

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2014-2015

Prime Minister and Cabinet Portfolio

Department/Agency: Office of the Commonwealth Ombudsman

Outcome/Program:

Outcome 1. Fair and accountable administrative action by Australian Government agencies by investigating complaints, reviewing administrative action and inspecting statutory compliance by law enforcement agencies.

Topic: Freedom of Information

Senator: Senator 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: 5

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?
- (2) If so, for each instance provide a table setting out the following information:
 - a. The Department or Agency which was consulted
 - b. The document
 - c. The purpose of the consultation
 - d. 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
 - e. 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.
- (3) 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?

- (4) If yes, provide a table setting out the following information:
- a. The requests with respect to which the Minister or Ministerial office was consulted
 - b. The Minister or Ministerial office which was consulted
 - c. The purpose of the consultation
 - d. 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
 - e. 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
 - f. 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:

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

FOI Disclosure Log

- (6) 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).
- (7) 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 Friday, 6 June 2014?
 - d. What was the average FTE allocated to monitoring incoming email, collating and forwarding documents providing under a request for provision?
 - i. What was the approximate cost for salaries for the FTE staff allocated to this task?
- (8) Has the Department or Agency charged any for access to a document under section 11C(4)?
- (9) 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:

- (1) The Ombudsman's Office does not routinely inform other agencies when it receives a Freedom of Information (FOI) request. However the Office does consult with agencies when it is considering the release of documents obtained from other agencies in the course of an investigation under the *Ombudsman Act 1976* where transfer has been declined or is not convenient, and in respect of records containing information about staff of another agency.
- (2) Table of requests in respect of which agencies have been consulted between 18 September 2013 and 31 May 2014

Agency	Document	Consultation	Extension of time from applicant	Extension of time from OAIC
Department of Prime Minister and Cabinet Department of Infrastructure and Regional Development	Documents originating in those agencies; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No – concurrent with other third party consultations.	No.
Private Education Provider	Documents originating with provider.	Opportunity to comment on whether documents contain exempt material under FOI Act.	Yes.	No.
Department of Infrastructure and Regional Development	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No – concurrent with other third party consultations.	No.
Department Immigration and Border Protection	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	Yes.	No.
Department Immigration and Border Protection	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	Yes.	No.
Department of Human Services	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department of Education	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No – concurrent with other third party consultations.	No.
Department of Human Services	Documents originating with agency;	Opportunity to comment on whether documents contain exempt material under FOI	No.	No.

Agency	Document	Consultation	Extension of time from applicant	Extension of time from OAIC
	staff details.	Act.		
Australia Post	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department of Human Services Department of Education	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department of Defence	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department of Finance	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Fair Work Ombudsman	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Comcare	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department of Defence	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department Immigration and Border Protection	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department of Human Services	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Department of Human Services	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.
Attorney General's Department	Documents originating with agency; staff details.	Opportunity to comment on whether documents contain exempt material under FOI Act.	No.	No.

(3) No.

- (4) Not applicable.
- (5) During this period six staff members have undertaken FOI duties in addition to their other operational work. The proportion of duties devoted to FOI work varies depending on the number of requests received.
- (6) (a) Yes.
(b) All but one document can be accessed by direct download. The remaining document can be accessed by email request.
(c) As above.
- (7) All documents added to the FOI disclosure log after September 2012 can be directly downloaded.
- (8) No.
- (9) Not applicable.