

Senate Finance and Public Administration Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates Hearing 27 May – 6 June 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 Ryan

Question reference number: 81

Type of Question: Written

Date set by the committee for the return of answer: 12 July 2013

Number of pages: 5 (including attachment)

Question:

1. Has the department/agency received any updated advice on how to respond to FOI requests?
2. What is the total cost to the department to process FOI requests for this financial year to date?
3. How many FOI requests has the Department received for this financial year to date? How many requests have been denied and how many have been granted? Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why? Do any of these requests remain outstanding? If so, how many and why?

Answer:

1. On 7 June 2013, the Secretary of the Attorney-General's Department, Mr Roger Wilkins AO, wrote to the Secretary of the Department, regarding FOI requests relating to cyber incidents and possible data breaches. On 12 April 2013, the Deputy Secretary of the Civil Justice and Legal Services Group of the Attorney-General's Department, Mr David Fredericks, provided policy guidance to Departments in relation to FOI requests seeking access to an incoming Secretary or incoming Minister brief. Other advice the Department has received on how to respond to FOI requests is referred to in the Department's answer to Question reference number 91 from the February 2012 Additional Estimates (attached).
2. Data on total costs for this financial year to date are not readily available. The Department considers it would be an unreasonable diversion of resources to compile the data to answer this question. The costs to the Department to process FOI requests for the 2012-13 financial year will be reported to the Office of the Australian Information Commissioner (OAIC) at the end of the

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financial year for inclusion in the 2012-13 FOI agency statistics to be published on the OAIC's web site.

3. The data sought for this financial year to date are not all readily available. The Department considers it would be an unreasonable diversion of resources to compile the data to answer this question. Information about FOI requests received by the Department for the 2012-13 financial year will be reported to the OAIC at the end of the financial year for inclusion in the 2012-13 FOI agency statistics to be published on the OAIC's web site.

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Additional Estimates 13-16 Feb 2012

Prime Minister and Cabinet Portfolio

Department/Agency: Department of the Prime Minister and Cabinet

Outcome/Program: 1.1.4 Support Services for Government Operations

Topic: Freedom of Information

Senator: Senator Ryan

Question reference number: 91

Type of Question: Written

Date set by the committee for the return of answer: 30 March 2012

Number of pages: 3

Question:

1. Has the Department/agency received any advice on how to respond to FOI requests?
2. What was the total cost to the department to process FOI requests for 2009-10 and 2010-11?
3. What is the total cost to the department to process FOI requests for this financial year to date?
4. How many FOI requests did the Department receive for the financial year 2009-10 and 2010-11? For each financial year, how many requests were denied and how many were granted? Did the department fail to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
5. How many FOI requests has the Department received for this financial year to date? How many requests have been denied and how many have been granted? Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
6. How many conclusive certificates have been issued in relation to FOI requests for this financial year to date?

Answer:

1. For the period from 3 December 2007, the department has received or issued the following general advice on how to respond to FOI requests.

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- 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 key 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.
 - On 28 October 2010, the Hon Brendan O'Connor MP, the then Minister for Privacy and Freedom of Information, wrote to the Secretary of the department and to the heads of key agencies subject to the FOI Act to update them on progress of the reforms to freedom of information laws and seek their assistance in implementing the reforms. Mr O'Connor indicated that he would be grateful if secretaries and agency heads take a lead role in ensuring the effective and workable implementation of the Government's pro-disclosure policy and associated reforms.
 - The department takes into account guidelines to all agencies on the operation of the FOI Act, issued by the department prior to 1 November 2010 or issued subsequently by the Office of the Australian Information Commissioner (OAIC).
 - Since 28 July 2011, decision-makers in the department have had reference (where relevant) to the FOI Guidance Notes issued by the department on that date –
http://www.dpmc.gov.au/foi/guidance_notes.cfm.
2. This information is reported in the *Freedom of Information Act 1982* Annual Reports for 2009-10 and 2010-11.
 3. The department reports to the OAIC on costs to process FOI requests on an annual basis. Data on total costs for this financial year to date are not readily available. The department considers it would be an unreasonable diversion of resources to compile the data to answer this question. Total costs for 2011-12 will be made available in the *Freedom of Information Act 1982* Annual Report for 2011-12.
 4. For the first four parts of this question, this information is reported in the *Freedom of Information Act 1982* Annual Reports for 2009-10 and 2010-11.
For the fifth question, yes, some of these requests remain outstanding.

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5. In the period 1 July 2011 to 31 December 2011:
- The department received 113 FOI requests.
 - Of the 123 finalised requests, 20 were granted in full, 15 were granted in part, 32 were refused* and the remaining 56 were transferred or withdrawn.
 - The department did not meet processing times for 37 requests.
 - For the fifth question, yes, some of these requests remain outstanding.
- * The department notes that requests “refused” include requests where no relevant documents are found to be in the department’s possession.
6. Nil; as indicated in answer to Senator Ryan’s question on notice number 134 from the October 2011 Supplementary Budget Estimates, the power to issue conclusive certificates under the *Freedom of Information Act 1982* was abolished on 7 October 2009.