

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL BUDGET ESTIMATES 2013-2014

Finance Portfolio

Question reference number: F115

Senator: Ludwig

Topic: Freedom of Information

Type of question: Written

Date set by the committee for the return of answer: Friday, 11 April 2014

Number of pages: 10

Question:

- 1) Can the department please outline the process it under goes to assess 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 addition 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:

Department / Agency	Response
Finance	<p>1.– 9. No changes since Supplementary Budget Estimates 19 November 2013 (F118).</p> <p>10. As at 6 September 2013, the department had approximately 362 authorised FOI access decision makers. Currently, the number is approximately 369.</p> <p>11. None.</p> <p>12. N/A.</p> <p>13. The Department provides a range of formal and informal training for its authorised FOI access decision makers. Formal training comprises attendance at seminars and presentations by legally qualified practitioners with experience and</p>

	<p>expertise in the FOI Act. Informal training comprises electronically available reference materials, support and assistance from the FOI team and peer adviser network, and access to legal advice as required. Given the number of authorised FOI access decision makers, the level of detail otherwise sought would involve an unreasonable diversion of departmental resources.</p> <p>14. Not applicable.</p> <p>15. Thirty FOI requests have been shown to the Minister's office up to 31 January 2014 in accordance with the processes specified in the answer to Question 2 above. Nineteen of the 30 FOI requests are listed on the Finance FOI Disclosure Log.</p> <p>b)-f) None.</p> <p>16. Documents provided on Finance's FOI Disclosure Log are in PDF format.</p> <p>17. N/A.</p> <p>18. Normally content is reviewed prior to publication for accessibility. Reviews are completed by external consultants prior to a major change being made to the website (e.g. change of technical platform)</p> <p>19. No, not in entirety, however they are very close to full compliance.</p> <p>20. Not applicable. The majority of documents on the FOI Disclosure Log are currently published in PDF format.</p> <p>21. N/A.</p> <p>22. N/A.</p> <p>23. Documents on the FOI Disclosure Log are accessible via hyperlinks on the website.</p> <p>24. Finance does not measure PDF downloads on its website. For any FOI request sent by email, Finance would respond by email.</p> <p>25. Finance does not measure the processing time for these requests.</p> <p>26. All material published since the National Transition Strategy was released needs to be accessible. Information available digitally should be released digitally (after being redacted digitally as required); other material should be summarised and the appropriate content made available in a suitable format and timely manner on request.</p> <p>27. Advice has been/is available at:</p> <ul style="list-style-type: none"> • The National Transition Strategy – http://www.finance.gov.au/publications/wcag-2-implementation/ • The Web Guide - http://webguide.gov.au/accessibility-usability/accessibility/ • The Australian Human Rights Commission - https://www.humanrights.gov.au/our-work/disability-rights/standards/world-wide-web-access-disability-discrimination-act-advisory#pdf <p>28. FOI documents are accessible via hyperlinks on the website.</p> <p>29. Where practical, Finance makes PDF accessible according to the techniques under WCAG 2.0 for PDF [1], however many FOI documents are scanned images and are therefore not fully accessible. Finance will provide the FOI document in an alternative format on request.[1] http://www.w3.org/TR/WCAG20-TECHS/pdf.html</p> <p>30. No.</p>
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	<p>31. No.</p> <p>32. Not all material published on the FOI Disclosure Log is currently compliant with Web Content Accessibility Guidelines (Version 2).</p> <p>33. N/A.</p> <p>34. N/A.</p> <p>35. Yes, foi@finance.gov.au – refer to http://www.finance.gov.au/foi/foi.html .</p> <p>Only officers in the FOI team are authorised to access and reply using the inbox connected to that email address. Details of the FOI team are published on the Finance website at http://www.finance.gov.au/sites/default/files/foi13-174-ir-document.pdf and comprise 1xSES, 1xEL2, 1xEL1 and 1xAPS4 in staffing classification.</p> <p>36. No, officers in the FOI team use foi@finance.gov.au for all communications with FOI request applicants.</p> <p>a)-b) N/A.</p>
AEC	<p>1.– 9. No changes since Supplementary Budget Estimates 19 November 2013 (F118).</p> <p>10. Seventeen.</p> <p>a) One additional person.</p> <p>11.–14. No changes since Supplementary Budget Estimates 19 November 2013 (F118).</p> <p>15. Nil.</p> <p>16. Yes.</p> <p>17. N/A.</p> <p>18. Assessment is through a range of automated testing tools and web authors' expertise.</p> <p>19. No.</p> <p>20. Nil.</p> <p>21. Full accessibility testing and reporting under the National Transition Strategy (NTS) issued by AGIMO has been undertaken. PDF documents of public submissions to redistribution processes, did not fully meet the accessibility standard.</p> <p>22. N/A.</p> <p>23. No log on facility is required to access the AEC FOI disclosure log at www.aec.gov.au/information-access/foi.</p> <p>24. Nil. (As at 31 January). N/A.</p> <p>25. 38 days.</p> <p>26. Contact has been undertaken with relevant areas in a range of other government departments in relation to website accessibility and standards but has not specifically covered FOI PDFs.</p> <p>27. Discussions were held with AGIMO about the accessibility of the redistribution PDFs published on the website, following the issuing of the NTS. Initial advice was that because the content did not originate with the AEC it was acceptable to publish these as PDFs. However later advice raised that this may not be acceptable, and as such needs to be further clarified.</p>

