

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

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26 February 2014

Question: AET 858-893

Topic: Freedom of Information (ABS)

Written: 5 March 2014

Senator LUDWIG asked:

858. Can the department please outline the process it under goes to access Freedom of Information requests?
859. Does the department consult or inform the Minister when it receives Freedom of Information requests?
- If so, when?
 - If so, how does this occur?
860. Does the department consult or inform other departments or agencies when it receives Freedom of Information requests?
- If so, which departments or agencies?
 - If so, when?
 - If so, how does this occur?
861. Does the department consult or inform the Minister when or before it makes a decision on a Freedom of Information request?
- If so, when?
 - If so, how does this occur?
862. Does the department consult or inform other departments or agencies when or before it makes a decision on a Freedom of Information request?
- If so, which departments or agencies?
 - If so, when?
 - If so, how does this occur?
863. What resources does the department commit to its Freedom of Information team?
864. List the staffing resources by APS level assigned solely to Freedom of Information requests
865. List the staffing resources by APS level assigned indirectly to Freedom of Information requests
866. Does the department ever second addition resources to processing Freedom of Information requests?
- If so, please detail those resources by APS level
867. How many officers are currently designated decision makers under the Freedom of Information Act 1982 within the department?

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- a. How does this differ to the number of officers designated as at 6 September 2013?
868. 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?
869. 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?
870. 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?
871. 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?
- 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?
872. 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?

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- 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?
873. Does the department provide FOI PDFs for download on their website?
874. If not, what is the cost associated with staffing to require monitor email and collate and forward requested FOI documents?
875. How does the department test it is complying with accessibility standards for its websites?
876. Does the department comply with accessibility standards for all its websites?
877. What would be the effect on the accessibility rating of the department's website if FOI PDFs were provided on the department websites?
878. What accessibility testing of the website was done and what were the points of failure prior to this change in access for FOI documents?
879. Have the website accessibility standards been solely or partly responsible for not putting FOI PDF documents on the department websites?
880. How does the department facilitate anonymous access to the FOI disclosure files?
881. 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?
882. 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?
883. What was the content of communications with other departments about the website accessibility standards and FOI PDFs?
884. Where did advice concerning the website accessibility certification and provision of PDFs come from and what was the content of that advice?
885. 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?
886. What efforts have been made to make FOI PDFs accessible to members of the public who have disabilities?
887. Has advice from the information commissioner been sought regarding providing FOI requests available by email request only?
888. Has any disability advice group or consultant been contacted regarding making the FOI requests accessible to people with disabilities?
889. 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)"

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890. 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'"?
891. Is not providing the FOI PDFs on the website a means of avoiding not conforming to the WCAG 2.0 or other guidelines?
892. Does the department have a separate email address or inbox for receiving and responding to FOI requests?
- 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
893. 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?

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Answer:

858. FOI requests can be submitted to the ABS via the ABS website, to an ABS postal address or via the designated ABS FOI email address. Requests through the website and via email are filtered into a database which automatically notifies the ABS FOI Officer upon receipt of email requests. The FOI Officer then accesses the request in the database. The FOI Officer must physically check for incoming post on a regular basis.
859. No.
- a. N/A.
- b. N/A.
860. Only if there is a requirement to consult under the provisions of the *Freedom of Information Act 1982*.
- a. The ABS will consult with departments as relevant under the consultation provisions of the *Freedom of Information Act 1982*. The ABS does not routinely consult with any departments in relation to the ABS' Freedom of Information requests.
- b. The ABS consults on a case-by-case basis if the *Freedom of Information Act 1982* requires consultation.
- c. The ABS Freedom of Information Contact Officer will directly contact the Freedom of Information Contact Officer of the agency or department required for consultation via the contact details available on their Freedom of Information webpage.
861. No.
- a. N/A.
- b. N/A.
862. Only if there is a requirement to consult under the provisions of the *Freedom of Information Act 1982*.
- a. The ABS will consult with departments as relevant under the consultation provisions of the *Freedom of Information Act 1982*. The ABS does not routinely consult with any departments in relation to the ABS' Freedom of Information requests.
- b. The ABS consults on a case-by case basis if the *Freedom of Information Act 1982* requires consultation.
- c. The ABS Freedom of Information Contact Officer will directly contact the Freedom of Information Contact Officer of the agency or department required for consultation via the contact details available on their Freedom of Information webpage.
863. The ABS has staff at various levels which form the ABS FOI team. However, these staff are not solely assigned to work on FOI, these staff undertake other functions in addition to FOI.
864. No ABS staff member is solely assigned to FOI requests, but some staff have a primary role associated with FOI requests. Any ABS staff assigned to FOI requests will have additional roles and functions outside of FOI requests.

