



Freedom of Information Newsletter

Number 24 – May 2019

From the Information Commissioner

Welcome to our second newsletter for 2019. From now on we will publish these every quarter. I welcome any suggestions for this newsletter or contributions from agencies.

An important role for the Information Commissioner is to ensure that agencies are aware of their responsibilities under the FOI Act. In fulfilling this role over the last three months, I have provided FOI briefings to a number of agency Corporate Executive meetings, agency leadership groups and to wider agency staff groups. I appreciate the opportunity to share the importance of the role of freedom of information in our democracy and to address agency questions about freedom of information.

As part of my role of ensuring the public is aware of their rights under the FOI Act, I delivered presentations to Legal Aid at their 'Summer Series' conference, to Notre Dame University at their 'Eminent Speaker Series' and to the Law Society of WA. One of my officers gave an FOI briefing to law students at Edith Cowan University.

On 6 May 2019, together with a number of my staff, I provided evidence to the Legislative Council Standing Committee on Public Administration. I answered questions from the Committee about OIC operations and freedom of information issues in Western Australia in general. A transcript of that evidence is available at: [<Legislative Council Standing Committee transcript>](#).

In mid-May, Alison McCubbin and I participated in independent agency information sessions for Aboriginal service providers and Elders, which was organised by the Ombudsman Western Australia. The sessions also included representatives from the Ombudsman WA, Commonwealth Ombudsman, Telecommunications Industry Ombudsman, Australian Financial Complaints Authority, the Energy and Water Ombudsman and the Health and Disability Services Complaints Office. We had the opportunity to talk with the participants about how to engage with agencies and my office in order to access documents. We particularly valued the opportunity to hear from Aboriginal leaders about issues that Aboriginal people experience in dealing with government agencies.

In this newsletter, you will also find a report about the latest National Metrics in relation to access laws across Australia. The administration of freedom of information by WA agencies appears to be tracking well in comparison to other jurisdictions.



(A) Information Commissioner and OIC officers prior to appearing before the Legislative Council Standing Committee on Public Administration)

My office has also recently provided submissions and feedback regarding a number of issues currently being dealt with by the government and its agencies that touch on issues about, or connected with, access to government information.

This newsletter also reports on the Auditor General's report number 17, 'Records Management in Local Government'. In my view, this report provides important information for Local Government and State Government agencies about good recordkeeping, which supports both the objects of the FOI Act and efficient FOI processes. Effective policies and procedures that support an agency's recordkeeping plan - including consistent naming conventions and proper preservation and retention and disposal of records - can assist effective and timely processing of FOI applications. I encourage officers to review the report.

There are currently no published decisions since the last newsletter. This is due, in part, to the continuing high rate of resolution of matters before me by conciliation, which is currently tracking at over 80% for this financial year. If a matter is resolved by conciliation, a formal published decision is not required.

Finally, please consider registering for the second FOI in WA Conference to be held in November. Details to follow towards the end of this newsletter.

Catherine Fletcher, Acting Information Commissioner

World of FOI – National Information Access metrics released

The 2017/18 data has been added to the Association of Information Access Commissioners National Metrics Dashboard, which compares access jurisdictions within Australia. As an agency, we are pleased to participate for the first time in providing data relating to the percentage of access decisions made in WA within the statutory timeframe.

The statutory timeframe under the FOI Act for an access applicant to receive a written notice of decision is the 'permitted period' as described in section 13(3) of the FOI Act, which provides:

*For the purposes of this section the **permitted period** is 45 days after the access application is received or such other period as is agreed between the agency and the applicant or allowed by the Commissioner under subsection (4) or (5).*

The data provided by WA agencies in the 2017/18 statistical returns indicates that 91% of access applications made in the State were finalised within the permitted period. This compares favourably with other Australian jurisdictions and is second only to the Northern Territory, which reports that 95% of all decisions were made within the statutory timeframe.

The current dashboard of FOI metrics can be found [<here>](#).

The data from the 2017/2018 dashboard also indicates, amongst other things, that Western Australia has:

- the highest applications received per capita;
- the second highest percentage of access provided in full or in part, equal with Victoria and just behind the Northern Territory; and
- the lowest percentage of external reviews received, against the number of applications received by agencies.

Agency News - Auditor General's Report - Records Management in Local Government

In April 2019 the Auditor General, Caroline Spencer, published her report on 'Records Management in Local Government'. The objective of the audit was to determine if local government entities (LGs) effectively manage their records to promote accountable and transparent decision making.

