



**Office of the
Information Commissioner**

Freedom of information for Western Australia

Annual Report 2023/24



We acknowledge the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

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This annual report and previous annual reports are published on the OIC website and are available in other formats on request.



18 September 2024

**SPEAKER OF THE LEGISLATIVE ASSEMBLY
PRESIDENT OF THE LEGISLATIVE COUNCIL**

ANNUAL REPORT TO 30 JUNE 2024

In accordance with section 63 of the *Financial Management Act 2006* I hereby submit my report for the reporting period ended 30 June 2024.

The annual report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and the reporting requirements of the *Freedom of Information Act 1992* (WA).

A handwritten signature in blue ink that reads "Catherine Fletcher".

Catherine Fletcher
INFORMATION COMMISSIONER

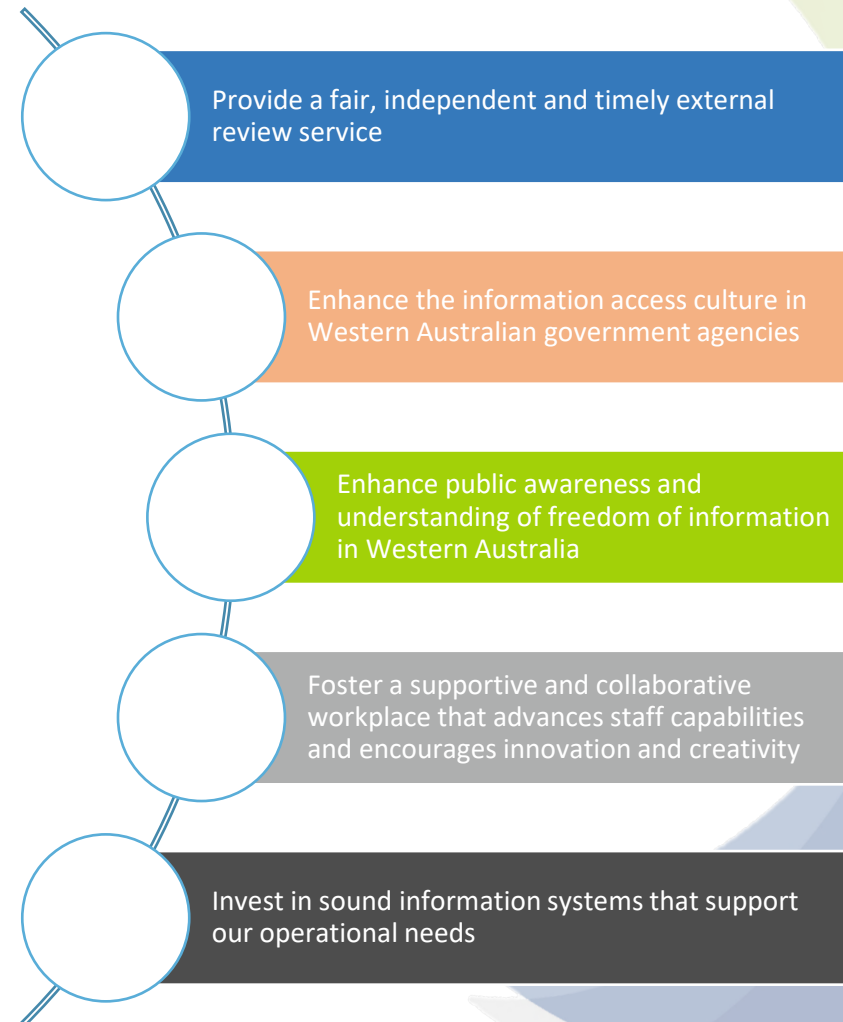
About this report

Welcome to the annual report of the Office of the Information Commissioner (**the OIC**) for 2023/24.

The aim of this report is to provide a comprehensive overview of our performance during the reporting year, provide insight into the goals and operations of the OIC, and the operation of the *Freedom of Information Act 1992 (WA)* (**the FOI Act**) in Western Australia. The services we deliver are designed to provide an outcome that gives the people of Western Australia (**WA**) access to documents held by WA State and local government agencies, as required by the law, and to provide a mechanism to ensure their personal information is accurate. We also educate agencies on their responsibilities under freedom of information (**FOI**) legislation and provide assistance to the community to help them understand their rights under FOI legislation.

The objects of the FOI Act align with the intention of agency annual reports – greater accountability and transparency. We trust that this report on our activities and performance during the last reporting year provides valuable insight into our operations and outcomes and the operation of the FOI Act in WA.


