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**Government
of South Australia**

**Administration of the
Freedom of Information Act 1991
2022-23 Annual Report**

Administration of the *Freedom of Information Act 1991*

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ISSN: 2208-6102 (Online)

Date presented to Minister: 09 OCT 2023

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Administration of the *Freedom of Information Act 1991* 2022-23 ANNUAL REPORT

To:

Hon Kyam Maher MP

Attorney-General

Minister for Aboriginal Affairs

Minister for Industrial Relations and Public Sector

This annual report will be presented to Parliament to meet the statutory reporting requirements of *Freedom of Information Act 1991* (FOI Act) and the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This is the thirty second freedom of information Annual Report to be tabled in Parliament since the commencement of the FOI Act in January 1992.

This report is verified to be accurate for the purposes of annual reporting to the Parliament of South Australia.

Submitted on behalf of State Records of South Australia on the Administration of the *Freedom of Information Act 1991* by:

Stephanie Coleman
Director, State Records

Date 06 October 2023

Signature



From the Attorney General

This report provides an overview on the administration of the *Freedom of Information Act 1991* (FOI Act) and details FOI application data for the 2022-23 financial year, as reported by agencies subject to the FOI Act. Agencies include South Australian state and local government agencies and universities.

This year agencies reported receiving 13 702 FOI applications, a 36% increase on the FOI applications received in 2021-22.

Applications for personal information increased by 25% due to applications submitted by lawyers and agents rising by 72%. In addition, non-personal applications (often more complex and time consuming) doubled as a result of applications submitted by Members of Parliament (MPs) tripling those submitted in 2021-22. Applications submitted by MPs were the highest since the inception of Premier and Cabinet circular 35 – Proactive Disclosure of Regularly Requested Information (PC035) in 2017.

I thank the agency staff, in particular those designated as Accredited FOI Officers and other FOI support staff, as they continue to assist and serve the community by providing access to government information.



Hon Kyam Maher MLC
Attorney-General

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Overview: *Freedom of Information Act 1991*

Objects

The objects of the FOI Act include a responsibility to:

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

This is achieved by:

- ensuring that information concerning the operations of government is readily available to members of the public, Members of Parliament and the media
- conferring on members of the public a legally enforceable right of access to documents held by South Australian state and local government and universities, subject only to such restrictions that are consistent with the public interest and the preservation of personal privacy
- enabling each member of the public to apply for the amendment of government records concerning their personal affairs if those records are incomplete, incorrect, out-of-date or misleading.

The FOI Act and its subordinate regulations can be accessed via the South Australian legislation website at www.legislation.sa.gov.au.

Administration

State Records of South Australia (State Records) is a business unit within the Attorney-General's Department and has within its remit responsibility for supporting the Minister (the Attorney-General) in the administration of the FOI Act.

This support includes:

- provision of policy and legislative advice in relation to the operation of the FOI Act
- development of information sheets and guidelines
- preparation of the FOI annual report
- management and support for FOI reporting
- provision of regular and ad hoc reports to the Minister
- provision of FOI training and advice to agencies
- response to public FOI enquiries.

In order to produce the FOI annual report, all agencies subject to the FOI Act are required to make available to State Records statistical information relating to FOI applications and determinations as well as the number of contracts entered into containing approved confidentiality clauses.

Agencies subject to the FOI Act

Section 4 of the FOI Act defines those agencies that are subject to the FOI Act. The definition of 'agency' is inclusive of most South Australian state government agencies and statutory authorities, local government councils (municipal and district) and universities.

Schedule 2 of the FOI Act and the *Freedom of Information (Exempt Agency) Regulations 2008* prescribe those agencies that are exempt from the FOI Act.

Throughout this report a reference to agencies includes all entities subject to the FOI Act across the three sectors, i.e. state government, local government and universities.

