

STATE RECORDS

of South Australia

FOI Annual Reporting Guideline

Introduction

The *Freedom of Information Act 1991* (FOI Act) provides 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, the annual reporting of activity performed under the FOI Act and responding to enquiries from members of the public and agencies in relation to FOI.

Purpose

The purpose of this guideline is to assist State Government agencies, Local Government councils and Universities to meet their obligations under the FOI Act by:

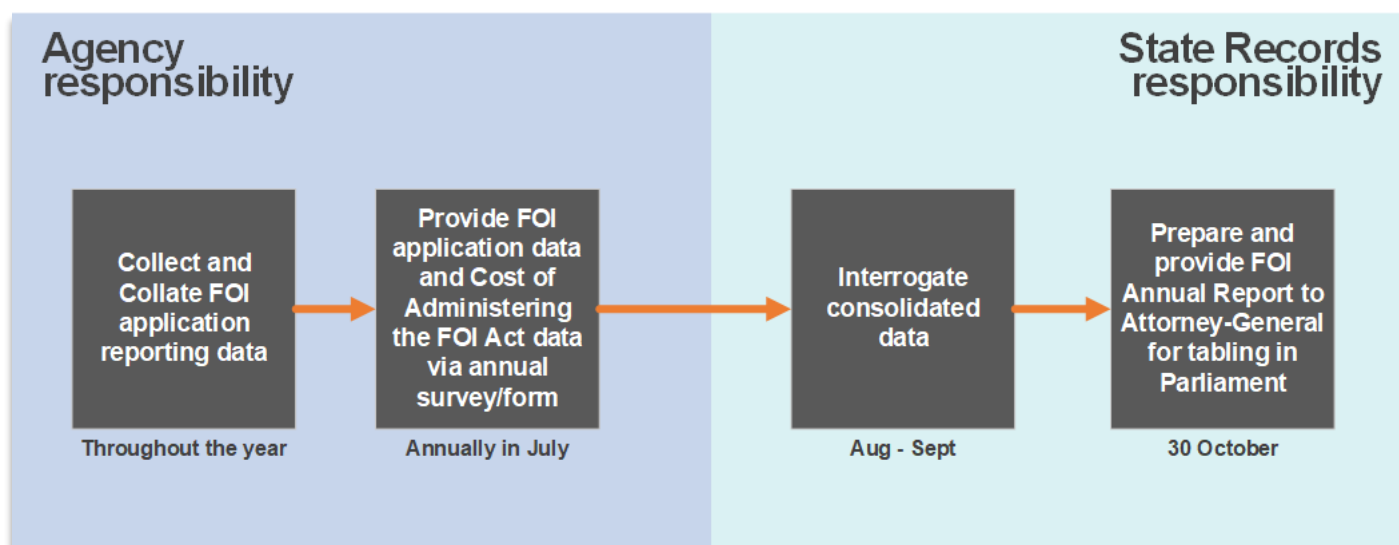
- » describing agency responsibilities in relation to their FOI annual reporting requirements,
- » advising how to provide the FOI data to State Records at the end of each financial year,
- » outlining the set of data that is required to populate the FOI Annual Report,
- » advising how to capture each element of the data, and
- » describing calculation methods for capturing any complex elements.

Agency responsibilities under the Act

Section 54 of the FOI Act requires the Minister responsible for administering the Act (the Minister) to prepare an annual report no later than 30 October each year.

Section 54AA requires all agencies subject to the FOI Act to 'furnish to the Minister' information to allow the annual report to be completed. The Minister must give notice in the Government Gazette of the information that must be provided and how the information is to be reported.

The diagram on the next page provides a chronological overview of the responsibility of State and Local Government agencies, Universities and State Records in the generation of the FOI Annual Report each year, commencing 2022-23.



Datasets required to maintain

For the purposes of FOI reporting, there are three datasets agencies need to maintain:

- » FOI Application Data
- » Cost of Administering the Act Data
- » Confidentiality Clause Data.

