided with regular reports on the progress of significant FOI requests until each is request is finalised and may also receive a brief prior to the release of documents.
- p) Yes.
- q) Not applicable – see (p) above.
- r) The department applies accessibility checks as recommended by the Department of Finance.
- s) The department is currently progressing towards WCAG 2.0 Double-A compliance in accordance with the Web Accessibility National Transition Strategy published by the Department of Finance.
- t) FOI PDFs are provided on the department's website.
- u) There has been no change in access for FOI documents.
- v) FOI PDF documents are available on the department websites.
- w) FOI disclosure files are either available for download in PDF or a person can anonymously request these files (including in alternate formats) through an FOI mailbox.

- x) As at 27 March the last 20 FOI requests PDFs available on the department disclosure log were downloaded approximately 1800 times. There were two requests for documents available on request by email.
- y) FOI disclosure files are either available for immediate download in PDF or a person can anonymously request these files (including in alternate formats) through an FOI mailbox. The turnaround for responding to email request for documents varies depending on the request.
- z) The department discusses accessibility requirements and FOI PDFs in different forums.
- aa) The department is currently progressing towards WCAG 2.0 Double-A compliance in accordance with the Web Accessibility National Transition Strategy published by the Department of Finance. The department also relies on Guidelines published by the Office of the Australian Information Commissioner.
- bb) FOI disclosure files are either available for immediate download in PDF or a person can anonymously request these files (including in alternate formats) through an FOI mailbox.
- cc) The department's website provides that if a person is unable to access the information in the disclosure log they can contact the IPS co-ordinator for assistance, by email or letter, and the document will be converted into an accessible format.
- dd) The department relies on the Guidelines published by the Office of the Australian Information Commissioner.
- ee) Information about accessibility is publicly available on the department's website.
- ff) The department makes FOI disclosure files either available for download in PDF or upon request (in alternate formats) through an FOI mailbox.
- gg) By ensuring that information is available for downloading from the website; or by publishing on the website a link to another website, from which the information can be downloaded; or by publishing on the website other details of how the information may be obtained.
- hh) The department provides FOI PDFs on its website.
- ii) Yes.
 - 1) Freedomofinformation@humanservices.gov.au
 - 2) As at 27 March 2014 all designated decision makers as follows:

SES1	1
EL2	2
EL1	4
APS6	6
APS5	14
APS4	4
Total	31

- jj) Yes.
 - 1) FOI requests are processed in a centralised FOI Team in the department. Each FOI request is allocated to a particular decision-maker and registered in a centralised database and the progress of the request is tracked.
- kk) The department has 30 officers assigned solely to processing FOI requests and accordingly their normal work is processing FOI requests.