Performance

Contribution to whole of government objectives

Key objective	Agency's contribution
Open and Transparent Government	<ul style="list-style-type: none"> • Provide access to government information in accordance with the FOI Act • Provide training, resources and advice to agencies to enable them to comply with the requirements of the FOI Act

Specific objectives and performance

Agency objectives	Indicators	Performance
FOI advice to agencies and members of the public	Agency staff and the community have access to information and assistance relevant to accessing government information.	546 phone calls and/or email FOI enquiries were responded to by State Records
Publication of guidelines and information sheets to assist FOI officers and the public	Information sheets, brochures and forms are maintained.	FOI related guidelines and information sheets produced can be found on the State Records website at http://archives.sa.gov.au/
Delivery of the online accredited training for FOI officers	Accredited and non-Accredited officer training is available.	102 participants completed the Accredited and non-Accredited Officer training in 2022-23, consistent with the previous year.
Delivery of online FOI education – FOI General Awareness and FOI Refresher education	Centralised education is available to support FOI officers undertake their roles.	The online FOI General Awareness and FOI Refresher courses were accessed 362 times during the reporting year.
Online submission and payment for FOI applications	An online mechanism is available for the community to lodge and pay for FOI applications.	State government agencies received 5 222 applications through the online FOI Application Form, an increase of 62% compared to 2021-22.

Reporting required under the Act

Freedom of Information Act 1991

Section 54 – Reports to Parliament

- (1) The Minister administering this Act must –
- a. as soon as practicable after 30 June and in any case before 31 October in each year prepare a report on the administration of this Act for the 12 months ending on 30 June; and
 - b. cause a copy of the report to be laid before both Houses of Parliament within six sitting days after preparation of the report is completed.

FOI Act statistical information 2022-23

Pursuant to Section 54AA of the FOI Act, FOI reporting requirements were gazetted on 26 June 2022. Agencies are required to manage their own FOI statistical information.

State Records has produced a suite of resources and tools to guide agencies management of their reporting requirements.

The data collated by agencies, including the costs incurred by agencies in the administration of the FOI Act, is provided to State Records via an online form at the completion of the reporting period. The accuracy of the data relies on agencies collating and providing accurate data.

FOI Act statistical information is available in Attachment 1 to this report and on Data.SA.

Freedom of Information Annual Report 2022-23

FOI Statistical Data

The following statistical data has been compiled by State Records of South Australia from information provided by South Australian state and local government agencies and universities bound by the *Freedom of Information Act 1991* (FOI Act).

FOI data sets for prior financial years can also be found at Data.SA, and in past FOI annual reports on the State Records website.

Applications received in 2022-23

TABLE 1 Applications received in 2022-23

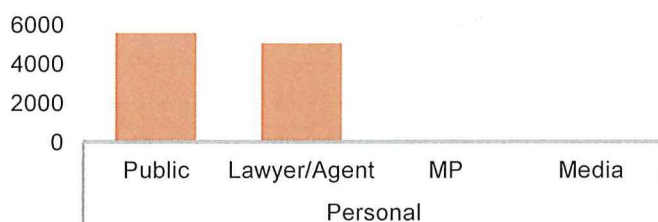
Application	State		Local		University		All Sectors	
	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
Personal	10 487	8 358	148	131	19	20	10 654	8 509
Non-Personal	2 671	1 216	372	320	5	12	3 048	1 548
Total	13 158	9 574	520	451	24	32	13 702	10 057

TABLE 2 Applications received by applicant type

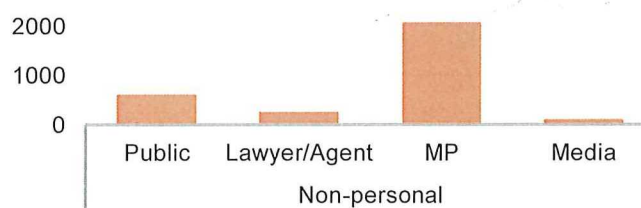
Applicant type	State		Local		University		All sectors	
	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
Member of the Public	5 758	5 196	410	314	22	9	6 190	5 519
Lawyer / Agent	5 222	3 012	70	62	1	2	5 293	3 076
Member of Parliament	2 067	556	37	34	0	0	2 104	590
Other*	-	695	-	30	-	21	-	746
Media	111	122	3	4	1	0	115	126

* The applicant type "Other" was removed as an option in 2022-23.