This guideline outlines how agencies can meet their obligations for reporting each of these data sets in line with the requirements under the FOI Act.

FOI application data

Agencies need to provide statistics relating to the FOI applications they receive and process.

State Records has developed an [Agency FOI Application Collation Spreadsheet](#) that agencies can use to assist with this process. The spreadsheet is for FOI application information only.

Use of the spreadsheet is not mandatory however agencies must have a process in place to ensure they capture and collate the necessary reporting data during the financial year so that they can provide accurate information to State Records when it is requested for inclusion in the annual report.

Where FOI teams process applications for multiple agencies, i.e. a portfolio agency that also manage a minister's offices' applications, separate FOI application datasets will need to be maintained and reported.

Cost of Administering the Act Data

The second set of data State Records is required to publish in the annual report is in relation to the resourcing of FOI and other associated costs. This includes the quantity and role classification of staff involved with processing FOI applications and the amount of time they spend on it.

State Records also seeks information in relation to other costs incurred by the agency that relate to FOI, such as training, legal costs, travel and accommodation.

This information is used to estimate the costs associated with the administration of the FOI Act and represents the government's commitment to the objects of the FOI Act.

Confidentiality Clause Data

The final set of data relates to contracts containing confidentiality clauses. Clause 13(6) of the FOI Act requires agencies to report a contract that includes a confidentiality clause to the Minister responsible for administering the FOI Act as soon as practicable after it is approved.

From 2022-23 these contracts are reported using the [Contracts Containing Confidentiality Clauses Reporting Form](#) found on the State Records website. The data entered via this form is used to populate the Annual Report.

Request for FOI data

In the month of June, State Records will contact agencies to start the reporting responsibilities for the upcoming end of the financial year. This will include agencies providing required FOI application and the cost of administering the FOI Act activity data to State Records so it can be consolidated in the annual report for tabling in Parliament by the Minister.

This correspondence will include a link to a form whereby agencies can provide the required data.

Dataset requirements table

The table on the following three pages is a direct representation of the information listed in the Government Gazette. It also provides a description of each element and the format the information will be requested in by State Records.

Only valid application information is captured.

Data requirements table

Subject	Data	Sub-data (if necessary)		Description / how data is derived	Data Type
Agency Identification	Sector/Portfolio			State Government, Local Government or University	Drop down
	Name of Agency			Formal agency name. In most instances a separate return will be required for each agency – i.e. AGD and the Attorney-General	Drop down
	Contact Officer			Key agency contact for enquiries	Free text
	Phone number			Central FOI phone number	Free text
	Email address			Central FOI email – preferably not a personal email account	Free text
Applications for Access	Tally of applications received during the reporting year	Personal		Number of applications received that are categorised as personal. Personal applications are those that are related to an individual's personal affairs. They can be submitted by the individual or on the individual's behalf by a lawyer or other party	Number
		Non-personal		Any application that is not considered a personal application i.e. request for documents relating to an agency's business functions	Number
	Tally of applications received from applicant type	Public		Applications received from a private individual, member of the public, business or interstate government. Applications received by a State government agency from a local government or university (and vice versa) are considered Public as well	Number
		Lawyer / Agent		Applications received from a lawyer or other body acting on behalf of an individual generally seeking to access information relation to their personal affairs	Number
		Member of Parliament (MP)		Applications received from a South Australia MP	Number
		Media		Applications received from the media	Number
	Tally of applications unfinished at the end of the reporting year	Not overdue	Personal	Number of personal applications that were received during the reporting year that were unfinished at 30 June but still within the legislated timeframe for response	Number
			Non-personal	Number of non-personal applications that were received during the reporting year that were unfinished at 30 June but still within the legislated timeframe for response	Number
		Overdue	Personal	Number of personal applications that were received during the reporting year (or an earlier reporting year) that were unfinished at 30 June of the current reporting year and were outside of the legislated timeframe for response	Number
			Non-personal	Number of non-personal applications that were received during the reporting year (or an earlier reporting year) that were unfinished at 30 June of the current reporting year and were outside of the legislated timeframe for response	Number
Extension of Time Limit under section 14A	Tally of access applications extended	Section 14(1)(a) - Searching		Number of formal extension determinations granted by the principal officer during the reporting year	Number
		Section 14(1)(b) - Consulting		Number of formal extension determinations granted by the principal officer during the reporting year	Number
Outcome of Access Applications	Tally of the result for each application	Full release	Personal	Number of personal applications where the determination was for full release	Number
			Non-personal	Number of non-personal applications where the determination was for full release	Number
		Partial release	Personal	Number of personal applications where the determination was for partial release	Number
			Non-personal	Number of non-personal applications where the determination was for partial release	Number
		Refused (not including rejected applications see below)	Personal	Number of personal applications where the determination was to refuse access	Number
			Non-personal	Number of non-personal applications where the determination was to refuse access	Number
		Transferred in full	Personal	Number of personal applications that were transferred in full to another agency	Number

