

Reporting Requirements under FOI

This information sheet outlines the 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.

Section 54 of the FOI Act requires the Minister responsible for administering the Act (the Minister) to prepare an annual report no later than 31 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. These requirements were gazetted on 15 June 2006.

State Records reminds agencies in writing of their FOI annual reporting obligations each year. This is done by sending letters to:

- » Chief Executives of the major State Government portfolio departments
- » Chief Executive Officers of Local Councils
- » Vice Chancellors of the three South Australian Universities; and
- » Office Managers of Ministerial Offices.

In addition, all agency administrators registered in the Freedom of Information Management System (FOIMS) are sent an email prior to 30 June each year.

Chief Executives of State Government portfolio departments are responsible for ensuring this information is passed on to all agencies and statutory authorities within their portfolio.

Although State Records provides support to agencies to meet their FOI reporting obligations (e.g. letters and reminder emails) the statutory responsibility for reporting rests with individual agencies.

Regular and Ad-hoc FOI Reporting

State Records provides the Minister with regular and ad-hoc reports on FOI activity. One report regularly provided to the Minister contains details of contracts entered into containing an approved confidentiality clause as recorded in FOIMS. To facilitate the

production of this report a regular reminder email is sent to all agencies outlining the process and the requirement to update FOIMS.

Ad-hoc reports may also include the following information:

- » active FOI applications, and
- » trends in FOI activity.

Reporting of Confidentiality Clauses in Contracts

Clause 13(7) of Schedule 1 to the FOI Act requires the Minister to report the total number of contracts containing an approved confidentiality clause for each financial year in the FOI Annual Report.

In addition, clause 13(6) requires the approval of a confidentiality clause included in a contract to be reported to the Minister in writing '*as soon as practicable*'.

To manage agencies notifying the Minister directly, a reporting process has been established where agencies are required to record contract information in FOIMS. This allows State Records to consolidate the information and report, on behalf of agencies, to the Minister on a regular basis.

For more information about contracts and confidentiality clauses, please refer to one of the following FOI Information Sheets, whichever is appropriate:

- » FOI and Contracting for State Government
- » FOI and Contracting for Local Government and Universities.

FOIMS

FOIMS was developed as an across government tool for recording, managing and reporting FOI applications. State Records uses FOIMS to produce the reports discussed in this Information Sheet.

For more information about FOIMS contact the FOI officer in your agency.

Need further assistance?

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