Strategic goals



Key Performance Indicators

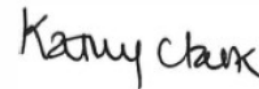
Certification of Key Performance Indicators

We hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Office of the Information Commissioner, and fairly represent the performance of the Office of the Information Commissioner for the financial year ended 30 June 2024.



Catherine Fletcher
Information Commissioner

16 September 2024



Kathy Clark
Acting Manager External Review

16 September 2024



Nexia Perth Audit Services Pty Ltd

Government Goal

Safe, Strong and Fair Communities

Supporting our local and regional communities to thrive.

Desired outcome

Access to documents and observance of processes in accordance with the *Freedom of Information Act 1992 (the FOI Act)*.

Description

Under the FOI Act, the main function of the Information Commissioner (**the Commissioner**) is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The Commissioner's other responsibilities include:

- ensuring that agencies are aware of their responsibilities under the FOI Act;
- ensuring members of the public are aware of the FOI Act and their rights under it;
- providing assistance to members of the public and agencies on matters relevant to the FOI Act; and
- recommending to Parliament legislative or administrative changes that could be made to help the objects of the FOI Act to be achieved.

The Office of the Information Commissioner (**the OIC**) is made up of the Commissioner and the staff appointed by the Governor to assist the Commissioner to discharge those functions and responsibilities under delegated authority. These functions take the form of two outputs.

Service 1: Resolution of Complaints

Service 2: Advice and Awareness

The intent of the FOI Act is to ensure that proceedings on external review are conducted with as little formality and technicality as the requirements of the FOI Act and a proper consideration of the matters before the Commissioner permit. Therefore, when dealing with external reviews (complaints), the policy of the Commissioner is to ensure that wherever possible the conduct of external review proceedings is not unduly legalistic or formal. Accordingly, the preferred method of resolving complaints is by negotiating a conciliated outcome between the parties. However, where a conciliated outcome cannot reasonably be achieved, the Commissioner is required to make a determination and will either publish a written decision with reasons or decide to stop dealing with a matter which is lacking in substance under section 67 of the FOI Act.

Officers delivering the Advice and Awareness output also emphasise the spirit of the FOI Act when delivering advisory services.

Wherever possible, agencies are encouraged to release information outside the FOI process where it is appropriate to do so and, where necessary, to follow the correct processes for dealing with an access application or an application for amendment of personal information under the FOI Act. Policy development within agencies that establishes routine information disclosure outside formal FOI processes is encouraged to minimise the impact of the obligations on the day-to-day operations of agencies. Many potential disputes are also resolved informally with assistance from the OIC.

The Key Performance Indicators (**the KPIs**) of the OIC detailed below have been designed to reflect the satisfaction of parties who utilise the services of the OIC, show the extent to which conciliation is achieved and measure efficiency by relating workload to costs. There are three Effectiveness KPIs and two Efficiency KPIs, which are summarised below.

Key Effectiveness Indicators

1. Satisfaction of parties with external review process.
2. Satisfaction of agencies with advice and guidance provided.
3. The extent to which complaints were resolved by conciliation.

Key Efficiency Indicators

1. Average cost of external reviews finalised.
2. Average cost of advisory services delivered per recipient.

Key effectiveness indicators

Satisfaction of parties with external review process

	2020	2021	2022	2023	2024
Target	85%	85%	85%	85%	85%
Outcome	78%	76%	80%	85%	81%

Figure 27 – Satisfaction ratings of parties over the five-year period

The above indicator shows the level of satisfaction with the external review process by the parties to each of the external reviews finalised during the year.

A Post Review Questionnaire (**PRQ**) is sent to the parties to an external review to seek their views on whether there was an independent, objective and fair process with an emphasis on user-friendly processes which met their needs. Four key questions are asked:

1. Were you satisfied with the outcome of the external review?
2. Regardless of the outcome, were you satisfied with the manner in which the external review was conducted by the OIC?
3. Do you consider that you were kept adequately informed regarding the progress of the external review?

4. Was the officer assigned to the external review professional in his or her dealings with you?

A PRQ was sent to 197 parties who participated in an external review process following finalisation of the review process. 83 participants returned a completed PRQ. 57 responses were received from agencies and 26 were received from complainants. The total response rate from all participants was 42%.

The outcome of answers to question 2 above is used to calculate this indicator. The answers to questions 1, 3 and 4 are also used by the OIC, but for internal management purposes. Information in response to all four questions is taken into account when reviewing external review procedures.

Of the 83 respondents, 67 (81%) answered 'yes' to question 2 and confirmed that they were satisfied with the manner in which the external review was conducted by the OIC.