Data requirements table

Subject	Data	Sub-data (if necessary)	Description / how data is derived	Data Type
		Non-personal	Number of non-personal applications that were transferred in full to another agency	Number
		Withdrawn/closed Personal	Number of personal applications that were withdrawn/closed prior to a determination being issued	Number
		Non-personal	Number of non-personal applications that were withdrawn/closed prior to a determination being issued	Number
Reasons for Rejecting an Application	Tally of each reason	Documents otherwise accessible (s20(1)(b), (c), (d))	Number of applications that were rejected based on circumstances described in s20(1)(b),(c) or (d)	Number
		Record does not exist/lost	Number of applications rejected as document does not exist/is lost	Number
Reasons for Restricting or Refusing Access	Tally of each reason	Application incomplete/wrongly directed (s15)	Number of applications refused under s15	Number
		Unreasonable diversion of resources (s18(1))	Number of applications refused under s18(1)	Number
		Abuse of right of access (vexatious applicant) (s18(2a))	Number of applications refused under s18(2a)	Number
		Fees not paid (s18(3))	Number of applications refused under s18(3)	Number
		Deemed refusal (s19(2))	Number of applications that were not processed within the 30 day timeframe and will not be processed	Number
		Exempt (s20(1))	Number of applications where one or more exemptions under s20(1) were grounds for full or partial refusal	Number
		Exempt under Schedule 2 – Exempt agencies	Number of applications received and refused by exempt agencies	Number
Exemptions cited	Tally of exemptions cited	Cabinet and/or Executive Council documents (Clause 1 & 2)	Number of applications that cited this exemption for full or partial refusal	Number
		Exempt documents communicated by another government (Clause 3)	Number of applications that cited this exemption for full or partial refusal	Number
		Law enforcement/public safety (Clause 4)	Number of applications that cited this exemption for full or partial refusal	Number
		Inter-government of local government relations (Clause 5)	Number of applications that cited this exemption for full or partial refusal	Number
		Personal affairs (Clause 6)	Number of applications that cited this exemption for full or partial refusal	Number
		Exempt electoral records (Clause 6A)	Number of applications that cited this exemption for full or partial refusal	Number
		Business affairs (Clause 7)	Number of applications that cited this exemption for full or partial refusal	Number
		Conduct of research (Clause 8)	Number of applications that cited this exemption for full or partial refusal	Number
		Internal working documents (Clause 9)	Number of applications that cited this exemption for full or partial refusal	Number
		Legal professional privilege (Clause 10)	Number of applications that cited this exemption for full or partial refusal	Number
		Judicial functions (Clause 11)	Number of applications that cited this exemption for full or partial refusal	Number
		Secrecy provisions (Clause 12)	Number of applications that cited this exemption for full or partial refusal	Number
		Confidential information (Clause 13)	Number of applications that cited this exemption for full or partial refusal	Number
		Economy/financial or property interests (Clauses 14 and 15)	Number of applications that cited this exemption for full or partial refusal	Number
		Operations of agencies (Clause 16)	Number of applications that cited this exemption for full or partial refusal	Number
		Subject to contempt (Clause 17)	Number of applications that cited this exemption for full or partial refusal	Number
		Companies and Securities (Clause 18)	Number of applications that cited this exemption for full or partial refusal	Number
		Public or archival collections (Clause 19)	Number of applications that cited this exemption for full or partial refusal	Number