Personal applications



Non-personal applications



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FOI Statistical Data

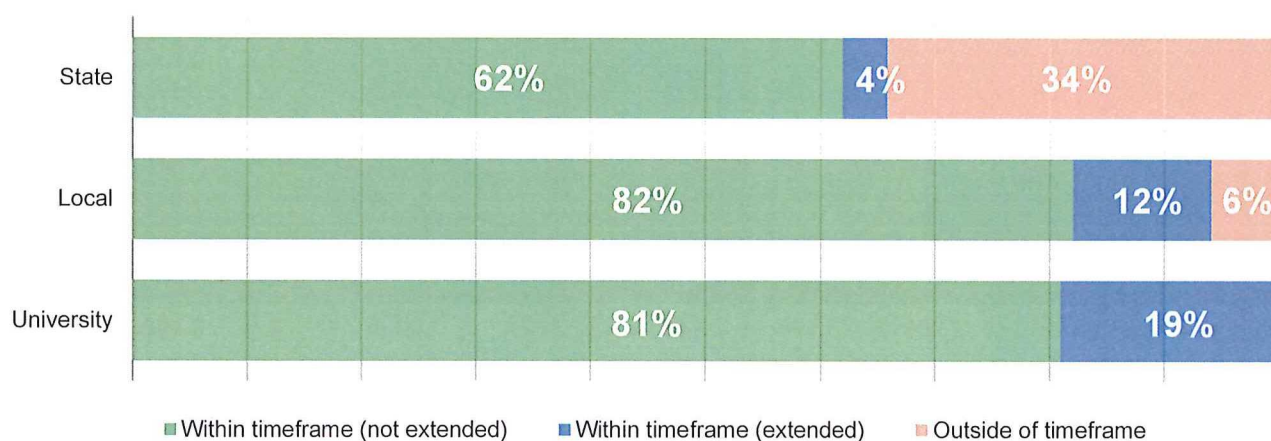
Application response times and formal extensions

TABLE 3 Response times

Time	State 2022-23	Local 2022-23	University 2022-23	All Sectors 2022-23
Within timeframe (not extended)	7 487	403	17	7 907
Within timeframe (extended)	471	59	4	534
Outside of timeframe (deemed refusal)	4 130	29	0	4 159

* In previous years response times were reported as 0-15 days, 15-30 days or +30 days.

Response Times


TABLE 4 Formal extensions of time

Extension reason	State	Local	University	All Sectors 2022-23	All Sectors 2021-22
Section 14(1)(a) – searching	432	28	3	463	615
Section 14(1)(b) – consultation	117	36	2	155	91
Total	549	64	5	618	706

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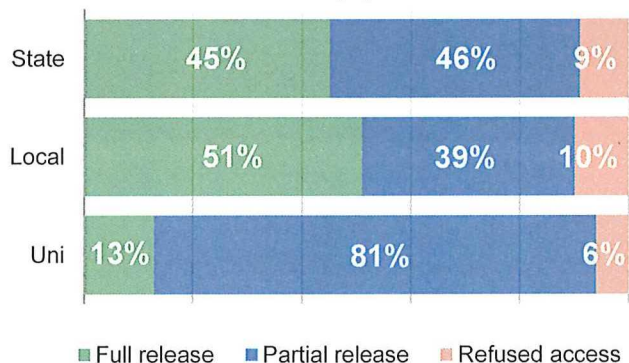
FOI Statistical Data

Application outcomes

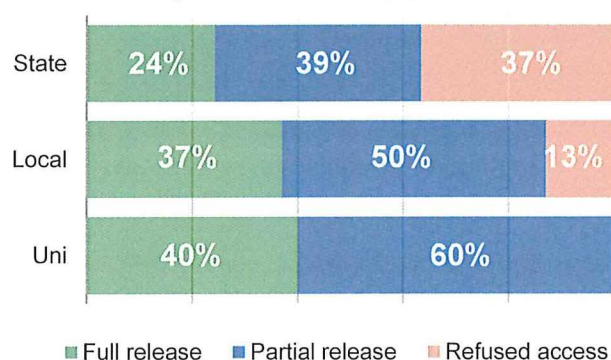
TABLE 5 Outcomes of applications

Sector	Full Release		Partial Release		Refused	
	2022-23	2021-22	2022-23	2021-22	2022-23	2021-22
PERSONAL APPLICATIONS						
State	3 922	3 621	4 054	3 268	814	958
Local	80	42	61	53	15	21
Universities	2	2	13	16	1	2
All Sectors	4 004	3 665	4 128	3 337	830	981
NON-PERSONAL APPLICATIONS						
State	451	314	729	382	682	409
Local	100	104	135	123	35	67
Universities	2	2	3	9	0	0
All Sectors	553	420	867	514	717	476

Personal Applications



Non-personal Applications


TABLE 6 Outcomes of applications (cont.)

