

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

Question: AET 2070-2105

Topic: Freedom of Information (ACNC)

Written: 5 March 2014

Senator LUDWIG asked

2070) Can the department please outline the process it under goes to access Freedom of Information requests?

2071) 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?

2072) 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?

2073) 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?

2074) 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?

2075) What resources does the department commit to its Freedom of Information team?

2076) List the staffing resources by APS level assigned solely to Freedom of Information requests

2077) List the staffing resources by APS level assigned indirectly to Freedom of Information requests

2078) Does the department ever second addition resources to processing Freedom of Information requests?

- a. If so, please detail those resources by APS level

2079) How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the department?

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

a. How does this differ to the number of officers designated as at 6 September 2013?

2080) 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?

2081) 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?

2082) 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?

2083) 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?

2084) 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?

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

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?

2085) Does the department provide FOI PDFs for download on their website?

2086) If not, what is the cost associated with staffing to require monitor email and collate and forward requested FOI documents?

2087) How does the department test it is complying with accessibility standards for its websites?

2088) Does the department comply with accessibility standards for all its websites?

2089) What would be the effect on the accessibility rating of the department's website if FOI PDFs were provided on the department websites?

2090) What accessibility testing of the website was done and what were the points of failure prior to this change in access for FOI documents?

2091) Have the website accessibility standards been solely or partly responsible for not putting FOI PDF documents on the department websites?

2092) How does the department facilitate anonymous access to the FOI disclosure files?

2093) 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?

2094) 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?

2095) What was the content of communications with other departments about the website accessibility standards and FOI PDFs?

2096) Where did advice concerning the website accessibility certification and provision of PDFs come from and what was the content of that advice?

2097) 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?

2098) What efforts have been made to make FOI PDFs accessible to members of the public who have disabilities?

2099) Has advice from the information commissioner been sought regarding providing FOI requests available by email request only?

2100) Has any disability advice group or consultant been contacted regarding making the FOI requests accessible to people with disabilities?

2101) 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)"

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

2102) 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'"?

2103) Is not providing the FOI PDFs on the website a means of avoiding not conforming to the WCAG 2.0 or other guidelines?

2104) 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

2105) 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:

2070. The Advice Services Directorate receives Freedom of Information (FOI) requests and forwards the requests to the FOI Officer.

The FOI Officer assesses whether the request is a valid FOI request and considers whether the documents can be provided informally.

The FOI Officer contacts the applicant to discuss what documents are being sought and whether informal access can be granted, or will assist in making a valid request if necessary.

If the formal FOI request is to proceed, the FOI Officer will write to the applicant confirming receipt of the FOI request and set out the documents that are being sought.

The FOI Officer gathers documents and conducts relevant searches with the assistance of relevant business lines.

After reviewing the documents and other relevant information (for example, any submissions made as a result of consultation), the FOI Officer will decide whether to grant access in accordance with the FOI Act.

2071. The ACNC has not consulted or informed the Minister about any FOI requests that it has received to date.

2072. The ACNC has not consulted or informed any other departments or agencies about any FOI requests that it has received to date.

2073. The ACNC has not consulted or informed the Minister about any FOI decisions that it has made to date.

2074. The ACNC has not consulted or informed other departments or agencies about any FOI decisions that it has made to date.

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

2075. There is no dedicated FOI team. The FOI function sits within the Legal Directorate. No resources are therefore separately committed to FOI.

2076. There are no staff members assigned solely to FOI requests.

2077.

- 4 x EL1 – Legal Counsel (one of whom is the FOI Officer)
- 1 x EL2 – Director of Legal

2078. No.

2079. There are five authorised decision makers within the agency, one of whom is the FOI Officer who is designated to make FOI decisions.

- a. This number does not differ to the number as at 6 September 2013.

2080. None.

- a. This number does not differ to the number as at 6 September 2013.

2081. None.

2082. The ACNC provides the opportunity to undertake training given by the Australian Government Solicitor (AGS).

- a. The authorised decision maker who has been specifically designated to make FOI decisions (the FOI Officer) has received formal training.
- b. The FOI Officer has provided informal training to the other four authorised decisions makers after attending the formal training.
- c. The FOI Officer received formal training approximately a month after being appointed as the FOI Officer.
- d. The training involved an introduction to the operation of the *Freedom of Information Act 1982* (Cth), covering FOI processing, fees and charges as well as a detailed look at the exemption provisions.
- e. Three full day sessions were attended. Two one hour update sessions have been attended.
- f. AGS provided the training.