Data requirements table

Subject	Data	Sub-data (if necessary)		Description / how data is derived	Data Type
Time taken to respond to Access Applications	Tally of each timeframe	Determined within timeframe (not extended)		Number of applications determined within the 30 day timeframe	Number
		Determined within timeframe (extended)		Number of applications determined within an approved extended timeframe – either under s14A(1)(a) and /or s14A(1)(b) or by negotiation with the applicant	Number
		Determined outside of timeframe		Number of applications determined after the 30 day or approved extended timeframe has expired	Number
Applications for Amendment of Personal Information	Tally of amendment applications	New applications received for the year		Number of new amendment applications received during the reporting year	Number
		Applications to be completed at the end of the year	Not overdue	Number of amendment applications that were received during the reporting year that were unfinished at 30 June of the current reporting year but still within the legislated timeframe for response	Number
			Overdue	Number of amendment applications that were received during the reporting year (or an earlier reporting year) that were unfinished at 30 June of the current reporting year and were outside of the legislated timeframe for response	Number
Outcome of Amendment Applications	Tally of each outcome of an application	Fully amended		Number of amendment applications where the documents were fully amended	Number
		Partially amended		Number of amendment applications where the documents were partially amended	Number
		Refusal of amendment		Number of amendment applications where amendment of the documents was refused	Number
		Withdrawn/closed		Number of amendment applications that were withdrawn or closed prior to determination	Number
		Notation added to records		Number of amendment applications where a notion was added to the documents	Number
Time taken to respond to Amendment Applications	Tally of each timeframe	Determined within timeframe		Number of amendment applications determined within 30 day timeframe	Number
		Determined but not within timeframe		Number of amendment applications determined after the 30 day or approved extended timeframe has expired	Number
Fees and Charges	Total fees and charges	Fees assessed		Aggregation of all access application fees and charges that could be levied. Excludes exempt fees and charges ie application fees for concession card holders and MPs	Dollar amount
		Fees collected		Aggregation of all access application fees and charges collected by the agency	Dollar amount
	Tally reason for waiving or reducing fees	MP		Number applications where fees and charges were waived or reduced as the applicant was a MP	Number
		Financially hardship		Number of applications where fees and charges were waived or reduced due to financial hardship	Number
		Concession card holders		Number of applications where fees and charges were waived or reduced as the applicant was a concession card holder	Number
		Other (such as discretion exercised)		Number of applications where fees and charges were waived or reduced at the discretion of the agency	Number
Staffing and Costs	Full time equivalent (FTE) involved in processing FOI applications		Number of FTE involved in processing applications – includes designated FOI processing/management staff (FOI staff)	Number	
	Tally Accredited FOI Officers in each salary range	Less than ASO5		Number of designated Accredited Officers with a classification of ASO4 or less	Number
		ASO5 - ASO6		Number of designated Accredited Officers with a classification of ASO5 or ASO6	Number
		Greater than ASO6		Number of designated Accredited FOI Officers, including principal officer with a classification of ASO7 or higher	Number

Data requirements table

Subject	Data	Sub-data (if necessary)	Description / how data is derived	Data Type
	Total cost of salaries for any staff involved in processing FOI applications		Total cost of salaries for FOI processing/management staff	Dollar amount
	Total cost of administering the FOI Act not including salaries (e.g. training, legal costs, etc.)		Total cost of non-salary expenses incurred by agencies in processing applications, administering the Act	Dollar amount
Reviews and Appeals	Tally of applications for internal review		Number of applications received by the agency for internal review	Number
	Tally of the outcome of applications for internal review	Decision confirmed	Number of internal review applications where the outcome was to confirm the original decision	Number
		Decision varied	Number of internal review applications where the outcome was to vary the original decision	Number
		Decision reversed	Number of internal review applications where the outcome was to reverse the original decision	Number
		Withdrawn/closed	Number of internal review applications where the application was withdrawn prior to completion of the internal review	Number
Confidentiality clauses	Tally of contracts with confidentiality clauses		Number of contracts reported as having an approved confidentiality clause	Number

Please note, external review data is sourced directly from the external review organisations.

