

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Supplementary Budget Estimates

2014 - 2015

Department/Agency: ASIC

Question: SBT1627-1637

Topic: Freedom of Information (FOI)

Reference: written - 30 October 2014

Senator: Ludwig, Joe

Question:

The following questions relate to requests made pursuant to the Freedom of Information Act (the Act):

Consultations with other Departments, Agencies and the Minister

1627. Other than for the purpose of discussing a transfer under section 16 of the Act, does the Department consult or inform other Departments or Agencies when it receives Freedom of Information requests?

Answer:

Yes. ASIC consults other Departments/Agencies when it receives an FOI request capturing documents that relate to that Department/Agency.

1628. If so, for each instance provide a table setting out the following information:

- a) The Department or Agency which was consulted;
- b) The document;
- c) The purpose of the consultation;
- d) Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension;
- e) Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension

Answer:

(As no timeframe has been stipulated for this question ASIC assumes that this question is in respect of the period since Budget Estimates in June 2014.)

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Departmental/Agency consultation between 1 July 2014 to 30 October 2014

a) Department	b) Documents	c) Purpose	d) EOT sought from applicant ?	e) EOT from IC?
Treasury	Correspondence between ASIC and the Treasury Department about the impacts on ASIC of the budget reductions that were announced in the 2014/15 Budget	To obtain the Department's views on release of the documents in terms of the exemptions provided for in the FOI Act	Yes. EOT of 21 days granted	No
Department of Prime Minister & Cabinet	Correspondence between ASIC and the Treasury Department about the impacts on ASIC of the budget reductions that were announced in the 2014/15 Budget	To obtain the Department's views on release of the documents in terms of the Cabinet related exemptions provided for in the FOI Act	Yes. EOT of 21 days granted	No

1629. Other than for the purposes of discussing a transfer under section 16 of the Act, has the Department consulted or informed the Minister's office about Freedom of Information requests it has received?

Answer:

(As no timeframe has been stipulated for this question ASIC assumes that this question is in respect of the period since Budget Estimates in June 2014.)

No.

1630. If yes, provide a table setting out the following information:

- The requests with respect to which the Minister or Ministerial office was consulted;
- The Minister or Ministerial office which was consulted;
- The purpose of the consultation;
- Whether an extension of time was sought from the applicant to allow time for the consultation, including whether it was granted and the length of the extension;
- Whether an extension of time was sought from the Information Commissioner to allow time for the consultation, including whether it was granted and the length of the extension

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- f) Whether any briefings (including formal briefs, email briefings and verbal briefings) were provided to the Minister's office

Answer:

N/A

Staffing resources

The following questions relate to the period from 18 September 2013:

1631. For the period of time from 18 September 2013, what was the average FTE is allocated to processing FOI requests?

Answer:

ASIC reports on staff resources and other costs associated with processing FOI requests in its Annual Statistical Return to the Information Commissioner

In its Annual Statistical Return for the period 1 July 2013 to 30 June 2014, ASIC reported that it had expended a total of 5,648 staff hours in processing FOI requests. This equates to 753 days or 3.5 FTE (on an annualised basis).

ASIC does not have the data on FTEs for the period requested. The task of obtaining the data for the specified period would require an unreasonable diversion of resources.

FOI Disclosure Log

1632. For the purposes of meeting its obligations under 11C of the Act, does the Department or Agency:
- a) Maintain a webpage allowing download of documents released under section 11A (direct download)?
 - b) Require individuals to contact the Department or Agency to ask for the provision of those documents (request for provision)?
 - c) Facilitate to those documents in a different manner (if so, specify).

Answer:

- a) No
- b) Yes
- c) No

1633. If the Department or Agency has moved from a system of meetings its 11C obligations by direct download, to a system of meeting those obligations by request for provision, provide the following information:

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- a) The dates for which documents were made available for direct download, and the dates for which documents were made available through request for provision;
- b) The total number of direct downloads of documents released under 11A the Departmental or Agency website;
- c) The total number of requests for provision to documents that had been directly received, and how many had been processed by [date]?
- d) What was the average FTE allocated to monitoring incoming email, collating and forwarding documents providing under a request for provision?
- i. What was the approximate cost for salaries for the FTE staff allocated to this task?

Answer:

a) – i) N/A

1634. Has the Department or Agency charged any for access to a document under section 11C (4)?

Answer:

No

1635. If so, please provide the following information in a table:

- a) On how many occasions charges have been imposed;
- b) The amount charged for each document
- c) The total amount charged;
- d) What is the highest charge that has been imposed.

Answer:

a) - d) N/A

With respect to FOI requests:

1636. How many documents were assessed (at internal review or - if internal review was not requested - by the original decision maker) as conditionally exempt?

Answer:

In the period from 18 September 2013 to 30 October 2104 ASIC received 292 requests for documents under the FOI Act. The task of obtaining and reviewing all 292 decisions to compile this data would require an unreasonable diversion of resources

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1637. Of those, how many were:

- a) Released in full
- b) Released in part
- c) Refused access on the grounds that release of the document would be contrary to the public interest
- d) Other (please specify)

Answer:

In the period from 18 September 2013 to 30 October 2014 ASIC received 292 requests for documents under the FOI Act. The task of obtaining and reviewing all 292 decisions to compile this data would require an unreasonable diversion of resources