

**Senate Standing Committee on Economics**

**ANSWERS TO QUESTIONS ON NOTICE**

**Treasury Portfolio**

Additional Estimates

26 February 2013

**Question: AET 1140-1175**

**Topic: Freedom of Information**

**Written: 5 March 2014**

**Senator LUDWIG asked:**

1140. Can the department please outline the process it under goes to access Freedom of Information requests?
1141. Does the department consult or inform the Minister when it receives Freedom of Information requests?
- If so, when?
  - If so, how does this occur?
1142. Does the department consult or inform other departments or agencies when it receives Freedom of Information requests?
- If so, which departments or agencies?
  - If so, when?
  - If so, how does this occur?
1143. Does the department consult or inform the Minister when or before it makes a decision on a Freedom of Information request?
- If so, when?
  - If so, how does this occur?
1144. Does the department consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request?
- If so, which departments or agencies?
  - If so, when?
  - If so, how does this occur?
1145. What resources does the department commit to its Freedom of Information team?
1146. List the staffing resources by APS level assigned solely to Freedom of Information requests.
1147. List the staffing resources by APS level assigned indirectly to Freedom of Information requests.
1148. Does the department ever second addition resources to processing Freedom of Information requests?
- If so, please detail those resources by APS level

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1149. 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?
1150. 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?
1151. 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?
1152. 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?
1153. 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?
1154. 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?

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- 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?
1155. Does the department provide FOI PDFs for download on their website?
1156. If not, what is the cost associated with staffing to require monitor email and collate and forward requested FOI documents?
1157. How does the department test it is complying with accessibility standards for its websites?
1158. Does the department comply with accessibility standards for all its websites?
1159. What would be the effect on the accessibility rating of the department's website if FOI PDFs were provided on the department websites?
1160. What accessibility testing of the website was done and what were the points of failure prior to this change in access for FOI documents?
1161. Have the website accessibility standards been solely or partly responsible for not putting FOI PDF documents on the department websites?
1162. How does the department facilitate anonymous access to the FOI disclosure files?
1163. 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?
1164. 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?
1165. What was the content of communications with other departments about the website accessibility standards and FOI PDFs?
1166. Where did advice concerning the website accessibility certification and provision of PDFs come from and what was the content of that advice?
1167. 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?
1168. What efforts have been made to make FOI PDFs accessible to members of the public who have disabilities?
1169. Has advice from the information commissioner been sought regarding providing FOI requests available by email request only?
1170. Has any disability advice group or consultant been contacted regarding making the FOI requests accessible to people with disabilities?

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1171. 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)”
1172. 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’”?
1173. Is not providing the FOI PDFs on the website a means of avoiding not conforming to the WCAG 2.0 or other guidelines?
1174. Does the department have a separate email address or inbox for receiving and responding to FOI requests?
- If so, list each email account
  - List the officers who can assess and reply from those separate accounts, broken down by staffing classification level
1175. Do FOI officers ever receive or respond to applicants from their individual email account as opposed to from a central account?
- If so, how does the officer distinguish between communication related to their task as a decision maker and their primary work task ?
  - 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:

1140. The Australian Prudential Regulation Authority (APRA) processes Freedom of Information (FOI) requests in the manner and timeframes required by the *Freedom of Information Act 1982* (FOI Act) and in accordance with guidelines issued by the Australian Information Commissioner under s93A of the FOI Act (the Guidelines).
1141. APRA consults with and informs applicants and third parties as required by the FOI Act and in accordance with the Guidelines.
1142. – 1144. See response to 1141.
1145. Two Level 3 staff and two Level 4 staff routinely process FOI requests as part of their ordinary duties.
1146. No staff are solely assigned to processing FOI requests.
1147. and 1148. Staff are assigned to responding to FOI requests as operational needs require.
1149. All APRA Level 3 staff and above have the authority to make decisions on FOI requests. Three staff members routinely make decisions on FOI requests.
- Two staff members routinely made decisions on FOI requests as at 6 September 2013.
1150. None.

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- a. There were no designated decision makers under the FOI Act within the Minister's office as at 6 September 2013.
1151. Not applicable.
1152. a-f. All staff who routinely make decisions have attended formal training conducted by the Australian Government Solicitor and informal training on FOI prior to making decisions on FOI requests. The formal training courses included full day courses, workshops and exercises on FOI, processing of requests, legislation and decision making.
1153. None.  
a.-f. Not applicable.
1154. None.  
a.-f. Not applicable.
1155. – 1156. APRA publishes documents on its website in line with the requirements of the FOI Act. APRA staff monitor APRA's dedicated FOI email address as a part of normal business activities.
1157. APRA staff check every document prior to it being published on the website. The website is checked by APRA staff utilising a range of tools and techniques including specialised assessment testing software.
1158. APRA currently does not comply with the WCAG 2.0 A level and intends to be WCAG 2.0 AA level compliant by the 31 December 2014 deadline.
1159. There would be no effect.
1160. There has been no change in access to FOI documents.
1161. No.
1162. In line with APRA's obligations under the *Privacy Act 1988*, APRA allows individuals to communicate with it on an anonymous or pseudonymous basis. Individuals can do so by direct email, by filling a web form or by requesting information by phone.
1163. APRA does not track how many times documents released following individual FOI requests are downloaded.  
APRA has not received any requests for access to documents released under the FOI Act following individual FOI requests.
1164. APRA has not received any requests for access to documents released under the FOI Act.
1165. APRA has not communicated with other government departments about website accessibility standards with respect to FOI PDFs.
1166. APRA has received advice on website accessibility and provision of PDFs from an accessibility consultant and documents from the Australian Government Information Management Office. The advice can be summarised as:
1. PDF is a less accessible format than HTML;

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2. when PDFs are published other formats should also be made available to increase accessibility with the content; and
  3. accessible PDFs should be created by an appropriately trained person.
1167. No.
1168. If a document is not already in an accessible format, APRA will convert it upon request.
1169. No.
1170. No.
1171. Yes. Documents released under the FOI Act are available in an accessible format or are able to be converted to an accessible format on request.
1172. Paragraph 13.124 of the Guidelines outlines legislative requirements for the provision of information via the IPS. APRA publishes electronically all information provided under the IPS.
1173. No.
1174. Yes.
- a. [foi@apra.gov.au](mailto:foi@apra.gov.au)
  - b. Two APRA level three staff and one APRA level four staff can access and reply from the separate FOI email box.
1175. No. FOI officers receive and respond to applicants from [foi@apra.gov.au](mailto:foi@apra.gov.au).
- a.-b. Not applicable.