Outcome	State	Local	University	All Sectors 2022-23
Transferred	261	3	0	264
Withdrawn/closed	1 175	62	0	1 237
Total	1 436	65	0	1 501

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FOI Statistical Data

Access refusals and exemptions

TABLE 7 Reasons for rejecting or refusing access

REJECTING	State	Local	Uni	Total 2022-23	Total 2021-22
Section 20(1)(b)(c)(d) – Documents otherwise available *	128	37	0	165	82
Document does not exist/lost	661	32	0	693	493
REFUSING					
Section 15 - Application incomplete/wrongly directed*	49	2	0	51	21
Section 18(1) - Unreasonable diversion of an agency's resources *	108	7	1	116	50
Section 18(2(a)) - Abuse of right of access *	72	6	0	78	36
Section 18(3) - Fees not paid	140	5	0	145	82
Section 19(2) - Deemed refusal - over 30 days to respond	220	0	0	220	194
Section 20(1) - Exempt *	3 205	92	13	3 310	4 062
Exempt agency	55	1	0	56	18

* The number of applications where the reason for rejection/refusal has been applied.

TABLE 8 Exemptions

Most commonly applied exemptions	2022-23	2021-22
Clause 1&2 – Cabinet and/or Executive Council documents	132	45
Clause 4 – documents affecting law enforcement and public safety	517	759
Clause 6 – documents affecting personal affairs	3 140	3 109
Clause 7 – documents affecting business affairs	225	203
Clause 9 – internal working documents	392	494
Clause 10 – documents subject to legal professional privilege	98	119
Clause 11 – documents relating to judicial functions	137	173
Clause 12 – documents the subject of secrecy provisions	455	640
Clause 13 – documents containing confidential material	298	391
Clause 16 – documents concerning the operations of agencies	351	306

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FOI Statistical Data

Amendment of personal information and contracts containing confidentiality clauses

TABLE 9 Amendment applications

Outcome	2022-23	2021-22
New applications	76	94

TABLE 10 Outcome of amendment applications

Outcome	2022-23	2021-22
Amendment in full	9	19
Partial amendment	6	5
Notation added	13	2
Amendment refused	36	60
Withdrawn/closed*	10	-
Total	74	86

* Amendment applications that were withdrawn or closed were not reported in 2021-22

TABLE 11 Amendment application response times

Time	2022-23
Within timeframe	55
Outside of timeframe	19

TABLE 12 Contracts reported with approved confidentiality clauses

Sector	2022-23	2021-22
State Government	129	49
Local Government	76	78
Universities	2	2
Total	207	129

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FOI Statistical Data

Application reviews and applications for Cabinet documents

TABLE 13 Applications for review received

Applications reviewed	2022-23	2021-22
Internal review	524	202
External review - Ombudsman	322	377
External review - South Australian Civil and Administrative Tribunal	24	40
Total	870	619

TABLE 14 Outcome of internal review applications

Outcome	2022-23*	2021-22*
Decision confirmed	179	142
Decision varied	157	75
Decision reversed	12	28

* Internal Review application outcomes include applications carried over from the previous reporting year

TABLE 15 Cabinet docs 10 years or older - requests for access

Requests	2022-23	2021-22	2020-21
By MPs	7	0	42
By Public	14	24	119
By Media	0	26	20
By Lawyer/Agent	10	-	-
Total	31	50	181

TABLE 16 Cabinet docs 10 years or older – access determinations

Determination	2022-23	2021-22	2019-20
Released in full	31	45	103
Released in part	9	27	70
Refused in full	1	7	4
Withdrawn	1	1	0
Total	42	80	177

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FOI Statistical Data

The cost of administering the FOI Act

TABLE 17 Overall cost of administering FOI

Cost category	2022-23 \$	2021-22 \$	2020-21 \$
Salary	\$11 275 051*	\$14 163 431	\$16 030 262
Other expenses	\$273 020	\$521 583	\$703 470
Total	\$11 548 071	\$14 685 014	\$16 733 732

TABLE 18 Staffing

Sector	Number of staff		Full-time equivalent	
	2022-23	2021-22	2022-23	2021-22
State Government	248	1 116	101.7	126.4
Local Government	124	170	14.8	18.9
Universities	22	46	1.1	3.3
Total	394*	1 332	117.6*	148.6

* As part of a review of FOI annual reporting requirements, the staff included in the cost of administering the FOI Act was simplified to give a more accurate representation. The cost and staffing figures above now only include staff involved in the processing and/or management of FOI applications.

