

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN FEDERAL POLICE

Question No. 147

Senator Ludwig asked the following question at the hearing on 18 November 2013:

1. Can the agency please outline the process it under goes to access Freedom of Information requests?
2. Does the agency 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 agency 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 agency 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 agency 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 agency 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 agency 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 agency 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 agency, 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 agency 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 agency?
 - 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?

The answer to the honourable senator's question is as follows:

1. The Australian Federal Police processes applications in accordance with the *Freedom of Information Act 1982* and guidelines issued by the Office of the Australian Information Commissioner. Applications received are acknowledged with 14 days of receipt. Searches are conducted of Australian Federal Police systems, functional areas and individual employees are consulted to discover documents that meet the scope of the application. Where information or documents originate from or include personal information of a third party, State or international authority or other department, the necessary consultations are undertaken. The documents are assessed and where appropriate exempt information is identified. The decision maker on behalf of the Agency then makes a decision regarding the release of appropriately redacted documents to the applicant.
2. The Minister's office is only consulted should the document originate from the Minister's office. The Australian Federal Police informs the Minister's office of progress with Freedom of Information applications.
 - a) The Minister's office is informed on a fortnightly basis.
 - b) The Freedom of Information report is provided to the Minister's office through the Law Enforcement Liaison Officer.

3. The Australian Federal Police, as a standard practice, does not inform other departments of receipt of an application. However, the Australian Federal Police informs the Joint Agency Taskforce for Operation Sovereign Borders of any applications related to their area of responsibility.
 - a) The Australian Federal Police informs Operation Sovereign Borders through Australian Customs and Border Protection.
 - b) Operation Sovereign Borders is informed of relevant applications on a fortnightly basis.
 - c) Operation Sovereign Borders is provided with an updated spreadsheet detailing the Australian Federal Police reference number, date of the application, the scope and decision details when the application is finalised.

4. The Australian Federal Police does not consult the Minister's office as part of the decision making process.
 - a) For significant matters, the Minister's office is advised of decisions two full working days prior to the release of the decision and documents to the applicant.
 - b) The decision is provided to the Minister's officer through the Law Enforcement Liaison Officer.

5. The Australian Federal Police consults other departments for individual Freedom of Information applications where documents or information involve that department. The decision maker in reaching the final decision regarding the release of the documents considers comments and objections by the consulted Department. During the period from 7 September to 18 November 2013, the Australian Federal Police consulted:-

Department/Agency Consulted:	Dates of Consultation	Method
Attorney General's Department	9 September 2013 13 September 2013 16 September 2013 24 October 2013 29 October 2013 30 October 2013 31 October 2013	E-mail
AUSTRAC	31 October 2013	E-mail
Australian Communication and Media Authority	10 September 2013	E-mail
Australian Consumer & Competition Commission	10 September 2013	E-mail
Australian Customs and Border Protection	4 September 2013 16 October 2013 30 October 2013 15 November 2013	E-mail
Australian Taxation Office	16 September 2013 17 October 2013	E-mail
Comcare	23 October 2013	E-mail
Commonwealth Director of Public Prosecutions	30 August 2013 6 November 2013	E-mail

Department of Broadband Communications & Digital Economy	25 October 2013 31 October 2013	E-mail
Department of Finance and Administration	27 September 2013	E-mail
Department of Foreign Affairs and Trade	29 October 2013	E-mail
Department of Immigration and Border Protection	22 October 2013 28 October 2013	E-mail
Department of Prime Minister & Cabinet	10 September 2013	E-mail
Health Services Australia	22 October 2013	Registered Post
Office of the Australian Information Commissioner	10 September 2013	E-mail
The Human Rights Commission	9 September 2013	E-mail

6. The Australian Federal Police Information Access team processes Freedom of Information applications, Privacy Complaints, Archival requests, and administers the Information Publication Scheme. This team consists of eight employees.
7. Information Access consists of a Coordinator (Band 9), two team leaders (Band 7 and 6) and five team members (Band 4).
8. The Australian Federal Police does not assign staffing resources indirectly to Freedom of Information applications. Relevant line areas that may have documents that meet the scope of the application are requested to search, discover and provide the documents to the Information Access Team.
9. For the reporting period, the Australian Federal Police have not seconded additional resources to process Freedom of Information applications.
 - a) Not applicable.
10. The Australian Federal Police currently have six employees designated as original decision makers pursuant to Section 23 of the *Freedom of Information Act 1982*.
 - a) The delegations have not altered since 6 September 2013.
11. The Australian Federal Police is unaware of the status of the Minister's staff regarding designated decision makers. The Australian Federal Police does not have any employees within the Minister's office that are designated as original decision makers pursuant to the *Freedom of Information Act 1982*. The single Australian Federal Police employee within the Minister's office is designated to undertake internal reviews of decision made by the Australian Federal Police.
 - a) This has not altered since 6 September 2013.

12. The Australian Federal Police has only one employee with the Minister's office who is designated to undertake internal reviews of decisions made by the Australian Federal Police. He has that designation by virtue of his rank in the AFP, not his position in the Minister's office. He is not designated to undertake original decision on behalf of the Australian Federal Police.

13. Australian Federal Police employees designated as decision makers have received the following training on Freedom of Information decision-making
 - a) Two employees have received formal training on decision making as it relates to the *Freedom of Information Act 1982*.
 - b) Decision makers have received informal training on decision making as it directly relates to the *Freedom of Information Act 1982* through mentoring and coaching by another designated decision maker.
 - c) The formal training for the designated decision makers was conducted in the same month that the employees were authorised under Section 23 of the *Freedom of Information Act 1982*.
 - d) The formal training conducted involved consideration of the Freedom of Information exemption provisions, factors for consideration especially as it related to the public interest test and the culture of release unless real harm would result.
 - e) The formal training was conducted over a half-day session.
 - f) Training on Internal Reviews and decision making was conducted by Australian Federal Police Legal in conjunction with the Australian Government Solicitors.

14. The Australian Federal Police does not offer or provide any training to designated decision makers under the *Freedom of Information Act 1982* who work within the Minister's office.