Considerations for complex data elements

Applications that are unfinished at the end of a reporting year

The annual report tabled in Parliament each year provides a “snapshot” of the previous financial years FOI activity - this period is from the 1 July to 30 June.

It is often the case that FOI applications remain active across financial years. This means the activities associated with these types of applications will be reported in different financial years and, therefore, in more than one annual report.

For example, an application received 15 June 2021 and not determined until 15 July 2021 will:

- » be recorded as received in the 2020-21 annual report
- » be recorded as unfinished (but not overdue) in the 2020-21 annual report
- » have the application outcome information recorded in the 2021-22 annual report

Using this example, below is a breakdown of what to record when an application is unfinished as we enter a new financial year.

Data type	When to report
Application type received (Access, Amendment and IR)	2020-21
Applicant type	2020-21
Extensions of time	In the FY the extension was approved
Outcome of application	2021-22
Reason for rejecting and application	2021-22
Reason for restricting or refusing access	2021-22
Exemptions cited	2021-22
Time taken to respond to application	2021-22
Fees and charges	In the FY the fees were collected

If you are using the Agency FOI Application Collation Spreadsheet, you will need to ensure applications are included in the spreadsheet for each of the reporting years, with the correct application receipt date.

Capturing timeframe data

Many of the elements in the Data Requirements Table are easily calculated.

For example, the number of times you’ve received an application from a Member of Parliament or how many applications you’ve applied section 20(1) to require simple tallying.

However, when tallying how many applications were determined within a certain timeframe it gets more complicated. These elements need to be calculated for each application as they’re being processed, and then tallied at the end of the year.

The Agency FOI Application Collation Spreadsheet includes formula to calculate this timeframe data.

If your agency is not using the spreadsheet, you can do this using the method below:

1. First, you need to know how many days it took to process the determination

[Date application determined] – [Date application received]

2. Next, you need to know how many days you had to process the determination (remembering that if the due date falls on a weekend or public holiday, the due date becomes the next business day)

[Date application received] + 30 calendar days + [Days extended] + [Days clock stopped]

Calculating the cost of administering the FOI Act – FTE and Salaries

Agencies need to provide total salary figures. These only apply to staff that are involved in FOI processing or management.

Below is an example of how to calculate the FTE and salary data required:

FTE involved in processing FOI applications

1. For each staff member in a classification, multiply their FTE by the percentage of time spent on FOI. Then add those numbers together.

For example

Staff member	FTE	% on FOI	Adj FTE
Staff member 1 (AS05)	0.8	25%	0.2
Staff member 2 (AS05)	1.0	50%	0.5
Staff member 3 (AS05)	0.6	100%	0.6

2. Now add the adjusted FTE together

0.2 + 0.5 + 0.6 = 1.3 total adjusted FTE

3. Once you have done this for each classification, add them together. This satisfies the “FTE involved in processing FOI applications” data element for your agency.

Total cost of salaries for any staff involved in processing FOI applications

1. Using the adjusted FTE figures for each classification calculated above, multiply the adjusted FTE total by the level 02 salary for that classification (level 02 salary is used as an average or median figure – this avoids having to count each staff member separately).

1.3 (adjusted FTE) x \$84,000 (AS0502 approx.) = \$109,200

2. Finally, repeat these steps for each classification, then add each classification together. This satisfies the “Total cost of salaries for any staff involved in processing FOI applications” data element for your agency.

If you have any questions or concerns in relation to your agency’s FOI reporting obligations that are not answered in this guideline, please contact us at staterecords@sa.gov.au or phone 7322 7081.

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