



Government of South Australia

GPO Box 2343
ADELAIDE SA 5001
Tel (08) 8204 8786
Fax (08) 8204 8777 DX:467
foi@sa.gov.au
www.archives.sa.gov.au

State Records
of South Australia



Across-Government FOI Applications

Procedure

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Introduction

The *Freedom of Information Act 1991* (FOI Act) confers upon members of the public and Members of Parliament a legally enforceable right to access information held by Government agencies, subject to certain exemptions.

State Records supports the Minister responsible for the administration of the FOI Act. This includes policy and legislative advice, the development of information sheets and guides, regular and ad hoc reporting, the management of the Freedom of Information Management System (FOIMS) and responding to enquiries from members of the public and agencies in relation to FOI.

This procedure outlines the process involved in dealing with an FOI application that has been sent to a number of agencies at approximately the same time. These applications are commonly known as across-government FOI applications or broadcast applications. Senior Management Council (SMC) has endorsed the process outlined in this procedure for use by State Government agencies.

Purpose

The purpose of this procedure is to assist State Government agencies process across-government FOI applications efficiently and effectively and enhance the FOI accountability framework within and across agencies. Specifically, this procedure is designed to:

- increase the efficiency, effectiveness and transparency of determinations
- help tackle complex issues related to multi-agency and multi-jurisdictional issues
- facilitate liaison between State Government agencies
- lead to greater consistency in the application of the FOI Act.

Across-government FOI applications

It has become common practice for Members of Parliament, and at times the media, to send the same or similar FOI application to more than one agency. Common themes for across-government FOI applications include requests for documents relating to credit card expenditure, travel itineraries and salaries of public servants. While the majority of these kinds of applications are made by Members of Parliament, any member of the public can make an across-government application.

When an across-government application has been received by a number of agencies, FOI Officers often request a meeting to discuss issues and approaches. These meetings are facilitated by State Records and usually held at State Records in the city.

As with any FOI application, the determination of an across-government application must be made by the Accredited FOI Officer independently and free from influence.



What the FOI Act says

All written applications made under the FOI Act, including those that are circulated to numerous agencies, must be handled in accordance with the requirements of the FOI Act.

The objects of the FOI Act are to:

- promote openness in government and accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further good government in South Australia
- facilitate more effective participation by members of the public in the processes involved in the making and administration of laws and policies.

The means by which the FOI Act achieves these objectives is by:

- ensuring that information concerning the operations of government (including information concerning the rules and practices followed by government in its dealings with members of the public) is readily available to members of the public and to Members of Parliament
- conferring on each member of the public and on Members of Parliament a legally enforceable right to be given access to documents held by government, subject only to such restrictions as are consistent with exemptions under the FOI Act including the public interest (including maintenance of the effective conduct of public affairs through the free and frank expression of opinions) and the preservation of personal privacy
- enabling each member of the public to apply for the amendment of such government records concerning his or her personal affairs as are incomplete, incorrect, out-of-date or misleading
- interpreting and applying legislation and government policy so as to exercise discretion, as far as possible, in a way that favours the disclosure of information.
- requiring agencies to give effect to the FOI Act in a way that assists members of the public and Members of Parliament to exercise rights given by the FOI Act and which ensures that applications are dealt with promptly and efficiently
- not refusing an application merely because it does not contain sufficient information to enable the document to which it relates to be identified without first taking such steps as are reasonably practicable to assist the applicant to provide such information
- ensuring that the FOI Act is not interpreted to prevent or discourage the publication of information, the giving of access to documents or the amendment of records if it is proper and reasonable to do so or if it is permitted or required by or under any other Act or law.



Meeting arrangements and expectations

Pre-meeting arrangements

When an agency receives what it considers may be a potential across-government FOI application it will make contact with State Records who will contact other key FOI Officers to determine if it is an across-government application and whether a meeting is required. Any general issues that may need to be discussed can also be raised at this time.

State Records will make all appropriate meeting arrangements including date, time and venue and arrange for a representative of the Crown Solicitor's Office (CSO) to attend. State Government FOI contacts will be advised accordingly.

In the event of only two or three agencies receiving the application of the same kind a meeting will not be arranged. Communication between those agencies concerned will be managed via email and State Records will remain involved as necessary.

Meeting attendance and processes

It is expected that Executive level Accredited FOI Officers will be fully involved in the processing of across-government FOI applications from the outset and make every attempt to attend the across-government meetings as often as possible.

Each meeting will have a brief agenda based on any issues raised prior to the meeting, and actions arising from the meeting will be recorded. Such actions can include arrangements for consultation with the applicant, circulation of subsequent responses, follow up legal advice, potential transfers and liaison with agencies. The names of meeting attendees will also be recorded.

If the opportunity to clarify or narrow the scope of the application exists, agency representatives should consider nominating one agency to contact the applicant. Results should be communicated to State Records so that agencies can be advised. Each individual agency remains responsible for ensuring any variation to the application is confirmed by the applicant in writing.

Post meeting actions

After the meeting each agency will continue to process their FOI application independently. State Records will follow up any necessary actions, including any further general advice from the CSO. Agencies are responsible for seeking independent specific legal advice as required.

Attached to this document is a flowchart describing the process for these meetings.



Liaison between agencies

Liaison between the agencies that have received an across-government FOI application allows for a consistent approach to be taken in processing such requests. It is also an opportunity to gather valuable information and views that may assist agencies in processing an FOI application. Each agency must, however, make its own independent determination. It is important for agencies to communicate with one another where one agency holds documents that were created by, or originated in, another agency. In most cases, the agency that created the document will have a better understanding of the context in which the document was created and any related issues.

References

Improved Accountability Guidelines for FOI, Victorian Government, 2002

Public Sector Bill 2008, South Australian Government, 2008

Circular (or round robin) requests, Information Commissioner's Office UK, 2009

More information

Please contact State Records if you require more information about across-government FOI applications by email foi@sa.gov.au or by telephone (08) 8204 8786.

Please also refer to other State Records information sheets and guidelines on the State Records website at www.archives.sa.gov.au



Attachment 1 - Proposed approach flowchart

