

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Prime Minister and Cabinet Portfolio

Department of the Prime Minister and Cabinet

Budget Estimates Hearing 24 May-3rd June 2010

Question: PM66

Topic: Freedom of Information

Type of Question: Written

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- (a) Has the Department/agency received any advice from the Government or any other source on how to respond to FOI requests?**
- (b) How many FOI requests has the Department received?**
- (c) How many have been granted or denied?**
- (d) How many conclusive certificates have been issued in relation to FOI requests?**

Answer:

- (a) During the term of the current government, the department has received the following advice on how to respond to FOI requests.
 - On 30 April 2009, Senator the Hon John Faulkner, the then Cabinet Secretary, wrote to the Secretary of the Department (and to the heads of other agencies subject to the FOI Act), outlining the government's FOI reform objectives and asking that it be made clear to FOI decision makers that the starting point for considering FOI requests should be a presumption in favour of giving access to documents. The Department's *Guide for FOI Decision-Makers* reminds decision-makers that the FOI Act provides a prima facie right of access to relevant documents.
 - The Department also takes into account guidelines on the operation of the FOI Act that are updated from time to time by the Privacy and FOI

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Policy Branch of the Department and published on the Department's internet page as advice to all agencies subject to the FOI Act.

- The Department has, from time to time, also obtained legal advice in relation to individual FOI applications.
- (b) For the period from 3 December 2007 to 22 June 2010, the Department received 180 FOI requests.
- (c) Of the 180 requests received, referred to in (b) above, 27 have been granted in full, 18 have been granted in part, 22 were transferred to another agency in full, 52 were withdrawn by the applicant, 33 were refused and 28 remain on hand. Of the 33 applications refused, 27 were refused on the basis that the department had no relevant documents, under section 24A of the FOI Act.
- (d) During the term of the current government, neither any portfolio minister nor the Department has issued any conclusive certificates. The Department is not aware of any other minister, department or agency issuing a conclusive certificate during this time.

The *Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009* commenced on 7 October 2009.