	<p>28. Not applicable.</p> <p>29. On request, the AEC is able to undertake a process to make specific PDF documents as accessible as possible. The AEC does not have available the staffing resources required to automatically make FOI requests more accessible.</p> <p>30. No.</p> <p>31. No.</p> <p>32. Not fully compatible.</p> <p>33. N/A.</p> <p>34. N/A.</p> <p>35. No.</p> <p>36. Yes.</p> <p>a) The emails include the Details of the FOI Request Number in the subject field of the email.</p> <p>b) Most emails responding to emails sent under paragraph (a) adopt the AEC subject matter field. Other emails are identified by perusal as FOI correspondence.</p>
ComSuper	<ol style="list-style-type: none"> 1. ComSuper's FOI process is set out in the procedure document 'How to Process a Freedom of Information (FOI) request'. In summary, ComSuper receives FOI requests by letter or email to ComSuper's FOI proxy email address and processes these in line with this procedure. 2. No. a)-b) N/A 3. No. a)-c) N/A. 4. No. a)-b) N/A. 5. ComSuper can consult or inform other departments or agencies in relation to an FOI request. a) Any department/agency where the requested documents relate to the functions of that department/agency. b) Consultation will occur on a case by case basis, depending on the request itself. c) If the department/agency verbally accepts the request, ComSuper will formally transfer the request in writing. 6. Refer to the response for questions 1, 7 and 8. 7. ComSuper has one full time APS level 5 officer assigned principally to FOI requests. 8. ComSuper has two Executive Level 2 officers and one Senior Executive Band 1 officer who are assigned indirectly to FOI requests. 9. No. a) N/A. 10. As at 31 January 2013, ComSuper had 11 officers who were designated decision makers under the Freedom of Information Act 1982. a) As at 6 September 2013, there were nine designated decision makers. 11. As an agency, ComSuper does not have any designated decision makers within the Minister's office.

