

# FOI in WA Conference

Recognising and building our FOI capacity

Conference Program – 10 August 2017

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|           | 8:00 – 8:45   | <b>Registration</b> – tea and coffee available   |  |   |
| <b>1</b>  | 8:45 - 9:00   | <b>Conference Opening, Sven Bluemmel</b> , Information Commissioner  |  |   |
| <b>2</b>  | 9:00 - 9:40   | <b>Key Note Speech – Professor John McMillan AO</b>  |  |   |
| <b>3</b>  | 9:40 - 10:30  | <b>Panel Discussion - FOI in 2017 – the challenges and opportunities to achieving the objects of the FOI Act</b> , chaired by <b>Sven Bluemmel</b> , the Information Commissioner WA with <b>Cathrin Cassarchis</b> , the WA State Archivist and Executive Director State Records, <b>Giles Nunis</b> , the WA Government Chief Information Officer, <b>Lynsey Warbey</b> , Commissioner’s Counsel at WA Police, and <b>Professor McMillan</b> . |  |   |
| <b>4</b>  | 10:30 - 11:00 | Morning Tea  |  |   |
| <b>5</b>  | 11:00 - 11:40 | <a href="#">Quality information, quality archives and the ethics of online access</a><br><b>Damien Hassan</b> and <b>Lena Stekl</b> , State Records Office   | <a href="#">Clause 6 – Deliberating about the Deliberative process exemption.</a><br><b>Rachel Crute</b> and <b>Kathy Clarke</b> , Office of the Information Commissioner  | <a href="#">The practicalities of managing FOI applications and FOI knowledge</a><br><b>Shane Sanders</b> , Department of the Premier and Cabinet   |
| <b>6</b>  | 11:50 - 12:30 | <a href="#">Shh!– Its confidential and secret</a><br><b>Megan Ashford</b> , State Solicitor’s Office   | <a href="#">Interpersonal Skills for FOI Coordinators</a><br><b>Su Lloyd</b> , Office of the Information Commissioner  | <a href="#">Dealing with applications made on behalf of children</a><br><b>Alison McCubbin</b> , Office of the Information Commissioner   |
| <b>7</b>  | 12:30 - 1:20  | Lunch  |  |   |
| <b>8</b>  | 1:20 – 2:00   | <a href="#">Recent Decisions in FOI</a><br><b>Sven Bluemmel</b> , Information Commissioner   | <a href="#">Third party information – what you need to know</a><br><b>Tony Pruyn</b> , Office of the Information Commissioner  | <a href="#">Developing in-house FOI awareness</a><br><b>Helen Stanley</b> , Royal Perth Hospital and <b>Nicole Xanthis</b> and <b>Biljana Sijan</b> , Department of the Premier and Cabinet |
| <b>9</b>  | 2:10 -2:50    | <a href="#">Considering disclosure outside of the FOI Act</a><br><b>Lynsey Warbey</b> , WA Police and <b>Julie De Jong</b> , Department of Mines, Industry, Regulation and Safety  | <a href="#">Perspectives on refusing to deal with an access application</a><br><b>Vivien Akerstrom</b> , Office of the Information Commissioner and <b>Shane Sanders</b> , Department of the Premier and Cabinet | <a href="#">Can they get that personal information under the FOI Act?</a><br><b>Alison McCubbin</b> and <b>Elyse Loughton</b> , Office of the Information Commissioner                      |
| <b>10</b> | 2:50 – 3:15   | Afternoon Tea  |  |   |
| <b>11</b> | 3:15 – 4:00   | <b>FOI in WA – What you do and how you do it matters</b><br><b>Sven Bluemmel</b> , Information Commissioner  |  |   |

Information about the concurrent sessions

| <b>Session 5 – concurrent sessions</b>  |  |   |
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| <b>Quality information, quality archives, and the ethics of online access</b>       | The State Records Commission Standards, issued under the <i>State Records Act 2000</i> , provide a robust framework for the management of government information and public access to information of permanent value. As part of a new service delivery model, the State Records Office is making archival information increasingly available online, but this comes with its own set of ethical considerations which will also be explored in this presentation.  | Damien Hassan, Senior Archivist and Lena Stekl, Record keeping consultant, State Records Office               |
| <b>Deliberating on deliberative process – clause 6 of Schedule 1 to the FOI Act</b> | This session will consider what is required to establish the exemption in clause 6 including what are the deliberative processes of an agency, the public interest element of the exemption and some case studies.   | Rachel Crute, A/Senior Legal Officer, and Kathy Clarke, Legal Officer, Office of the Information Commissioner |
| <b>The practicalities of managing FOI applications and FOI knowledge</b>            | This session will include a discussion of the options and technologies available to edit documents and what information needs to be maintained by an agency for effective and efficient processing of FOI applications.  | Shane Sanders, FOI Coordinator, Department of the Premier and Cabinet   |
| <b>Session 6 – concurrent sessions</b>  |  |   |
| <b>Sssh! Its privileged and confidential!</b>                                       | <p>The State Solicitor’s Office staff will give an overview and some tips on dealing with the more confidential of exemptions.</p> <p>Legal professional privilege is a tricky area of law in its own right. FOI practitioners looking to better understand the application of this exemption will be assisted by SSO who will explain the key aspects of the exemption along with some issues to look out for when deciding whether clause 7 might apply.</p> <p>Confidentiality (both broadly and in respect of Cabinet) is a term often used and badly understood. The SSO will talk you through the terms of the exemptions, the importance of substance over form and how to apply the legal tests that the Information Commissioner will expect to be satisfied.</p> | Megan Ashford, Assistant State Solicitor, State Solicitors Office   |
| <b>Interpersonal skills for FOI Co-ordinators</b>                                   | <p>This session will help you to:</p> <ul style="list-style-type: none"> <li>• better understand your personal communication style and preferences;</li> <li>• develop active listening skills;</li> <li>• learn some effective written and verbal communication techniques; and</li> <li>• identify the key elements of a successful encounter with an access applicant.</li> </ul>   | Su Lloyd, Principal Legal Officer, Office of the Information Commissioner                                     |
| <b>Dealing with applications made ‘on behalf of’ a child</b>                        | <p>Agencies may receive applications made ‘on behalf of a child’. This session will consider:</p> <ul style="list-style-type: none"> <li>• the requirements of section 98 of the FOI Act;</li> <li>• the relevance of the public interest;</li> <li>• the best interests of the child; and</li> <li>• where consultation may be relevant.</li> </ul>   | Alison McCubbin, Advice and Awareness, Office of the Information Commissioner                                 |

