

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL BUDGET ESTIMATES 2013

Prime Minister and Cabinet Portfolio

Department/Agency: Australian Public Service Commission

Outcome/Program: Cross Portfolio

Topic: Freedom of Information

Senator: Ryan

Question reference number: 55

Type of question: Written

Date set by the committee for the return of answer: Tuesday, 2 April 2013

Number of pages: 3

Question:

1. Has the department/agency received any updated advice on how to respond to FOI requests?
2. What is the total cost to the department to process FOI requests for this financial year to date?
3. How many FOI requests has the Department received for this financial year to date? How many requests have been denied and how many have been granted?
4. Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why?
5. Do any of these requests remain outstanding? If so, how many and why?

Answer:

1. Yes, updated advice has been received since the Australian Public Service Commission's response of November 2012.

The Office of the Australian Information Commissioner (OAIC) regularly provides agencies with information through its OAICnet Email service. This information frequently directs agencies to updated advice on FOI matters, including case notes and general advice on how to respond to FOI requests.

Guidelines and information published by the Australian Information Commissioner and the OAIC are updated from time-to-time and employees of the Commission regularly refer to these guidelines and information on the OAIC's web site.

In accordance with the provisions of the FOI Act, the Commission consults third parties, where necessary, about the release of business documents or documents affecting personal privacy. In these circumstances, the Commission often receives submissions from those third parties. Where necessary, the Commission also consults other Government agencies about particular FOI requests. In these circumstances, the Commission often receives advice and submissions from those agencies.

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The Commission has requested and received advice directly from the OAIC about matters concerning the processing of FOI requests. The Commission has requested and received external legal advice in relation to individual FOI requests when considered necessary.

2. The data required to respond to this question fully is not readily available and an unreasonable diversion of resources would be required to compile this data ahead of the regular FOI reporting cycle.
3. In addition to supporting the Public Service Commissioner, employees of the Australian Public Service Commission are also made available to the Merit Protection Commissioner, the Remuneration Tribunal and the Defence Force Remuneration Tribunal. Each of these offices and bodies is a separate 'agency' for the purposes of the FOI Act. The following responses include data for these agencies.

FOI data for the financial year-to-date is included in tables 1 and 2 below. The Defence Force Remuneration Tribunal has not received or responded to any FOI requests this financial year.

	FOI requests received 2012-13 (year-to-date)
Australian Public Service Commission	17
Merit Protection Commissioner	1
Remuneration Tribunal	0

Table 1: FOI requests received during 2012-13 (year-to-date)

	Granted in full	Granted in part	Access refused	Transferred	Withdrawn	Total outcomes
Australian Public Service Commission	7	4	7	-	3	21
Merit Protection Commissioner	-	-	1	-	-	1
Remuneration Tribunal	-	1	-	-	-	1

Table 2: FOI outcomes during 2012-13 (year-to-date)

The discrepancy between the number of requests received and the total outcomes for the Commission arises due to cases being carried over from the previous financial year. The single request finalised by the Remuneration Tribunal was received in the previous financial year.

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4. Three of the Commission's FOI responses were provided outside the statutory timeframe, including any extensions granted. In two cases, extensions of time were sought from the applicants but the applicants did not respond. One of these responses was provided two days late and the other was provided one day late.

One FOI response was provided approximately one month late but within a period of extension granted by the OAIC. The FOI applicant in this case has a history of harassing and abusive correspondence with the Commission and measures were therefore taken to block email correspondence from the person. In doing so, an FOI request from the person was inadvertently blocked. This was drawn to the Commission's attention by the OAIC when the applicant complained and the Commission subsequently responded to the FOI request and put in place measures to allow email correspondence to the Commission's FOI email address to be received from the person.

5. None of the agencies above has any outstanding FOI requests.