2083. Not applicable.

2084. None.

2085. Yes.

2086. Not applicable.

2087. The Australian Taxation Office (ATO) undertook initial testing of the ACNC website against WCAG 2.0 A requirements

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

The ACNC has since undertaken an external audit of the website against WCAG 2.0 A and AA requirements. This audit used a combination of automated and manual processes including accessibility tools such as the WCAG Validation Service, the Vision Australia Colour Contrast Analyser, various web developer toolbars, a text-to-speech synthesiser (such as JAWS or NVDA) and a screen magnifier.

2088. The ACNC does not fully comply with accessibility standards for its website. Where accessibility standards are not met the ACNC ensures it can provide access to an accessible version.

The ACNC operates on a risk based approach to achieving accessibility standards. Only a few high severity issues arose during testing which are related to our website platform/software.

From our testing the ACNC developed an accessibility action plan which prioritises how we will address the issues arising from our testing. All content issues were addressed and our publishing processes monitors content accessibility on an ongoing basis.

The ACNC is working with our technology provider to address product issues that impact or reduce website accessibility.

2089. Not applicable as FOI PDFs are currently provided on the website.

2090. The ATO undertook initial testing of the website against WCAG 2.0 A requirements

The ACNC has since undertaken an external audit of the website against WCAG 2.0 A and AA requirements. This audit used a combination of automated and manual processes including accessibility tools such as the WCAG Validation Service, the Vision Australia Colour Contrast Analyser, various web developer toolbars, a text-to-speech synthesiser (such as JAWS or NVDA) and a screen magnifier.

The ACNC has not changed access for FOI documents.

2091. Not applicable as FOI PDFs are currently provided on the website.

2092. The ACNC website does not require a user to log in or provide any identifiable information to access the publicly available FOI disclosure log.

The ACNC's website privacy statement says:

When you view our website or log in to the ACNC Charity Portal, a record of your visit is logged for statistical purposes. This record includes the following information which is provided by your browser:

- the user's server address
- the user's top level domain name (for example .com, .gov, .au, .uk etc)
- the date and time of visit to the site
- the pages accessed and documents downloaded
- the previous site visited
- the type of browser used.

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

This information is used for statistical purposes, as well as helping us to maintain our server and to improve our services. This information will not be disclosed to any other government agency, organisation or individual unless we are required by law to do so.

2093. Our technology platform and analytics program is not able to provide information on the number of PDF downloads at this time.

The second question is not applicable as FOI PDFs are currently provided on the website.

2094. The turnaround of an FOI request is highly dependent on the number of documents sought, the nature of the documents sought, whether any exemptions may apply and whether third party consultation is required.

No FOI requests have been received in the last 3 months.

2095. The ATO provided guidance to ACNC prior to implementation on the website accessibility requirements provided by AGIMO.

2096. The ACNC sought advice from:

- AGIMO's Web Guide
- ATO EST staff guidance
- ATO EST accessibility testing
- External provider testing and guidance

The advice received was that publishing PDFs is generally not best practise in striving to achieve accessibility standards and the ACNC should offer other avenues to access the information contained in PDFs where possible.

2097. The ACNC considers that the most accessible way of providing information is in html format.

2098. The ACNC strives to ensure that where a PDF is produced from a Word document, that the Word document is set up with an accessible structure, for example in using correct heading tags.

Where a PDF is not created from a Word document, the ACNC offers other avenues to access the information contained in the PDF where possible.

Our website contains an accessibility statement which says:

For technical reasons and to meet some legal requirements, this website has a limited number of documents that cannot be provided in HTML format. In such cases, contact details have been provided for the supply of alternative non-web formats.

Our disclosure log states:

Document in the disclosure log will generally be provided in PDF format. If you are unable to read the format provided please contact the FOI Contact Officer. We will try to meet all reasonable requests for an alternative format of the document in a timely manner and at the lowest reasonable cost to you.

2099. No.

2100. Not specifically in regards to making FOI requests.

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

2101. The ACNC is working towards complying with WCAG 2.0

2102. The ACNC publishes information on the website. Therefore, this question is not applicable.

2103The ACNC publishes PDF information on the website. Therefore, this question is not applicable.

2104. a. FOI requests are received through the general advice email address (advice@acnc.gov.au). FOI responses are sent from a separate FOI email address (foi@acnc.gov.au).

b. All members of the Legal directorate (4 x EL1 and 1 x EL2) can access and reply from the FOI email account.

2105. No.

a. N/A

b. Where an email attaches an FOI decision, that fact will be highlighted in the subject line or email.