

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S PORTFOLIO

**Program: 1.1**

**Question No. SBE15/059**

**Senator Bilyk asked the following question at the hearing on 20 October 2015:**

1. Are communications that Ministers transmit over apps such as wickr and slack subject to the Freedom of Information Act 1982, providing those communications fall within the definition of 'official document of a Minister' under section 4(1)?
2. Are communications that Ministers transmit over non-government email accounts subject to the Freedom of Information Act 1982, providing those communications fall within the definition of 'official document of a Minister' under section 4(1)?
3. Are documents that Ministers store on private servers subject to the Freedom of Information Act 1982, providing those documents fall within the definition of 'official document of a Minister' under section 4(1)?

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

1. The Freedom of Information Act 1982 (FOI Act) applies to official documents of a Minister – that is any documents that are in the possession of a Minister that relate to ministerial duties or the affairs of an agency. Advice provided to the Prime Minister was tabled by the Attorney-General on 19 October 2015 at the Finance and Public Administration Estimates Committee hearing.
- 2-3. See response to question 1.