

AGENCIES OVERVIEW

OVERVIEW OF APPLICATIONS DEALT WITH BY AGENCIES

Section 111 of the FOI Act requires that the Information Commissioner's annual report to the Parliament include certain specified information relating to the number and nature of applications under the FOI Act dealt with by agencies during the year. To enable that to occur, agencies are also required by s.111 to provide the Information Commissioner with the specified information. That information for 2004/05 is set out in detail in the statistical tables at the end of this report. The following is an overview.

The primary responsibility for making decisions on FOI applications and otherwise giving effect to the provisions of the FOI Act rests with agencies. As can be seen from a review of previous annual reports of the Information Commissioner, the number of applications made to agencies under the FOI Act has steadily increased, from 3323 at the end of the first full financial year of operation of the FOI Act (1994/95) to 8597 in the year under review. That represents an increase of approximately 158% in 10 years from 1995 and 10% from last year (7823).

From the statistical tables at the end of this report, it can be seen that, as in previous years, the Police Force of Western Australia received the highest number of applications made to a single agency (1448), with the next highest being received by Royal Perth Hospital (1137) and Sir Charles Gairdner Hospital (861) respectively, and another 2840 in total received by various other health service providers (hospitals, health services, the Department of Health).

The very low amount of application fees and charges collected by the health services (for example, a total of \$150.00 in applications fees (ie five application fees) and no additional charges collected by Royal Perth Hospital and Sir Charles Gairdner Hospital) suggests that the vast majority of access applications to those agencies are, as in previous years, for personal information - for example, medical records - about the access applicant, for which no application fee or other charge is payable.

Of the 8597 applications received by agencies in 2004/05, 409 (just under 5%) were received by local government agencies and 8188 (95%) by State Government agencies. Of the local government agencies, the City of Stirling received the highest number of applications (38), followed by the City of Gosnells (25) and the City of Joondalup (22). A number of the small country local Government agencies reported having received none or one.

Of the applications made to State Government agencies, 52 were made to Ministers. The Minister receiving the highest number of applications was the Minister for Planning and Infrastructure (11), with the next highest being the Attorney General; Minister for Health; Electoral Affairs (9).

The statistical tables also reveal that 7846 decisions were made by agencies under the FOI Act in 2004/05. Of those decisions made, 65.9% resulted in the applicant being given access in full to the documents sought; 27.3% resulted in the applicant being given access to edited copies of the documents sought; and 0.5% resulted in either access being given but deferred, or being given in accordance with s.28 of the FOI Act (by way of an approved medical practitioner). Those figures indicate that approximately 93.7% of the 7846 decisions made by agencies on FOI applications were to the effect that access in some form was given. Only 6.3% of the decisions made were to refuse access. That is consistent with the similar statistics for the previous year.

Also consistent with previous years, the exemption clause most frequently claimed by agencies was clause 3, which exempts from disclosure personal information about individuals other than the applicant. That clause was claimed 1949 times in the year under review. The next most frequently claimed exemptions were: clause 5, which relates to law enforcement, public safety and property

security (170 times); clause 4, which relates to certain commercial or business information of private individuals and organisations (128 times); clause 6, which relates to the deliberative processes of Government (90 times); and clause 7, which protects from disclosure documents which would be privileged from production in legal proceedings on the ground of legal professional privilege (88 times).

Agencies received 158 applications for internal review of decisions relating to access applications during 2004/05. This represents about 2% of all decisions made and about 33% of decisions made to refuse access. In the year under review 154 applications for internal review were dealt with. The decision under review was confirmed on 122 occasions, varied on 21 occasions, reversed on three occasions and the application for internal review was withdrawn on 8 occasions. Fifteen applications for amendment of personal information were made to agencies during the year. Sixteen such applications were dealt with, resulting in personal information being amended on five occasions, not amended on nine occasions and amended but not as requested on two occasions. The eight reported applications for internal review on decisions relating to the amendment of personal information resulted in the initial decision being confirmed on six occasions and varied on one occasion.

Figures 1-4 below illustrate the performance of agencies in respect of FOI in the year under review. The number of applications decided by agencies increased, as did the number of occasions on which full access was given. The average time taken to deal with access applications increased slightly, by approximately one day, from the previous year, but is still within the maximum period of 45 days permitted by the FOI Act. It does not appear to be a significant increase, given the increase in the numbers of access applications being dealt with, but, as I indicated in my last annual report, my office will continue to monitor it. The average amount of charges imposed by agencies for dealing with access applications increased in comparison with the previous year, but is still well below the highest level in the last five years, which was in 2001.

Although the conclusions that can be drawn from statistics such as these are limited, in my view these figures are a positive indicator that, overall, agencies are giving effect to the FOI Act in the manner in which it was intended to operate. Of course, there continue to be particular instances where that is not the case, and it is the ongoing goal of my office, both through the external review of complaints and through our advisory and educational activities, to ensure these positive trends continue and that problem areas are identified and addressed.

