

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Hearings February 2014

Communications Portfolio

Telecommunications Universal Service Management Agency

Question No: 428

Program No. Telecommunications Universal Service Management Agency (TUSMA)

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?
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 turnaround 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?

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Additional Estimates Hearings February 2014

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Answer:

1. The Telecommunications Universal Service Management Agency (TUSMA) must process all Freedom of Information (FOI) requests in accordance with the *Freedom of Information Act 1982* (the FOI Act) and the guidelines issued by the Office of the Australian Information Commissioner.
- 2-5. Not applicable. Since its establishment in July 2012, TUSMA has not received an FOI request.
6. FOI assistance is provided through a memorandum of understanding (MoU) with the Department of Communications.
7. No APS staff are assigned solely to FOI requests. FOI assistance is provided through a MoU with the Department of Communications.
8. One senior lawyer provides FOI-related services in accordance with an MoU between TUSMA and the Department of Communications.
9. No.
10. One (the Chief Executive Officer of TUSMA)
 - a. No change.
11. Nil.
12. Not applicable.
13. TUSMA offers a range of training opportunities to staff, including specialised FOI courses conducted by Australian Government Solicitor (AGS).
 - a. The Chief Executive Officer of TUSMA has received FOI training.
 - b. N/A
 - c. Training occurred prior to appointment as decision-maker.
 - d. Theory, practical.
 - e. AGS.
14. Not applicable.
15. None.
16. TUSMA has received no FOI requests. The FOI Disclosure Page on TUSMA's website allows for the downloading of .pdf documents.
17. Not applicable.
18. Website accessibility testing is undertaken by TUSMA staff, and independent accessibility specialists are engaged to assess specific websites and evaluate the extent to which those websites conform to 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 onto the TUSMA website.
19. TUSMA manages the **www.tusma.gov.au** website, which is built to meet current accessibility standard. This website has been assessed for conformance, and found to be Level AA compliant.
20. TUSMA's website accessibility rating would not change, as the website currently enables FOI documents to be published to the website in .pdf format.
21. Not applicable. TUSMA was established after the change in access for FOI documents.
22. Not applicable. TUSMA was established after the commencement of the FOI Act changes.
23. The FOI Disclosure Page on TUSMA's website allows for the downloading of .pdf documents.
24. TUSMA has received no FOI requests, and consequently no documents are available on its FOI Disclosure Page.

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25. Not applicable.
26. Not applicable.
27. Not applicable. Since its establishment, TUSMA has been guided by 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 WCAG 2.0 (<http://www.w3.org/TR/WCAG20/>). This advice is publicly available from the website URLs provided. In addition, TUSMA seeks advice from the Australian Government Information Management Office (AGIMO), the OAIC and independent accessibility specialists.
28. Not applicable. Since its establishment, TUSMA has been guided by advice provided by the *Disability Discrimination Act 1992* (<http://www.comlaw.gov.au/Series/C2004A04426>), the W3C (<http://www.w3.org/>), and WCAG 2.0 (<http://www.w3.org/TR/WCAG20/>). This advice is publicly available from the website URLs provided. In addition, TUSMA seeks advice from the AGIMO, the OAIC and independent accessibility specialists.
29. TUSMA engaged an independent accessibility specialist prior to publishing the FOI Disclosure Log. As a result, the following paragraph was published on the FOI Disclosure Log page (<http://www.tusma.gov.au/foi/disclosure>):

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@tusma.gov.au**
 - b. One Executive Level 2 officer, one Executive Level 1 officer, one APS 6 officer, and one senior lawyer employed by the Department of Communications.
36. No.