

**Senate Standing Committee on Education and Employment - Education**

**QUESTIONS ON NOTICE  
Additional Estimates 2013-2014**

**Cross Portfolio**

**Department of Education Question No. ED0318\_14**

**Senator Ludwig provided in writing.**

**Question**

**Freedom of Information**

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? 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? 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? 15. 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? 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? 16. Does the department provide FOI PDFs for download on their website? 17. If not, what is the cost associated with staffing to require monitor email and collate and forward requested FOI documents? 18. How does the department test it is complying with accessibility standards for its websites? 19. Does the department comply with accessibility standards for all its websites? 20. What would be the effect on the accessibility rating of the department's website if FOI PDFs were provided on the department websites? 21. What accessibility testing of the website was done and what were the points of failure prior to this change in access for FOI documents? 22. Have the website accessibility standards been solely or partly responsible for not putting FOI PDF documents on the department websites? 23. How does the department facilitate anonymous access to the FOI disclosure files? 24. 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? 25. 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? 26. What was the content of communications with other departments about the website accessibility standards and FOI PDFs? 27. Where did advice concerning the website accessibility certification and provision of PDFs come from and what was the content of that advice? 28. 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? 29. What efforts have been made to make FOI PDFs accessible to members of the public who have disabilities? 30. Has advice from the information commissioner been sought regarding providing FOI requests available by email request only? 31. Has any disability advice group or consultant been contacted regarding making the FOI requests accessible to people with disabilities? 32. 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)" 33. 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'"? 34. Is not providing the FOI PDFs on the website a means of avoiding not conforming to the WCAG 2.0 or other guidelines? 35. 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 36. 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**

The department processes the FOI requests it receives in accordance with the requirements of the *Freedom of Information Act 1982* (Cth).

## Consultation

The department routinely reports to the Minister on FOI requests received that relate to the Minister's portfolio responsibilities.

In circumstances where certain documents falling within the scope of an FOI request have originated from another government agency or the subject matter of the documents relate to the functions or activities of an agency, the department will typically consult with the agency on those documents before any decision on access is made. Alternatively, the department may transfer the request to the other agency in accordance with section 16 of the FOI Act.

## Resources

The department has a centralised FOI and Corporate Team comprising of lawyers and non-lawyers responsible for processing FOI requests received as well as doing other work. As at March 2014, this team consisted of 6 full time and part-time employees ranging from the Principal Government Lawyer (EL2 equivalent) to the APS 4 level. The team is overseen by an SES officer who is authorised to make decisions under the FOI Act.

All position holders in the team are authorised to make all original decisions under the FOI Act, except those required to be made by the Minister. In practice, these arrangements have not changed since 6 September 2013.

## Training

The department provides all officers within the FOI team a variety of formal and informal training opportunities. This includes FOI specific training provided by the Australian Government Solicitor and the Office of the Australian Information Commissioner. This training varies in length and content and is provided to officers on a needs basis as and when it is available.

The department provides informal FOI training to staff in the Minister's office when requested.

## Disclosure log

In accordance with the FOI Act the department publishes details of how FOI documents can be obtained on its website. The website, including information on how to obtain FOI documents is accessible, in accordance with Web Content Accessibility Guidelines (version 2) (WCAG 2.0).

## Emails

The department has a dedicated email address for FOI requests: [foi@education.gov.au](mailto:foi@education.gov.au). In addition, staff email addresses may be used for the purpose of processing FOI requests and to provide a direct point of contact within the department for FOI applicants whose applications are being processed.