

**Senate Finance and Public Administration Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates 24-28 February 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:** 193

**Type of Question:** Written

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

**Number of pages:** 1

**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?

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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?

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- 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?

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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?

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- 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:**

1-6. Please refer to the answers provided by the Department of the Prime Minister and Cabinet (PM&C) to these questions as part of the Committee's hearings into Supplementary Budget Estimates 18-22 November 2013 (Question on Notice 191). There has been no material change since that answer.

7. As outlined in the answers provided by PM&C to this question as part of the Committee's hearings into Supplementary Budget Estimates 18-22 November 2013 (PM191), no staffing resources are assigned solely to the FOI requests. Officers in the department's Access and Administrative Review Section have, as part of their ongoing duties, the provision of advice and support to FOI decision makers in relation to the processing of FOI requests. These officers also have other responsibilities. As at 19 March 2014, the full-time equivalents of this staff were as follows: EL 2 (x2.6); EL 1 (x2); APS 6 (x1); and APS 4 (x0.7). The Section reports to an SES Band 1 officer.

8-14. Please refer to the answers provided by PM&C to these questions as part of the Committee's hearings into Supplementary Budget Estimates 18-22 November 2013 (PM191). There has been no material change since that answer.

15. PM&C's FOI Business Rules require that relevant officers in the Office of the Prime Minister be informed when a new FOI request is received. For the period 7 September 2013 to 28 February 2014, PM&C has notified the Office of the Prime Minister of 93 FOI requests received by the department and 35 requests received by the Prime Minister. To provide further level of detail requested by the question would involve an unreasonable diversion of departmental resources.

16. Yes.

17. Not applicable, see answer to 16.

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18. Accessibility conformance checks are conducted based on risk, priority and resourcing. Content author training is required for all new intranet authors, and this model will be rolled out to all website authors for external websites over 2014. This training includes specific information around meeting accessibility requirements. WCAG 2.0 AA conformance is a requirement in all new websites being produced for PM&C.
19. PM&C is working towards WCAG 2.0 AA conformance by December 2014 as required in the National Transition Strategy.
20. PM&C currently provides FOI PDFs on its website. The website notes that if a person requires access to the information in an alternative format to contact the department for assistance. It should be noted that these PDFs are scans of paper documents, so that they can record handwritten annotations and notes. However, as scans of hardcopy documents, they do not meet accessibility requirements.
21. A review of the departmental website was completed in 2008, and identified that the site passed on 70% of WCAG 2.0 Level A success criteria, and 80% of Level AA criteria. The main areas of failure were around non text content (1.1.1), images of text (1.4.5), and link purpose (2.4.4). As noted in response to question 19, the department is working towards WCAG 2.0 AA conformance by December 2014 as required in the National Transition Strategy.
22. Not applicable, see answer to 16.
23. PM&C's FOI Disclosure Log on the department's website can be accessed anonymously.
24. For the period 1 January 2013 to 28 February 2014 there were 686 downloads of the FOI PDFs. Unless an exception to publication applies to information released under the *Freedom of Information Act 1982* (the FOI Act), information released under the FOI Act is published on the department's FOI Disclosure Log and available for access without the need for an email request.
25. Not applicable, see answer to 16.
26. PM&C participated in the AGIMO WCAG Working Group in May 2013 to examine issues around PDF, including FOI material.
27. PM&C relies on the advice provided in the accessibility section of the Australian Government Web Guide - <http://webguide.gov.au/accessibility-usability/accessibility/>.

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28. PM&C already provides direct downloads of PDF files through its website. These PDF files do not meet accessibility requirements (as they are scans of hardcopy information). Contact information is provided on the FOI Disclosure Log for users who may require this information in an accessible format.
29. PDF's based on scanned copies of hardcopy pages cannot meet accessibility requirements. Contact information is provided on the FOI Disclosure Log for users who may require this information in an accessible format.
30. No – The AGIMO WCAG working group (which PM&C participated in – see answer to question 26 above) considered this issue and the group raised the issue with the Information Commissioner.
31. No.
32. See responses to questions 19, 20, 27, 28 and 29.
33. Unless an exception to publication applies to information released under the *Freedom of Information Act 1982* (the FOI Act), information released under the FOI Act is published on the department's FOI Disclosure Log and available for access without the need for an email request.
34. Not applicable, see answer to 16.
35. Yes.
- a. [foi@pmc.gov.au](mailto:foi@pmc.gov.au).
  - b. The following officers in the department's Access and Administrative Review Section can access and reply from [foi@pmc.gov.au](mailto:foi@pmc.gov.au): EL 2 (3 officers); EL 1 (2 officers); APS 6 (1 officer); and APS 4 (1 officer).
36. Yes.
- a. FOI officers in PM&C are not decision makers. If an FOI officer is in doubt about whether an email relates to an FOI task, it is expected they would enquire with the sender of the email.
  - b. An email sent to an FOI decision maker will clearly indicate that the email relates to an FOI decision. If an FOI decision maker is in doubt about whether an email relates to an FOI decision, it is expected they would enquire with the sender of the email.