Satisfaction of agencies with advice and guidance provided

	2020	2021	2022	2023	2024
Target	98%	98%	98%	98%	98%
Outcome	98%	100%	98%	98%	96%

Figure 28 – Satisfaction rating of agencies over the five-year period

The Advice and Awareness section of the OIC provides a range of advisory services. Those services are provided direct by telephone, email and counter enquiries and through group training presentations and briefings and indirectly through published information and the website of the OIC.

A survey is conducted on an annual basis in conjunction with the annual statistical returns of agencies. The survey was sent to each of 271 State and local government agencies and Ministers. Of the 271 surveys sent, 271 agencies (100%) responded by returning a completed/commenced survey. Of the 271 respondent agencies, 139 (51%) confirmed receiving advice and guidance from this office.

Of those 139 agencies that received advice, 134 agencies (96%) expressed satisfaction with the advice and guidance provided to them by this office.

The extent to which external reviews (complaints) were resolved by conciliation

The external review model adopted by the OIC emphasises informal resolution processes such as negotiation and conciliation, wherever possible. If an external review cannot be resolved by conciliation between the parties, the Commissioner is required to make a formal determination.

This KPI is designed to represent the success rate of the preferred resolution method. Therefore, the KPI shows, as a percentage, those external reviews finalised by conciliation as opposed to those that required a decision by the Commissioner.

	2020	2021	2022	2023	2024
Target	70%	70%	70%	70%	70%
Outcome	64%	63%	70%	68%	66%

Figure 29 – External reviews resolved through conciliation over the five-year period

In total, 354 matters of all types were finalised by the OIC in 2023/24. However, of those 354 matters, only 134 were complaints (external reviews), as defined in section 65 of the FOI Act. Of the 134 external reviews resolved in 2023/24, 88 (66%) were resolved by conciliation. That is, as a result of inquiries conducted by the OIC, no issues remained in dispute which required a decision by the Commissioner.

Key efficiency indicators

The OIC delivers services under the two main functions prescribed by the FOI Act. As the primary function of the OIC is to deal with external reviews (complaints) received under the FOI Act, approximately 70% of the OIC's resources are allocated to that function. The other main function of the OIC is to provide advisory services to agencies and to the public. About 30% of the OIC's resources are allocated to the delivery of advice and awareness services.

Output 1 - Resolution of Complaints Average cost of external reviews finalised

Included in calculating this KPI are only those matters dealt with by the Resolution of Complaints section of the OIC in 2023/24 which were formal "complaints" (see section 65 of the FOI Act) and applications that required a determination under the FOI Act rather than general administrative complaints or requests for assistance that are not technically "complaints" as per the FOI Act. General requests for assistance or for the intervention of the OIC, including misdirected applications, are reported on as part of the output of the Advice and Awareness Services. Most of those kinds of matters are dealt with by officers in the Advice and Awareness section of the OIC.

	2020	2021	2022	2023	2024
Budget	\$7,206	\$6,788	\$7,016	\$8,472	\$14,925
Actual	\$7,709	\$7,155	\$9,674	\$10,085	\$13,093

Figure 30 – Average costs of finalised external reviews over the five-year period

The table above reflects the costs incurred in resolving external reviews and applications (e.g. to lodge an external review out of time; permission not to consult; etc.) that may require a determination. It is calculated by dividing the number of external reviews and applications resolved by the OIC in 2023/24 (172) into the "Total Cost of Services" for the Resolution of Complaints output.

Note: The variation in the actual average cost is primarily due to the fluctuations in the number and complexity of matters received and resolved each financial year. The same fluctuations influence the calculation of estimates for budget purposes.

Output 2 – Advice and Awareness Services

Average cost of advisory services delivered per recipient.

In calculating this KPI, the total output units delivered by the Advice and Awareness section of the OIC in 2023/24 was used. The output units recorded by the OIC relate to where direct advisory services were provided. Those units will consist of a total of all telephone calls attended, written advice given by email and letter, counter inquiries attended and recipients of training and briefings.

	2020	2021	2022	2023	2024
Budget	\$364	\$324	\$219	\$348	\$338
Actual	\$283	\$215	\$331	\$370	\$368

Figure 31 – Cost of advisory services over the five-year period

The table above reflects the average cost of providing advice and awareness services to recipients. It is calculated by dividing the total number of recipients of advice and awareness services provided by the OIC in 2023/24 (2,622) into “Total Cost of Services” for the Advice and Awareness output.

Note: The variation in the actual average cost is primarily due to the fluctuations in the number advisory service units delivered each financial year. The same fluctuations influence the calculation of estimates for budget purposes.