



Reporting Requirements under FOI

This information sheet outlines the monthly and annual Freedom of Information (FOI) reporting obligations of agencies subject to the *Freedom of Information Act 1991* (FOI Act).

FOI Annual Reporting

At the end of every financial year, State Records collects FOI statistics from all agencies subject to the FOI Act.

Pursuant to section 54 of the FOI Act, the Minister responsible for administering the Act must prepare an annual report and table it in both Houses of Parliament within six sitting days after the report is completed. The report must be completed by no later than 31 October each year.

Section 54AA requires all agencies subject to the FOI Act to provide information as required by the Minister to allow the annual report to be completed. The Minister is required to give notice in the Government Gazette about what information is required and how that information is to be reported. This was most recently gazetted on 15 June 2006.

State Records will remind agencies in writing of their obligation to report each year. Letters will be sent to:

- Chief Executives of the major State Government portfolios
- Chief Executives of Local Councils
- Vice Chancellors of the three Universities; and
- Office Managers of Ministerial Offices

Chief Executives are responsible for ensuring this information is passed on to all agencies within their portfolios, including statutory authorities. State Records also emails a reminder directly to FOI officers who are registered as Agency Administrators in the Government's Freedom of Information Management System (FOIMS).

Although State Records provides support to agencies to meet their reporting obligations (eg reminder emails directly to FOI officers) the responsibility for reporting rests with the agency.

Annual Reporting of Confidentiality Clauses in Contracts

Pursuant to clause 13(7) of schedule 1 of the FOI Act, the total number of contracts containing an approved confidentiality clause for each financial year must be reported in the FOI Annual Report.

For more information about contracts and confidentiality clauses, please refer to the FOI Information Sheets entitled *FOI and Contracting for State Government* and *FOI and Contracting for Local Government and Universities*.

FOI Monthly Reporting

State Records provides the Minister responsible for the administration of the FOI Act with a report on FOI activity each month. A reminder is emailed to agencies outlining the process and the requirement to update FOIMS by the 10th day of the month.

The report covers information in relation to:

- active FOI applications each month (for the major State Government portfolios only), and
- contracts with confidentiality clauses approved during the month.

Reporting contracts containing an approved confidentiality clause is discussed in more detail below.

Monthly Reporting of Confidentiality Clauses in Contracts

Pursuant to clause 13(6) of schedule 1 of the FOI Act, the approval of a confidentiality clause included in a contract must be reported to the Minister responsible for administering the FOI Act, *as soon as practicable* after the clause has been approved. Reporting immediately in the following month, after the contract has been entered into, will meet this legislative requirement.

To ensure that the approval of a confidentiality clause in a contract is reported monthly, all agencies must record all such approvals in FOIMS.

Agencies must ensure the approval of a confidentiality clause in a contract for the previous month is recorded by the 10th day of the following month. State Records then extracts the data from FOIMS to report to the Minister responsible for the FOI Act.

If an agency has no contracts containing an approved confidentiality clause to report, they are not required to enter any data about contracts in FOIMS, and are not required to inform State Records.

For more information about contracts and confidentiality clauses, please refer to the FOI Information Sheets entitled *FOI and Contracting for State Government* and *FOI and Contracting for Local Government and Universities*.

FOIMS

The Freedom of Information Management System (FOIMS) was developed as an across government tool for recording, processing and reporting FOI applications. State Records uses FOIMS to produce the reports discussed in this information sheet.

For more information about FOIMS please refer to the Information Sheet entitled *Freedom of Information Management System (FOIMS)* or contact the FOI Officer in your agency.