The audit checked that 146 LGs had State Records Commissioner approved recordkeeping plans. The audit included a more detailed review of four LGs. The audit conclusion was that:

The 137 local governments and 9 regional councils we checked have recordkeeping plans approved by the State Records Commission, as required. However, the 4 LGs we reviewed were not effectively implementing them, or managing their records to promote accountable and transparent decision making. Recordkeeping tools that support implementation, such as policies and procedures, training, and monitoring were not adequately developed. LGs could also do more to better protect their digital records.

In her overview of the report, the Auditor General states:

Good records support good decision-making, effective business practice and improve accountability and efficiency – they are a cornerstone of good governance. For this reason, it is relevant that the implementation of State Records Commission-approved recordkeeping plans was examined as one of our first local government performance audits...

The full report can be found [<here>](#).

The report encouraged all local governments to review their recordkeeping policies and procedures to ensure they adequately support their recordkeeping plans. The report includes a table of 'Better practice principles', which outlines expectations of the State Records Commission and the Auditor General in relation to recordkeeping.

Good news story – Facilitating online FOI payments

Many agencies do not have facilities that allow access applicants to pay the required \$30 application fee online. The story below describes the experience of an agency FOI Coordinator who has established a process for access applicants to pay their FOI application, where applicable, by credit cards using BPoint.

I questioned a while back why our agency didn't have the facilities to allow online payment for FOI matters.

Based on feedback from other agencies, we decided to investigate BPoint. I met with a team member from our finance team and our bank to discuss the requirements to set up BPoint payments. We discussed ways in which we could identify which applicant had paid as names are not always a unique identifier, so we decided a phone number could be included as this was a pretty unique identifier.

Screens in BPoint were created and a simple receipt was designed. We learnt how to run reports in BPoint to enable us to check payments from applicants at any time, and our finance team also receive a report daily from our bank showing payments received and the applicants name and phone number. From here, payments received are checked against the applications received.

The introduction of BPoint payments, meant that the following also had to be amended:

- *our FOI Register - added a column to record the BPoint receipt number*
- *our FOI Application form had to be redesigned to not only advise FOI Applicants that they could pay by credit card using BPoint, but also add a field for the BPoint receipt number to be recorded. This enables us to match payments to applications much*

easier. We took the opportunity to completely redesign our FOI Application form to make it much more user friendly

- *we also took the opportunity to completely redesign our FOI webpage by breaking down the steps required to determine if an application is a personal or non-personal application, what is required to make an application, and how to pay the application fee*

Although we hit a few hurdles along the way, it has made us more customer focused and made the process for applicants much easier.

The OIC encourages agencies to consider how to make their processes for dealing with access applications customer focused, in line with the objects of the FOI Act.

FOI in WA Conference – 21 November 2019 – Keynote speaker Hon Dr Geoff Gallop AC

The OIC is pleased to announce that the Hon Dr Geoff Gallop AC has agreed to be the keynote speaker for our FOI in WA Conference. Dr Gallop is a former premier of Western Australia and an Emeritus Professor of Sydney University and was the Director of the Graduate School of Government at Sydney University.

Registration for the Conference is open to State and local government officers. The conference theme is 'Building Trust' and the aim of the conference is to explore the role of FOI in building trust and to equip officers to trust the role and processes of FOI. The sessions offered during the day-long conference will provide resources and practical guidance for those managing FOI in their agencies and giving effect to the objects of the FOI Act.

Don't forget to **SAVE THE DATE**. Registrations will open in June. The registration fee this year will be \$109 for the day, including lunch. To receive notice when conference registrations are open click here [<Registrations open notification>](#). Information about the conference will be posted to our website <https://www.oic.wa.gov.au/en-au/Home/FOI-in-WA-Conference> as it becomes available.

Access to the OIC

Staff of the OIC are available between 9:00am to 4:30pm on normal working days. Deliveries by hand may be made with the Albert Facey House concierge between 7:30am to 5:00pm.

Note: Occasionally the OIC office may be closed for operational reasons. Advance notice will be published on our website and alternative arrangements made to provide assistance when possible.

FOI training calendar

The 2019 dates for the FOI Coordinators Workshops and the FOI Decision Writing Workshops are available on our website [<here>](#).

Subscription and feedback

Click [<here>](#) to subscribe to the FOI Newsletter and decision announcements.

Click [<here>](#) to provide your feedback or suggestions for the FOI Newsletter and for our other Advice and Awareness services.

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