**Session 8 – concurrent sessions**

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| <p><b>Recent decisions in FOI</b></p>                                 | <p>The Commissioner’s decisions are a window into considerations about the role of freedom of Information, government accountability and transparency. This session will look at recent decisions of the Commissioner including those concerning documents relating to the Perth Freight link, Perth Children’s Hospital and CCTV footage.</p>  | <p>Sven Bluemmel, Information Commissioner</p>  |
| <p><b>Third party information – what you need to know</b></p>         | <p>Access applications often involve dealing with documents containing information about third parties. The session will consider:</p> <ul style="list-style-type: none"> <li>• the obligations and rights of various parties;</li> <li>• the options available to an agency’s decision-maker; and</li> <li>• the difference between personal information and commercial or business information about third parties.</li> </ul>  | <p>Tony Pruyn, Complaints Coordinator, Office of the Information Commissioner</p>   |
| <p><b>Developing in-house FOI awareness</b></p>                       | <p>Discussion of the techniques being used to educate agency officers about FOI and their individual responsibilities under the FOI Act. This session will discuss:</p> <ul style="list-style-type: none"> <li>• the use of online FOI training for agency staff;</li> <li>• the effectiveness of individual/business unit FOI awareness training sessions;</li> <li>• tools that are being used to raise the level of personal responsibility agency officers take to their duties under the FOI Act.</li> </ul> | <p>Helen Stanley, Royal Perth Hospital and Nicole Xanthis, FOI Coordinator, Department of the Premier and Cabinet and <a href="#">Biljana Sijan</a> Assistant FOI Coordinator, Department of the Premier and Cabinet.</p> |
| <p><b>Clause 1 – the Cabinet and Executive Council exemptions</b></p> | <p>The exemptions in clause 1 of Schedule 1 to the FOI Act protect from disclosure the deliberations and decisions of Cabinet and other Executive bodies. This session will explore some of the requirements for considering the exemptions in clause 1.</p>  | <p>David Paice, Manager, Freedom of Information, Department of the Premier and Cabinet</p>  |

**Session 9 – concurrent sessions**

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| <p><b>Considering disclosure outside of the FOI Act – why do it? What are some of the challenges?</b></p> | <p>Proactive and administrative disclosure of information and documents outside of formal FOI processes promotes the objects of the FOI Act. This session will include observations from two agencies of their experience in disclosing information outside of FOI processes.</p>   | <p>Lynsey Warbey, Commissioner's Counsel, WA Police and Julie De Jong, Executive Direct Strategic Projects, Department of Mines, Industry, Regulation and Safety. Chaired by Rachel Crute, A/Senior Legal Officer, Office of the Information Commissioner</p> |
| <p><b>Perspectives on a decision to refuse to deal with an application</b></p>                            | <p>What are the practicalities and requirements for making a decision that an application is too big to deal with? This session will consider:</p> <ul style="list-style-type: none"> <li>• When should you clarify the scope of a request with an applicant?</li> <li>• How do you go about negotiating scope with applicants?</li> <li>• What are 'reasonable steps' to help the applicant reduce the amount of work needed to deal with the application?</li> <li>• What is an unreasonable and substantial diversion of an agency's resources?</li> <li>• What should a section 20 notice of decision include?</li> </ul> | <p>Vivien Akerstrom, Investigations Officer, Office of the Information Commissioner and Shane Sanders, FOI Coordinator, Department of the Premier and Cabinet</p>   |
| <p><b>Can they get that personal information under the FOI Act?</b></p>                                   | <p>Dealing with an access application will often require consideration of personal information, both about the applicant and third parties. This session will consider:</p> <ul style="list-style-type: none"> <li>• what is personal information?</li> <li>• the personal information exemption and its limitations; and</li> <li>• strategies for considering applications for documents that include personal information.</li> </ul>  | <p>Alison McCubbin, Advice and Awareness, and Elyse Loughton, Office of the Information Commissioner</p>  |
| <p><b>Managing difficult Conversations</b></p>  | <p>This practical, skills based session will identify the key elements in managing difficult conversations including:</p> <ul style="list-style-type: none"> <li>• how to say no;</li> <li>• liaising with senior managers;</li> <li>• adopting an inquiring mindset; and</li> <li>• managing emotions (yours and theirs).</li> </ul> <p>Audience participation is encouraged.</p>  | <p>Su Lloyd, Principal Legal Officer, Office of the Information Commissioner</p>  |