

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Supplementary Budget Estimates 18-22 November 2013

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: 191

Type of Question: Written

Date set by the committee for the return of answer: 17 January 2014

Number of pages: 5

Question:

- 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?

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- 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 additional 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?
 - 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?

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- 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?

Answer:

- 1) The Department assesses Freedom of Information requests in accordance with the *Freedom of Information Act 1982*, the 'Guidelines issued by the Australian Information Commissioner under s 93A of the *Freedom of Information Act 1982*' and the Department's FOI Business Rules (these rules are published on the Department's web site: <http://www.dpmc.gov.au/foi/ips/what-we-do.cfm>).
- 2) The Department's FOI Business Rules require that relevant officers in the Department and the Office of the Prime Minister are informed when an FOI request is received. This occurs by email.
- 3) The Department informs another department or agency when it receives a Freedom of Information request in the following circumstances: where transfer is sought to the other department or agency in accordance with the *Freedom of Information Act 1982*; and to assist in managing requests where an FOI applicant has requested access to the same or similar documents from several departments or agencies. The Department informs other agencies by email or telephone.
- 4) In accordance with the Department's FOI Business Rules, the Office of the Prime Minister is informed when a decision is imminent. The Department also informs the Office of the Prime Minister where documents are forecast for release under FOI. This occurs by email. Where views are sought on possible release of a document relevant to the Office of the Prime Minister or the Prime Minister, the Department consults the Office of the Prime Minister before it makes a decision on a Freedom of Information request. The consultation is by email. There may be follow-up conversations.
- 5) The Department consults another department and agency before it makes a decision on possible release of a document relevant to that other department or agency. The consultation is by email or letter.
- 6) See answers to questions 7 and 8.
- 7) No staffing resources are assigned solely to Freedom of Information requests; however, officers in the Department's Access and Administrative Review Section

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have as part of their ongoing primary duties responsibility for providing advice and support to the FOI decision makers in the Department in relation to processing Freedom of Information requests. In addition to providing advice and support on Freedom of Information requests, the officers also have responsibilities in relation to privacy, ombudsman and other administrative law matters. The full-time equivalents of this staff are as follows: EL 2 (x2.8); EL 1 (x2); APS 6 (x2); and APS 4 (x0.7). The Section reports to an SES Band 1 officer.

- 8) Staffing resources assigned indirectly to Freedom of Information requests will vary with the number of requests on hand. The staffing resources usually include staff at the SES level (including decision makers), EL level and APS level.
- 9) The Department from time to time has engaged non-ongoing staff in the Access and Administrative Review Section to assist in processing Freedom of Information requests. The APS level at which the non-ongoing staff member is engaged has depended on the skills and experience of the staff member.
- 10) All SES officers in the Department are currently designated as decision makers under the *Freedom of Information Act 1982*. This is unchanged from the position as at 6 September 2013.
- 11) There are two officers designated as decision makers in the Office of the Prime Minister. There was one officer designated as decision maker in the former Office of the Prime Minister as at 6 September 2013.
- 12) None of the designated decision makers in the Office of the Prime Minister are secondees from the Department of the Prime Minister and Cabinet.
- 13) The Department does not provide formal training to designated decision makers under the Freedom of Information Act who work in the Department. Advice and support is provided to SES decision makers by the Access and Administrative Review Section in accordance with the Department's FOI Business Rules.
 - a. It is not known how many officers designated as decision makers in the Department have received formal training.
 - b. It is not known how many officers designated as decision makers in the Department have received informal training.
 - c. See answer to 13.a.
 - d. See answer to 13.a.
 - e. See answer to 13.a.
 - f. See answer to 13.a.
- 14) The Department does not directly provide formal training to designated decision makers under the Freedom of Information Act who work in the Office of the Prime Minister.

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- a. Of the officers designated as decision makers, it is not known how many have received formal training.
- b. Of the officers designated as decision makers, it is not known how many have received informal training.
- c. See answer to 13.a.
- d. See answer to 13.a.
- e. See answer to 13.a.
- f. See answer to 13.a.