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865. FOI Officers = 1xAPS6, 1xEL1, 1xEL2,
FOI Decision Makers = 1xSESB1, 2xSESB2, 4xSESB3
866. No
a. N/A.
867. Seven.
a. No variation.
868. The ABS does not engage with the Minister's Office regarding FOI requests or deliberations and is unaware of the officers in the Minister's office who are decision makers for ABS FOI requests.
a. Unknown.
869. The ABS does not communicate with the Minister regarding FOI requests or deliberations and is unaware of any officers in the Minister's office who are decision makers for ABS FOI requests.
870. The ABS provides training to Freedom of Information decision makers. Freedom of Information decision makers have the opportunity to undertake formal external training if required.
a. One Freedom of Information decision maker has received formal training.
b. Four.
c. The officer who has received formal training received the training within 6 months of appointment.
d. A full day course run by the Australian Government Solicitor about the operation of Freedom of Information in Government.
e. A full day.
f. The Australian Government Solicitor.
871. No training is provided by the ABS. The ABS does not communicate with the Minister regarding FOI requests or deliberations and is unaware of any officers in the Minister's office who are decision makers for ABS FOI requests.
a. N/A.
b. N/A.
c. N/A.
d. N/A.
e. N/A.
f. N/A.

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872. None.
- a. N/A.
 - b. N/A.
 - c. N/A.
 - d. N/A.
 - e. N/A.
 - f. N/A.
873. Yes, where allowed by legislation.
874. None to date.
875. As part of the National Transition Strategy, the ABS used a page based approach to testing components of the website. The ABS continues to use this approach to test its compliance with accessibility standards for its websites. New components to the website will be fully tested for accessibility.
876. Current infrastructure and limited resources will limit the ABS' ability to meet full WCAG 2.0 AA compliance by the end of 2014.
877. N/A. The ABS currently provides FOI documents in PDF format on its website.
878. An external assessment of the accessibility of the ABS website was completed in 2012. There are no points of failure in access for ABS FOI documents.
879. No. The ABS currently provides FOI documents in PDF format.
880. Users of the ABS website can access the web page which contains the ABS FOI disclosure files. Whilst the ABS runs analytics on the website, this does not capture personal details of the individuals who are accessing the files. In accordance with legislation, the ABS advises users through the privacy policy of the process by which we collect analytics.
881. Over the period, January 2013 to February 2014, there were 71 downloads of FOI PDFs. The ABS does not restrict any FOI documents to being accessible through email request only. No requests have been made with respect of FOI material to be provided in a form other than the PDF.
882. No requests have been made in the last three months.
883. The ABS refers to advice from AGIMO on these matters. AGIMO provides advice at webguide.gov.au. Advice from AGIMO is that a PDF cannot be relied upon in the provision of government information.
884. The ABS refers to advice from AGIMO on these matters. AGIMO provides advice at webguide.gov.au. Advice from AGIMO is that PDF cannot be relied upon in the provision of government information.
885. The ABS currently provides access to FOI PDFs.

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886. The ABS currently provides PDF downloads for FOI documents. For members of the public who cannot access the PDF FOI, the ABS meets all reasonable requests for an alternate format of the document in a timely manner and at the lowest reasonable cost. This can be requested from the ABS FOI Contact Officer.
887. No.
888. The ABS is not aware of any contact in this respect. Alternative formats to PDF are available through the ABS FOI Contact Officer on request.
889. The ABS provides access to FOI in PDF format. It also provides access to alternatives if requested.
890. The ABS has no email PDF provision unless specifically requested. All FOI documents available to the public can be accessed as PDF downloads through the ABS website.
891. The ABS currently provides access to FOI documents in a PDF format and will consider moving to a html mode of access as well.
892. Yes.
- a. The two ABS FOI email address are:
freedomofinformation@abs.gov.au and foi@abs.gov.au
- b. The following classification of staff can access FOI email accounts and assess FOI requests for deliberation by a decision maker:
- 1 x APS4
 - 1 x APS5
 - 1 x APS6
 - 1 x EL1
 - 1 x EL2
 - 1 x SESB1
893. The ABS FOI officers respond to applicants from their individual email account instead of a central email account.
- a. The officer clearly states in any FOI related email that they are communicating on behalf of the ABS as a part of their role as FOI officer.
- b. This does not occur in the ABS. All FOI material brought to FOI decision makers to deliberate is provided in physical form.