

## Senate Community Affairs Legislation Committee

### BUDGET ESTIMATES - 29 MAY 2012 ANSWER TO QUESTION ON NOTICE

#### Human Services Portfolio

**Topic:** Freedom of Information

**Question reference number:** HS 69

**Senator:** McKenzie

**Type of question:** Written

**Date set by the committee for the return of answer:** 27 July 2012

**Number of pages:** 2

#### **Question:**

- a) Has the Department/agency received any updated advice on how to respond to FOI requests?
- b) What is the total cost to the department to process FOI requests for this financial year to date?
- c) How many FOI requests has the Department received for this financial year to date?
- d) How many requests have been denied and how many have been granted?
- e) Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why? Do any of these requests remain outstanding? If so, how many and why?
- 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 Popple, 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 agency website.

- vi. On 24 June 2011, the Department of the Prime Minister and Cabinet provided FOI Guidance Notes to all departments - [http://www.dpmmc.gov.au/foi/guidance\\_notes.cfm](http://www.dpmmc.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 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.
  - c) July 2011 to March 2012 – 2,882 requests received.
  - d) Of those requests processed in this timeframe, the department granted 2,516 in full or in part, and refused access to 239. As there is a 30 day timeframe in which to process applications, not all requests received were processed in the reported period. Some requests were also withdrawn or transferred to other agencies.
  - e) The department did not meet the processing times outlined in the FOI Act in 74 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.