

Senate Community Affairs Legislation Committee

SUPPLEMENTARY ESTIMATES - 18 OCTOBER 2012 ANSWER TO QUESTION ON NOTICE

Human Services Portfolio

Topic: Freedom of Information

Question reference number: HS 83

Senator: Boyce

Type of question: Written question

Date set by the committee for the return of answer: 7 December 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/agency to process FOI requests for 2011-12? How many FOI requests did the department/agency receive in 2011-12? 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?
- c) What is the total cost to the department to process FOI requests for this financial year to date?
- d) 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 and why? Do any of these requests remain outstanding? If so, how many and why?

Answer:

- a) The Department received the following updated advice:
 - i. Guidelines issued under section 93A of the *Freedom of Information Act 1982* provided by the Office of the Australian Information Commissioner website.
 - ii. Legal advice from panel firms in relation to the operations of the *Freedom of Information Act 1982* (FOI Act).
- b) The Department is required to report to the Office of the Australian Information Commissioner the total non-staff cost for the Department to process FOI requests. In 2011-12 the total non-staff cost was \$530,576 for FOI requests and \$11,946 for the Information Publication Scheme. As the Department accepts FOI requests at any office and to any staff member, it would be an unreasonable diversion of resources to calculate total staff costs.

The Department received 3,735 FOI requests for 2011-12. Of those requests processed in 2011-12, the Department granted 3,306 in full or in part, and refused access to 302. As there is a 30 day timeframe 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 Some applications would have been withdrawn or transferred to other agencies.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 136 cases or 3.77 per cent of the total applications processed in that timeframe. None of these matters remain outstanding.

- c) The Department is required by the *Freedom of Information Act 1982* 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) As reported to the Office of the Australian Information Commissioner in the July 2012 – September 2012 quarter one report, the Department received 879 FOI requests. Of those requests processed during this period, the Department granted 763 in full or in part, and refused access to 75. As there is a 30 day timeframe in which to process applications, not all of these would have been processed in the quarter in which they were received.

The Department did not meet the processing times outlined in the FOI Act in 10 cases or 1.19 per cent of the total applications processed in that timeframe. In five of these cases, the Department completed the applications within days of the statutory timeframe, but the other five proved more complex than anticipated. None of these matters remain outstanding.