

# Senate Finance and Public Administration Legislation Committee

## ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates 26 May-6 June 2014

Prime Minister and Cabinet Portfolio

**Department/Agency:** Department of the Prime Minister and Cabinet

**Outcome/Program:** 1.1 Prime Minister and Cabinet

**Topic:** Freedom of Information

**Senator:** Senator the Hon Joe Ludwig

**Question reference number:** 344

**Type of Question:** Written

**Date set by the committee for the return of answer:** 11 July 2014

**Number of pages:** 4

**Question:**

The following questions relate to requests made pursuant to the Freedom of Information Act (the Act):

Consultations with other Departments, Agencies and the Minister

1. Other than for the purpose of discussing a transfer under section 16 of the Act, does the Department consult or inform other Departments or Agencies when it receives Freedom of Information requests?
  - a. If so, for each instance provide a table setting out the following information:
    - i. The Department or Agency which was consulted;
    - ii. The document;
    - iii. The purpose of the consultation;
    - iv. Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension;
    - v. Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension
2. Other than for the purposes of discussing a transfer under section 16 of the Act, has the Department consulted or informed the Minister's office about Freedom of Information requests it has received?
  - a. If yes, provide a table setting out the following information:
    - i. The requests with respect to which the Minister or Ministerial office was consulted;
    - ii. The Minister or Ministerial office which was consulted;
    - iii. The purpose of the consultation;
    - iv. Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension;

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- v. Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension
- vi. Whether any briefings (including formal briefs, email briefings and verbal briefings) were provided to the Minister's office

#### Staffing resources

The following questions relate to the period from 18 September 2013:

- 3. For the period of time from 18 September 2013, what was the average FTE is allocated to processing FOI requests?

#### FOI Disclosure Log

- 4. For the purposes of meeting its obligations under 11C of the Act, does the Department or Agency:
  - a. Maintain a webpage allowing download of documents released under section 11A (direct download)?
  - b. Require individuals to contact the Department or Agency to ask for the provision of those documents (request for provision)?
  - c. Facilitate to those documents in a different manner (if so, specify).
- 5. If the Department or Agency has moved from a system of meetings its 11C obligations by direct download, to a system of meeting those obligations by request for provision, provide the following information:
  - a. The dates for which documents were made available for direct download, and the dates for which documents were made available through request for provision;
  - b. The total number of direct downloads of documents released under 11A the Departmental or Agency website;
  - c. The total number of requests for provision to documents that had been directly received, and how many had been processed by 6 June 2014?
  - d. What was the average FTE allocated to monitoring incoming email, collating and forwarding documents providing under a request for provision?
  - e. What was the approximate cost for salaries for the FTE staff allocated to this task?
- 6. Has the Department or Agency charged any for access to a document under section 11C(4)? If so, please provide the following information in a table:
  - a. On how many occasions charges have been imposed;
  - b. The amount charged for each document
  - c. The total amount charged;
  - d. What is the highest charge that has been imposed.

**Answer:**

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- (1) The Department may inform another Department or Agency when it receives a Freedom of Information request to assist in managing the request where an applicant has requested access to the same or similar documents from several departments or agencies. After receiving a Freedom of Information request, the Department may consult another Department or Agency in accordance with the 'Guidelines issued by the Australian Information Commissioner under s 93A of the *Freedom of Information Act 1982*'.
  - (a) It would be an unreasonable diversion of resources to provide the information sought in question (1)(a)(i) to (v).
- (2) The Department informs the Office of the Prime Minister about Freedom of Information requests the Department receives as required by the Department's FOI Business Rules (published on the Department's web site at <http://www.dpmpc.gov.au/foi/ips/what-we-do.cfm>). The Department may consult the Office of the Prime Minister or other Prime Minister and Cabinet portfolio ministers' offices in accordance with the 'Guidelines issued by the Australian Information Commissioner under s 93A of the *Freedom of Information Act 1982*'.
  - (a) It would be an unreasonable diversion of resources to provide the information sought in question (2)(a)(i) to (v).
- (3) As at 27 May 2014, there were eight positions whose work includes processing FOI requests made to the Department and portfolio ministers. In addition to processing FOI requests, the team also handles privacy matters, Ombudsman policy and complaints, and other areas of administrative law. The team reports to an SES Band 1 position. Classifications and numbers in the team (in full time equivalent) are as follows:
  - EL 2: 2.6
  - EL 1: 2
  - APS 6: 2
  - APS 4: 0.7

Over recent times, there have been increases and decreases in staffing numbers consistent with the machinery of government changes, and other staffing needs of the team as per business requirements. One position is currently vacant pending recruitment action.

The team supports the Department's FOI decision makers. All SES officers in the Department are authorised decision makers for the purposes of the

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*Freedom of Information Act 1982.* To provide the average FTE allocated to processing FOI requests across the whole Department would be an unreasonable diversion of resources.

- (4) (a) Yes.
- (b) Not applicable, see response to (4)(a).
- (c) If the documents are not available for direct download, the Department may provide access to the documents in a different manner, for example, by paper copies or a CD.
- (5) Not applicable, see response to (4)(a).
- (6) No.