

Senate Finance and Public Administration Legislation Committee —Supplementary Budget Estimates Hearing—October 2012

Answers to Questions on Notice

Parliamentary departments, Department of Parliamentary Services

Topic: **Freedom of Information**

Question: **219**

Written **Senator Ryan**

Date set by the committee for the return of answer: 30 November 2012

- a. Has the department/agency received any updated advice on how to respond to FOI requests?
- b. What is the total cost to the department/agency to process FOI requests for 2011-12? How many FOI requests did the department/agency receive in 2011-12? How many requests were denied and how many were granted? Did the department fail to meet the processing times outlined in the FOI Act for any requests? If so, how many? Do any of these requests remain outstanding?
- c. What is the total cost to the department to process FOI requests for this financial year to date?
- d. 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? Has the department failed to meet the processing times outlined in the FOI Act for any requests? If so, how many and why? Do any of these requests remain outstanding? If so, how many and why?

Answer

On 9 May 2012, the Australian Information Commissioner (AIC) amended the guidelines issued under section 93A of the *Freedom of Information Act 1982* (FOI Act) to state that the Department of the House of Representatives, the Department of the Senate and the Department of Parliamentary Services were subject to the FOI Act. Prior to this, the guidelines stated that the FOI Act did not apply to the departments of the Parliament. This change to the guidelines did not result from an amendment to the FOI Act or any other legislation.

DPS has sought to comply with the spirit of the FOI Act in responding to requests for documents on a case-by-case basis, and continues to respond to requests as they are received. The three parliamentary departments are developing an appropriate framework to deal with them, in relation to other obligations arising under the FOI Act.

- a) Three parliamentary service employees met with a representative of the Information Commissioner on 25 July 2012 to clarify certain questions that the parliamentary departments had in relation to handling FOI requests. The information supplied clarified issues in relation to the Presiding Officers and quarterly/annual FOI reports; requests involving third parties; the publication of the disclosure log; and how requests should be considered on a case-by-case basis. There was also discussion about issues related to parliamentary privilege and what the term "in possession" meant in relation to parliamentary documents.

(continued over the page)

- b) DPS did not attribute any costs to processing FOI requests in 2011–12, during which it had received eight FOI requests.

Between 1 July 2011 and 9 May 2012 (when the FOI Guidelines changed), DPS had received four FOI requests: three responses were provided; DPS did not hold the information requested for in the fourth request.

DPS's Information Request Register was established for requests after 9 May 2012, as advised by the AIC and is located at: [http://www.aph.gov.au/About_Parliament/
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Information](http://www.aph.gov.au/About_Parliament/http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Information)
Requests received before 9 May have not been included on the register. Four requests were received after 9 May 2012. Three were for documents not held by DPS, and one request was withdrawn.

- c) DPS has not attributed any costs to processing FOI requests this financial year to 30 September.
- d) DPS has received three FOI requests this financial year to 30 September 2012.
- DPS did not hold any of the information requested.
 - DPS acknowledged and responded to the requests within the required timeframes.