

**Senate Finance and Public Administration Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
**BUDGET ESTIMATES 2013**

Prime Minister and Cabinet Portfolio

**Department/Agency:** Australian Public Service Commission

**Outcome/Program:** Cross Portfolio

**Topic:** Freedom of Information

**Senator:** Ryan

**Question reference number:** 81

**Type of question:** Written

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

**Number of pages:** 3

**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?
4. 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. Yes, updated advice has been received since the Australian Public Service Commission's response of April 2013.

The Office of the Australian Information Commissioner (OAIC) regularly emails agencies to alert agencies about updated advice on FOI matters, including case notes and general advice on how to respond to FOI requests.

Guidelines and information published by the Australian Information Commissioner and the OAIC are updated from time-to-time and employees of the Commission regularly refer to these guidelines and information on the OAIC's web site.

The Australian Government Solicitor conducts a Freedom of Information Practitioners' Forum, which is attended by FOI practitioners from Commonwealth agencies. Officers of the Australian Public Service Commission subscribe to the Forum mailing list and attend the Forum. Advice about FOI matters is regularly presented and discussed at the Forum and FOI advice is occasionally circulated by email to subscribers.

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In dealing with FOI requests, the Commission consults third parties and other relevant agencies, where necessary, about the release of documents. In these circumstances, the Commission receives advice and submissions from third parties and agencies.

In June 2013, the Secretary of the Attorney-General's Department wrote to agencies providing advice about the potential release of information related to cyber incidents or data breaches in response to FOI requests.

2. The data required to respond to this question fully is not readily available and an unreasonable diversion of resources would be required to compile this data ahead of the regular FOI reporting cycle.
3. In addition to supporting the Public Service Commissioner, employees of the Australian Public Service Commission are also made available to the Merit Protection Commissioner, the Remuneration Tribunal and the Defence Force Remuneration Tribunal. Each of these offices and bodies is a separate 'agency' for the purposes of the FOI Act. The following responses include data for these agencies.

FOI data for the financial year-to-date is included in tables 1 and 2 below. The Defence Force Remuneration Tribunal has not received or responded to any FOI requests this financial year.

	FOI requests received 2012-13 (year-to-date)
Australian Public Service Commission	18
Merit Protection Commissioner	3
Remuneration Tribunal	1

**Table 1: FOI requests received during 2012-13 (year-to-date)**

	Granted in full	Granted in part	Access refused	Transferred	Withdrawn	Total outcomes
Australian Public Service Commission	7	5	7	-	3	22
Merit Protection Commissioner	-	-	1	-	-	1
Remuneration Tribunal	-	1	-	-	-	1

**Table 2: FOI outcomes during 2012-13 (year-to-date)**

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The discrepancy between the number of requests received and the total outcomes for the Commission arises due to cases being carried over from the previous financial year. The single request finalised by the Remuneration Tribunal was received in the previous financial year.

4. Since the Australian Public Service Commission's response of April 2013 none of the agencies listed above has failed to meet the processing times prescribed by the FOI Act. Responses have not yet been provided in relation to two Merit Protection Commissioner requests and one Remuneration Tribunal request. These requests are currently being considered within the prescribed timeframes.