	<p>a) N/A.</p> <p>12. Refer to the response for question 11.</p> <p>13. As a small agency, ComSuper does not internally provide formal FOI training.</p> <p>a) Of the officers designated as decision makers within ComSuper, three officers have received formal training in the form of attending a specific FOI course.</p> <p>b) Of the officers designated as decision makers within ComSuper, four officers have received informal training by way of law degrees and general decision making courses.</p> <p>c) The designated FOI officer received training within a month or starting in the position.</p> <p>d) The training the designated FOI officer received involved attending two courses provided by the Australian Government Solicitor's (AGS) office.</p> <p>e) The training the designated FOI officer received was one half day in length each.</p> <p>f) The Australian Government Solicitor's (AGS) office.</p> <p>14. Refer to the response for question 11.</p> <p>15. No request was shown or alerted to the Minister or their office.</p> <p>a)–f) N/A.</p> <p>16. Yes.</p> <p>17. N/A.</p> <p>18. A combination of automated and manual testing.</p> <p>19. Yes. ComSuper maintains only one public website: http://comsuper.gov.au. This website is compliant with the current accessibility standards.</p> <p>20. It may decrease the compliance rating.</p> <p>21. A combination of automated and manual testing.</p> <p>22. Partly.</p> <p>23. An individual could go to ComSuper website, navigate to FOI disclosure log, and download any document released as a response to FOI request.</p> <p>24. The ComSuper website hosts three FOI related PDFs which are available for download. Statistics on the number of times these documents are downloaded are not currently captured.</p> <p>25. Three business days; average turnaround from request to sending the files for the last three months was not applicable as no request was received.</p> <p>26. There was no communication with other departments about the website accessibility standards and FOI PDFs.</p> <p>27. ComSuper received advice from AGIMO, Adobe, individual research, W3 website, and specialised seminars.</p> <p>28. No.</p> <p>29. The efforts provided for disabled members of the public to access FOI PDFs are the same as the general public.</p> <p>30. No.</p> <p>31. No.</p> <p>32. N/A.</p> <p>33. Members of the public generally can access the information by requesting it if it's not available on the website due to file size or other technical restrictions. ComSuper aims to ensure that all the information is available on our website.</p> <p>34. ComSuper aims to ensure that all the information is available on our website.</p>
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Commonwealth Superannuation Corporation	<p>1. Request is considered, relevant documents are identified, external legal advice sought if required to prepare response.</p> <p>2. No.</p> <p>3. If required by the FOI Act.</p> <p>4. No.</p> <p>5. If required by the FOI Act.</p> <p>6. Less than one person.</p> <p>7. See above.</p> <p>8. Less than one person; CSC does not employ people on APS levels.</p> <p>9. No.</p> <p>a) N/A.</p> <p>10. One.</p> <p>a) No difference.</p> <p>11. CSC has no knowledge.</p> <p>a) N/A.</p> <p>12. N/A.</p> <p>13. As required.</p> <p>14. N/A.</p> <p>15. NIL.</p> <p>16. No.</p> <p>17. No extra staffing costs.</p> <p>18. CSC’s websites were built to be compliant against AA guidelines. CSC is currently considering options for the ongoing testing of its websites against accessibility standards.</p> <p>19. See response to Q18.</p> <p>20. This is unknown.</p> <p>21. See response to Q18.</p> <p>22. No.</p> <p>23. Information Publication Scheme, on website.</p> <p>24. Nil; two.</p> <p>25. Time varies depending on the nature of the request; requests processed within statutory time frame.</p> <p>26. Nil.</p> <p>27. Nil.</p> <p>28. No.</p> <p>29. CSC can assist requesters by phone.</p>

	<p>30. No.</p> <p>31. No.</p> <p>32. Refer response to Q29.</p> <p>33. All documents disclosed are published on the website.</p> <p>34. No.</p> <p>35. No, FOI email distinguished by their content.</p> <p>36. No – corporate email address is used, accessed by Enquiries and Complaints Officer (no APS level).</p>
Future Fund Management Agency	<p>1. Requests are received by the FoI Coordinator and processed in accordance with the Agency’s policy and procedure which reflect the requirements of the FoI Act.</p> <p>2. a)–b) No.</p> <p>3. a)–c) Consultation is only undertaken where it is required under the Agency’s policy and procedure consistent with the guidelines from the FoI Commissioner.</p> <p>3. a)–b) No.</p> <p>5. a)–c) Consultation is only undertaken where it is required under the Agency’s policy and procedure consistent with the guidelines from the FoI Commissioner.</p> <p>6. The FoI Decision maker and FoI Coordinator incorporate their responsibilities within their broader roles. Legal advice is available as necessary.</p> <p>7. None. Staff who deal with FoI request do so as part of their broader roles.</p> <p>8. FFMA7 and FFMA 5.</p> <p>9. No.</p> <p>10. One. a) No difference.</p> <p>11. N/A. b) N/A.</p> <p>12. N/A.</p> <p>13. a) None. b) One. c) Immediately.</p> <p>d) Briefing with the legal team and provision of relevant guidelines, policies and procedures. e) Training comprised discussion and review of documents and as such duration cannot be accurately determined. f) Internal resources.</p> <p>14. a)–f) N/A.</p> <p>15. None. a)–f) N/A.</p> <p>16. No.</p> <p>17. The cost of receiving requests (rather than the cost of processing them which is dependent on the complexity of the request) is negligible.</p> <p>18. Periodic reviews undertaken.</p> <p>19. Yes.</p> <p>20. This has not been assessed.</p> <p>21. N/A.</p>

	22. N/A.
	23. Access is provided consistent with the privacy policy.
	24. N/A.
	25. FOI requests are processed in accordance with the FOI commissioner guidelines.
	26. Nil.
	27. N/A.
	28. This has not been assessed.
	29. None.
	30. No.
	31. No.
	32. The website notes that material is available in accessible formats on request.
	33. N/A.
	34. No.
	35. Yes.
	a) foi@futurefund.gov.au
	b) FOI Coordinator – EL2; and 2 x Legal Counsel EL1 and EL2.
	36. No.
	a) N/A.
	b) N/A.