

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Hearings February 2014

Communications Portfolio

Australian Communications and Media Authority

Question No: 41

Program No. Australian Communications and Media Authority (ACMA)

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 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. Requests are received by email or mail
2. No, unless required under the *Freedom of Information Act 1982* (FOI Act).
3. No, unless required under the FOI Act.
4. No, unless required under the FOI Act.
5. No, unless required under the FOI Act.
6. There are no specific FOI-dedicated resources.
7. N/A

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8. 2 legal staff (one EL1, one APS5) at 30%, additional line area staff as required per request (depending on complexity and volume of request).
9. No.
10. In the agency, Lawyers, EL2s, SES1s, SES2s and Authority members are able to make an FOI decision. The arrangement has been in place since 11 August 2011.
11. None
12. N/A
13. In-house training on how to process an FOI request is provided on a yearly basis. The training includes a practical and theoretical component. The Legal Services Division also provides advice to the decision maker, as and when required. A lawyer is also assigned to assist the decision maker and line area to process the FOI.
14. N/A
15. None
16. Yes.
17. N/A
18. The ACMA aims to make information on its website accessible to all users, and websites have been designed to meet the *Government Online Standards*, including those that prescribe access for people with disabilities.
19. The ACMA aims to make information on its website accessible to all users, and websites have been designed to meet the *Government Online Standards*, including those that prescribe access for people with disabilities.
20. Not known. We note that Adobe itself has accessibility software which is referred to by OAIC in its Accessibility Statement (see: <http://www.oaic.gov.au/accessibility-statement>), and by the ACMA in its Accessibility Statement (see: <http://www.acma.gov.au/theACMA/About/Corporate/Accountability/the-fine-print>). The ACMA also makes an offer of further assistance available.
21. N/A
22. N/A. The ACMA currently publishes PDF as part of its Information Publication Scheme obligations.
23. The Disclosure Log is a publicly available resource that does not require a log in or personal information in order to access documents.
24. The first part of the question calls for information which is not available to the ACMA on the basis of current systems. The ACMA does not understand the second part of the question.
25. From 7 September 2013, the agency has not received any such requests.
26. N/A
27. For the purposes of FOI, the ACMA consults OAIC guidelines as required.
28. No (noting that a link would more likely than not resolve to a PDF document in any event).
29. The ACMA aims to make information on its website accessible to all users, and the websites are designed to meet the *Government Online Standards*, including those that prescribe access for people with disabilities.
30. No, but the ACMA consults OAIC guidelines whenever needed
31. No.
32. The ACMA aims to make information on its website accessible to all users, and the websites are designed to meet the *Government Online Standards*, including those that prescribe access for people with disabilities.

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33. All efforts are made to provide documents under the IPS.
34. N/A
35. Yes. foi@acma.gov.au. The FOI Inbox is monitored by legal and administrative members of the Legal Services Division (primarily the two staff members referred to at the answer to question 8, above. One EL1, one APS5).
36. Yes.
 - a. This presents no difficulty. ACMA officers are required to work on multiple matters of multiple types at the same time, including officers who process FOI requests.
 - b. By title and content