

**Senate Standing Committee on Environment and Communications**

**Answers to Senate Estimates Questions on Notice**

**Additional Estimates Hearings February 2014**

**Communications Portfolio**

**Department of Communications**

**Question No: 382**

**Program No. Legal**

**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 addition 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?

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13. What training does the Department provide to designated decision makers under the Freedom of Information Act who work within the Department?
  - 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?

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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?
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 ?
  - b. 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. The Department processes all Freedom of Information (FOI) requests in accordance with the *Freedom of Information Act 1982* (the FOI Act) and guidelines issued by the Office of the Australian Information Commissioner.

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2. It has been the Department's long standing practice to provide, via email, a weekly FOI status report to the Minister's office. The status report provides procedural information: including a summary of requests received; processing status; and due dates.
3. The Department consults with other agencies as required under the FOI Act and:
  - a. Various agencies as required by the third party consultation arrangements;
  - b. the Department of the Prime Minister and Cabinet in regard to Cabinet related documents.
  - c. The Department consults at the times required by the FOI processing timeframes stipulated under the FOI Act. Consultation occurs by email.
4. The Department informs the Minister's office when it makes a decision on an FOI request.
  - a. At completion of processing a request.
  - b. By email.
5. See answer to question 3.
6. Two staff.
7. One Executive Level 2 and one Executive Level 1 officer.
8. Estimates of the number of line area staff necessarily involved with elements of the FOI process throughout the year are provided to the OAIC as part of the annual statistical reporting requirements.
9. No.
10. All SES officers and the Executive Level 2 FOI manager are designated FOI decision makers.
  - a. No change.
11. Nil.
12. Not applicable.
13. The Department offers a range of training opportunities to staff, including specialised FOI courses conducted by the Australian Government Solicitor (AGS).
  - a. All SES and Executive Level 2 staff have received/been offered FOI training conducted by AGS.
  - b. Not known.
  - c. Records are not kept on this issue.
  - d. Theory, practical.
  - e. Several single day modules.
  - f. AGS.
14. Not applicable.
15. 29 FOI requests were received by the Department during the period 7 September 2013 and end February 2014. As noted in the response to question 2, an FOI Status report is routinely advised via email to the Minister's Office.
  - a. As noted above, the Minister's Office was advised of requests received during the period through the routine FOI Status report.
  - b. As noted in the response to questions 2 and 4, the Minister's Office is routinely advised at the commencement and finalisation of each FOI request.
  - c. Nil.
  - d. Nil.
  - e. Nil.
  - f. Nil.
16. Yes.

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17. Not applicable.
18. Website accessibility testing is undertaken by departmental staff and independent accessibility specialists are engaged to assess specific websites and evaluate the level of conformance of those websites against the World Wide Web Consortium's (W3C) Web Content Accessibility Guidelines (WCAG) 2.0. The results of these assessments are provided via compliance statements which are then published to the corresponding website.
19. The Department manages a number of public-facing websites, each with their own individually assessed conformance level. New websites are built to meet current accessibility standards. Not all websites have been independently assessed for conformance. Those websites that have been assessed have been found to be Level AA compliant (noting that all documents in formats other than HTML were excluded from this review).
20. The Department's website accessibility rating would not change as FOI documents are currently published to the main website in PDF format. The Department's main website, [www.communications.gov.au](http://www.communications.gov.au), was most recently evaluated in February 2014 and was found to be Level AA compliant (noting that all documents in formats other than HTML were excluded from this review).
21. The Department's main website, [www.communications.gov.au](http://www.communications.gov.au) was evaluated prior to the commencement of the FOI Act changes. At that time, the website was found to be Level AA compliant (noting that all documents in formats other than HTML were excluded from this review).
22. The Department's FOI documents are currently published to the website in PDF format.
23. The FOI disclosure log is on the Department's public website. Documents are available as PDFs directly from the website.
24. Not known, download statistics are not recorded. There are no FOI documents that are only available by email nor has the Department had any requests for FOI disclosure log documents to be provided by email.
25. Not applicable. Documents on the FOI disclosure log are available for immediate access.
26. The Department liaised extensively with the Australian Government Information Management Office (AGIMO) and the Office of the Information Commissioner (OAIC) prior to the commencement of the FOI Act changes.
27. The Department is guided by the advice provided by the Disability Discrimination Act 1992 (<http://www.comlaw.gov.au/Series/C2004A04426>), the World Wide Web Consortium (W3C) (<http://www.w3.org/>), and the Web Content Accessibility Guidelines (WCAG) 2.0 (<http://www.w3.org/TR/WCAG20/>). This advice is publicly available from the website URLs provided. In addition the Department seeks advice from AGIMO, the OAIC and independent accessibility specialists (external vendors).
28. The Department is guided by the advice provided by the Disability Discrimination Act 1992 (<http://www.comlaw.gov.au/Series/C2004A04426>), the World Wide Web Consortium (W3C) (<http://www.w3.org/>), and the Web Content Accessibility Guidelines (WCAG) 2.0 (<http://www.w3.org/TR/WCAG20/>). This advice is publically available from the website URLs provided. In addition the Department seeks advice from AGIMO, the OAIC and independent accessibility specialists (external vendors).

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29. The Department engaged an independent accessibility specialist prior to publishing the FOI Disclosure Log and as a result, the following paragraph was published on the FOI Disclosure Log page  
**[http://www.communications.gov.au/about\\_us/freedom\\_of\\_information\\_disclosure\\_log](http://www.communications.gov.au/about_us/freedom_of_information_disclosure_log)**  
*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 Officer at the address above. We will try to meet all reasonable requests for alternate document formats in a timely manner and at the lowest reasonable cost to you.*
30. Not applicable.
31. See answer to question 29.
32. Yes.
33. Not applicable.
34. Not applicable.
35. Yes.  
a. **foi@communications.gov.au**  
b. Members of the FOI team; one Executive level 2 and one Executive level 1.
36. No.  
a. Not applicable.  
b. Not applicable.