

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Budget Estimates 2014-2015

Cross Portfolio

Department of Employment Question No. EM0844_15

Senator Lines asked on 3 June 2014 on proof Hansard page 21

Question

FOI requests

CHAIR: I have a couple leading up to morning tea, and if there are no others then we have finished with cross portfolio. You can take this on notice, Secretary. Can you tell me the number of FOI request that you have had since the department was established? I would like to know the breakdown in groupings. I am interested in knowing if and how many FOI request came from unions and which particular unions. Senator LINES: Point of order, Chair. CHAIR: Thank you very much, Senator Lines. Senator LINES: You did exactly the same in agriculture, so it is obviously being spread across the portfolio. Senator Abetz: And the issue is? Senator LINES: I think what they told us in agriculture is they couldn't tell us who the FOI request came from. Ms Leon: I do not have all of that detail with me, but I am happy to take it on notice. So it is the number of FOI requests in total since the department was formed. CHAIR: That is right. If you have some understanding of groupings. Ms Leon: We will not necessarily know who they are all from. Quite often they will either be anonymous or they can just have the person's name—the FOI applicant. You will not necessarily know if they represent an organisation. CHAIR: I just wonder also if it is possible that you collect data on the length of time that you spend, be it proportions of full-time-equivalent staff who process and handle FOI requests within— Ms Leon: I do not know if we have that in that detail but I can tell you on notice, I think, the number of people involved in the broad in handling FOI. CHAIR: The number of people? Ms Leon: There is a team that deals with both freedom of information and information law more generally, so I would be able to tell you the number of people in that team. But that will not capture the time spent by officers from line areas who look at the material— CHAIR: Respond to the FOI request. Ms Leon: and decide if there is any matter on which an exemption should be sought and so on. So it would only be a partial indication of our resourcing. CHAIR: Thank you. Senator CAMERON: There are issues of FOI I want to raise. I was going to raise them in the actual portfolio area where FOI has been raised. Is that okay? Ms Leon: If it concerns a particular subject area then it is best dealt with under that outcome because then the relevant group manager will— Senator CAMERON: Good. Just when it was raised here—I did not want to miss that. Senator LUDWIG: In providing a response to the question on FOI, the department should take into account what the legislation says, because many of the requests for FOI come from war veterans, pensioners and the like, and it would be unusual to provide their names. I think it would be. Ms Leon: I do not think the chair asked me for the names of all of the people. CHAIR: That is correct. I did not. Ms Leon: Just for the numbers and whether they could be broken down into groupings. We do receive, like any department that administers programs, many requests that are for people's personal information, so we do handle those with the appropriate sensitivity to personal privacy.

Answer

Number of FOI requests received

As at 3 June 2014, the Department of Employment has received 127 FOI requests.

This is in addition to 17 requests which were deemed to have been made to the department in accordance with subsection 4(6) of the *Freedom of Information Act 1982* (FOI Act) when the former Department of Education, Employment and Workplace Relations was abolished. A further two matters were deemed to be made to the Department of Social Services and then transferred to that department.

Breakdown of FOI requests

The department is required to report quarterly and annual statistics under the FOI Act to the Office of the Australian Information Commissioner (OAIC). The department is not required to report on the breakdown of requests according to the identity of applicants. In addition, guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act states that an applicant who is a natural person is not required to disclose or provide proof of their identity (paragraph 3.34).

In order to provide a breakdown of the number of FOI requests received by the department from a particular category of applicant (i.e. unions), the department would be required to manually review files. Furthermore, because an applicant is not required to disclose their identity or their affiliation with an organisation when making an FOI request, reviewing files would not necessarily provide an accurate indication of the number of requests made by a particular category of applicant.

Resources for processing FOI requests

The department has a centralised FOI function within its Information Law Team (ILT) which consists of seven staff, comprising both legal and non-legal staff ranging from APS4 (Government Lawyer) to EL2 (Principal Government Lawyer) level. The ILT is responsible for managing FOI requests, in addition to advising the department on FOI and privacy.