



**Office of the
Information Commissioner**

Freedom of information for Western Australia

ANNUAL REPORT

2015/2016



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 2016.



Sven Bluemmel
Information Commissioner

29 August 2016



Tony Pruyn
Complaints Coordinator

29 August 2016



13. Government Goal

Results-based service delivery

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

14. Desired outcome

Access to documents and observance of processes in accordance with the FOI Act.

15. 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 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 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 reasonable to do so or, 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 which establishes routine information disclosure outside formal FOI processes is encouraged so that the impact of the obligations placed on agencies by the FOI Act on the day-to-day operations of those agencies is minimised. Many potential disputes are also resolved informally with assistance from the OIC.

The Performance Indicators (**the PIs**) 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 PIs and two Efficiency PIs, which are summarised below:

Effectiveness performance 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.

Efficiency performance indicators

4. Average cost of external reviews finalised.
5. Average cost of advisory services delivered per recipient.

16. Effectiveness performance indicators

Satisfaction of parties with external review process

	2011	2012	2013	2014	2015	2016
Target	85%	80%	80%	80%	80%	80%
Outcome	77%	81%	86%	85%	86%	86%

The above indicator shows the level of satisfaction with the external review process by the parties to each of the complaints 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 Office of the Information Commissioner?

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 320 parties who participated in an external review process following finalisation of the review process. 181 participants returned a completed PRQ. 124 responses were received from agencies, 55 were received from complainants and two were received from third parties.

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 181 respondents, 155 (86%) 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

	2011	2012	2013	2014	2015	2016
Target	98%	98%	98%	98%	98%	98%
Outcome	98%	98%	98%	98%	98%	99%

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 internet 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 300 State and local government agencies and Ministers. Of the 300 surveys sent, 281 agencies (94%) responded by returning a completed survey. Of the 281 respondent agencies, 199 (71%) confirmed receiving advice and guidance from this office.

Of those 199 agencies that received advice, 197 agencies (99%) expressed satisfaction with the advice and guidance provided to them by this office.

The extent to which 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 a complaint cannot be resolved by conciliation between the parties to the complaint, the Commissioner is required to make a formal determination.

The PI set out below is designed to represent the success rate of the preferred resolution method. Therefore, the PI shows, as a percentage, those complaints finalised by conciliation as opposed to those complaints that required a decision by the Commissioner.

	2011	2012	2013	2014	2015	2016
Target	55%	60%	60%	60%	60%	60%
Outcome	61%	55%	68%	70%	54%	70%

In total, 375 matters of all types were finalised by the OIC in 2015/16. However, of those 375 matters, only 145 were complaints, as defined in section 65 of the FOI Act. Of the 145 complaints resolved in 2015/16, 102 (70%) 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.

Note: The variation in the actual outcome of the conciliation rate is primarily due an unexpected increase in the number of complaints resolved by conciliation in the financial year after the target was calculated as part of the budget estimate process and the first full year effect of classifying as conciliated a particular type of complaint closure.

17. Efficiency performance indicators

The OIC currently operates with 12 FTEs to deliver services under the two main functions prescribed by the FOI Act. As the primary function of the OIC is to deal with complaints received under the FOI Act, approximately 68% of the OIC's resources are allocated to the complaint resolution (external review) function. The other main function of the OIC is to provide advisory services to agencies and to the public. About 32% 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 PI are only those matters dealt with by the Resolution of Complaints section of the OIC in 2015/16 which were technically formal "complaints" (see s.65 of the FOI Act) and applications that required a determination under the FOI Act rather than general 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.

	2011	2012	2013	2014	2015	2016
Budget	\$8,752	\$8,156	\$7,455	\$8,067	\$7,946	\$11,133
Actual	\$8,429	\$8,359	\$9,909	\$8,094	\$8,021	\$7,751

The table above reflects the costs incurred in resolving complaints and applications (eg. to lodge a complaint out of time; permission not to consult; etc.) that may require a determination. It is calculated by dividing the number of complaints and applications resolved by the OIC in 2015/16 (199) into the “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 and an unexpected increase in the number of complaints finalised in the financial year after the budget estimate was calculated. The impact on the unit cost is significant as the total cost of this output is largely fixed, being made up of staffing and accommodation costs.

Output 2 – Advice and Awareness Services

Average cost of advisory services delivered per recipient

In calculating this PI the total output units delivered by the Advice and Awareness section of the OIC in 2014/15 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.

	2011	2012	2013	2014	2015	2016
Budget	\$184	\$196	\$208	\$240	\$312	\$208
Actual	\$150	\$196	\$294	\$236	\$228	\$262

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 2015/16 (2771) into “cost of services” for the Advice and Awareness output.

Note: The variation in the actual average cost is primarily due to the unexpected decrease in the number of recipients of advisory services in the financial year after the budget estimate was calculated. The impact on the unit cost is significant as the total cost of this output is largely fixed, being made up of staffing and accommodation costs.