



# **Freedom of Information Newsletter**

**July 2015**

## ***From the Information Commissioner***

With the close of the financial year, a significant increase in FOI complaint activity is clear. The total number of valid complaints received by my office in 2014/15 was 167, a 56 per cent increase on 2013/14, and 29 per cent above the number in 2012/13.

My office has worked hard to keep pace with this increase, finalising 160 complaints in 2014/15 and 152 the previous financial year. This is well above the average of 108 complaints finalised annually in the previous ten years. Full details of this complaints activity are available on the [Performance](#) page of our website.

Speaking of statistics, this week agencies have received our request to submit their statistical reports for 2014/15. These important reports are used in the preparation of the OIC Annual Report to Parliament. Please return them to us by 24 July 2015.

## ***World of FOI***

### **4<sup>th</sup> of July was FOI day**

Americans who celebrate Independence Day this weekend might not be aware that the 4<sup>th</sup> of July is also the day when President Lyndon B. Johnson signed the *Freedom of Information Act* (USA) 49 years ago in 1966. The legislation came into effect 12 months later.

In a statement released on the signing of the Act he said:

*This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest ...*

## ***Did you know?***

### **Proactive release of documents outside FOI**

One of the most effective ways an agency can simultaneously achieve its own objectives and those of the FOI Act is to disclose information outside the FOI process.

Unless there is a good reason not to do so, this can be done by taking the initiative to publish information on an agency's website. Proactive disclosure of information is not only within the objectives of the Act, it can result in positive resource and accountability outcomes for the agency.

An agency's Information Statement can be a valuable tool that outlines the types of documents held by the agency, and gives advice on how those documents can be accessed by the public. A good Information Statement (which can be published on an agency's website) is a very useful resource that benefits both the agency and members of the public.

### ***Agency news***

#### **Let your website do the talking**

The Information Commissioner encourages agencies to assist access applicants to navigate their way through the FOI process – a process that some can find challenging. One way of doing this is through agency websites.

Many agencies make a particular effort to have websites that clearly and fully inform the public about their rights and the access process under FOI. The information is customised for the agency and its public.

An example of an agency that presents comprehensive information in plain language is [The University of Western Australia](#).

#### ***Recent decisions of the Information Commissioner***

##### ***[Re Caffery and Department of Culture and the Arts](#) [2015] WAICmr 12 ([PDF](#))***

The work involved in dealing with eight access applications from the complainant was found to divert a substantial and unreasonable portion of the agency's resources away from its other operations, pursuant to section 20.

The agency's decision was confirmed.

##### ***[Re Lyon and Department of Agriculture and Food](#) [2015] WAICmr 11([PDF](#))***

Certain information in documents relating to the complainant's employment as an officer of an agency was found to be exempt under clause 3(1).

The agency's decision was confirmed.

##### ***[Re 'J' and Western Australian Land Information Authority \(Landgate\)](#) [2015] WAICmr 10 ([PDF](#))***

A detailed report prepared by an external investigator concerning suspected breaches of discipline by the complainant was found to be exempt under clause 3(1).

The agency's decision was confirmed.

##### ***[Re West Australian Newspapers Ltd and Department of the Premier and Cabinet](#) [2015] WAICmr 9 ([PDF](#))***

Documents held by the Office of the Premier, created during the 'caretaker period', were found to be documents of an agency.

The agency's decision was set aside.

##### ***[Re Penfold and Shire of Exmouth](#) [2015] WAICmr 8 ([PDF](#))***

Documents consisting of external and internal plans for a commercial property were found not to be exempt under clause 3(1).

The agency's decision was set aside.

### ***FOI Training News***

**Upcoming [training dates](#) for agencies**

FOI Decision-makers forum, Wednesday 22 July 2015, 9am – 1pm  
FOI Coordinators Workshop, Wednesday 19 August 2015, 9am – 4:15pm  
FOI Coordinators Workshop, Wednesday 24 September 2015, 9am – 4:15pm

The **FOI Coordinators Workshop** introduces participants to the objects and the principles of the FOI Act and the major features of the legislation. Topics include the role of decision-makers; FOI applications; exemptions; consultation with third parties; charges; notices of decision and review; amendment of records; publication of information; statistics and reporting.

The **Decision-makers Forum** covers the decision-maker's role and responsibilities, including notices of decision, exemptions and consultation.

### ***Subscription and Feedback***

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