FIGURE 1

Number of Applications Decided—All Agencies

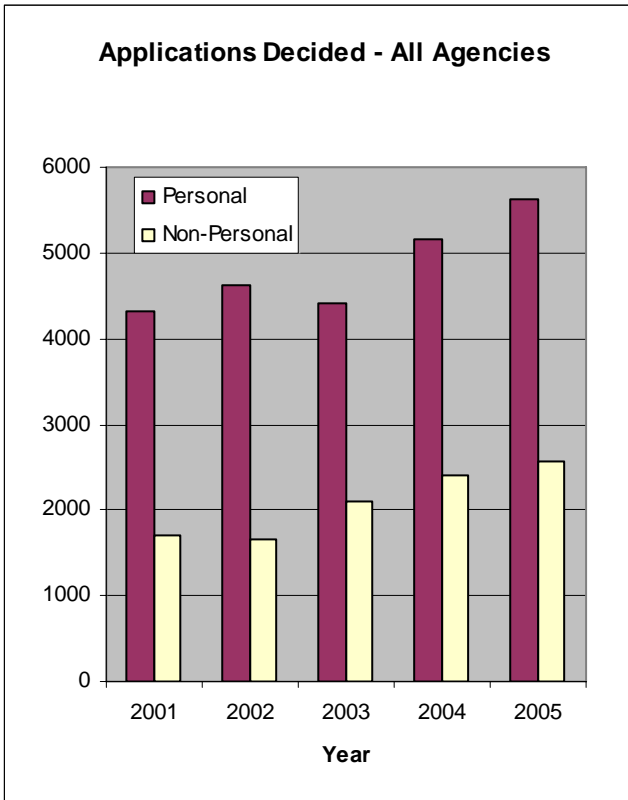


FIGURE 3

Average Charges Imposed —All Agencies (\$)

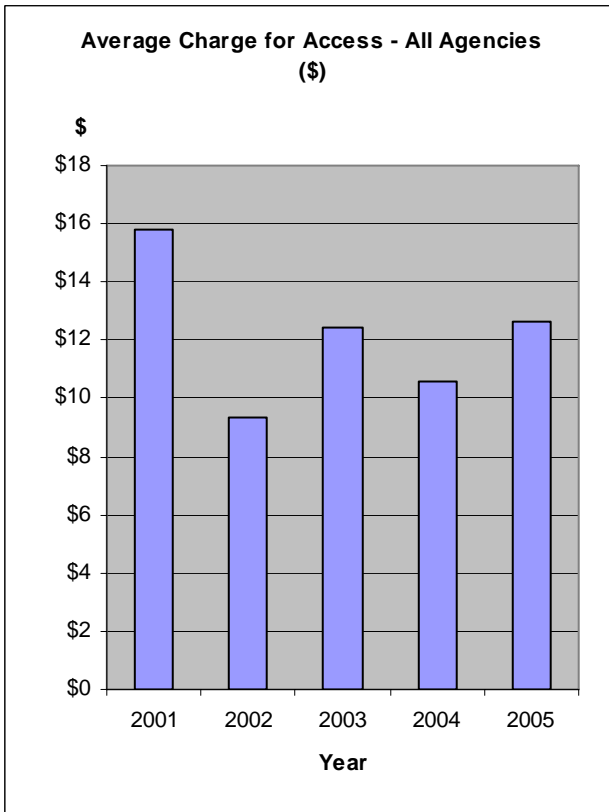


FIGURE 2

Average Days Taken to Deal with Applications – All Agencies

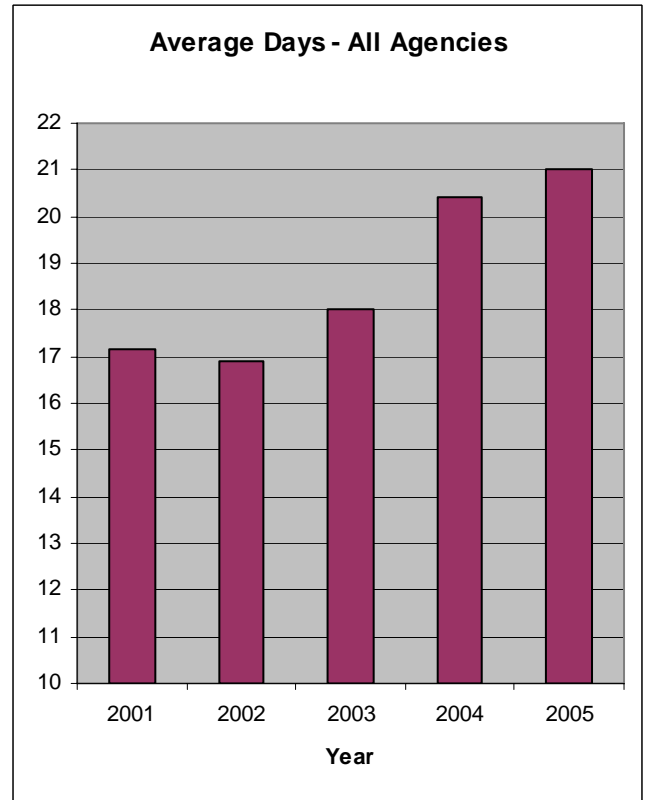


FIGURE 4

Outcome of Decisions—All Agencies