This year staff requested to search for documents were not included in this data. Including them created the potential for the number of staff to be disproportionate to the amount of time spent processing FOI applications.

TABLE 19 Application and processing fees assessed versus collected

Sector	2022-23	2021-22**	2020-21**
ASSESSED*			
State Government	\$384 749	-	-
Local Government	\$44 009	-	-
Universities	\$1 709	-	-
Total	\$430 467	-	-
COLLECTED			
State Government	\$372 811	\$301 648	\$322 028
Local Government	\$18 378	\$24 150	\$31 979
Universities	\$1 127	\$649	\$898
Total	\$392 316	\$326 447	\$354 905

* Assessed fees and charges is defined in the FOI Annual Reporting Guideline as: 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.

** Assessed fees and charges were not reported prior to 2022-23.

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FOI Statistical Data

Applications not determined as at 30 June 2022

TABLE 20 Applications still open as at 30 June 2022

Sector	Within 30 day timeframe	Outside 30 day timeframe	Total
State Government	780	845	1 625
Local Government	41	1	42
Universities	4	0	4
Total	825	846	1 671

TABLE 21 Overdue applications still open as at 30 June 2022

Sector	Personal	Non-Personal	Total
State Government	609	236	845
Local Government	0	1	1
Universities	0	0	0
Total	609	237	846

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FOI Statistical Data

State Government Agency Access Application Breakdown

Division/Agency	Personal	Non-Pers	Total
Attorney-General; Aboriginal Affairs; Industrial Relations and Public Sector	285	202	487
Attorney-General's Department	59	143	202
Courts Administration Authority	62	10	72
Electoral Commission of South Australia	0	3	3
Equal Opportunity SA	0	2	2
Legal Services Commission	5	3	8
Office of the Attorney-General, Hon Kyam Maher MLC	2	27	29
Office of the Commissioner for Public Sector Employment	2	4	6
Office of the Public Advocate	2	0	2
ReturnToWorkSA	153	9	162
South Australian Civil and Administrative Tribunal (SACAT)	0	1	1
Child Protection; Women; Recreation, Sport and Racing	363	98	461
Department for Child Protection	361	38	399
Office for Recreation, Sport and Racing	1	25	26
Office of the Hon Katrine Hildyard MP	1	35	36
Consumer and Business Affairs; Arts; Small and Family Business	0	33	33
Art Gallery of South Australia	0	1	1
Office of the Hon Andrea Michaels MP	0	32	32
Education, Training and Skills	160	227	387
Department for Education	148	168	316
Education Standards Board	3	5	8
Office of the Minister for Education, Training and Skills	2	37	39
SACE Board of South Australia	0	3	3
TAFE SA	5	12	17
Teachers Registration Board of SA	2	2	4

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FOI Statistical Data

State Government Agency Access Application Breakdown

	Division/Agency	Personal	Non-Pers	Total
Health and Wellbeing				
	Health and Wellbeing	6446	335	6781
	Barossa Hills Fleurieu Local Health Network	239	7	246
	Central Adelaide Local Health Network - CE	2415	41	2456
	Department for Health and Wellbeing	28	107	135
	Drug and Alcohol Services SA	10	1	11
	Eyre and Far North Local Health Network	100	9	109
	Flinders and Upper North Local Health Network	192	6	198
	Limestone Coast Local Health Network	191	8	199
	Northern Adelaide Local Health Network	1205	15	1220
	Office of the Minister for Health and Wellbeing	14	57	71
	Riverland Mallee Coorong Local Health Network	163	5	168
	SA Ambulance Service	199	35	234
	Southern Adelaide Local Health Network	1016	18	1034
	Women's and Children's Health Network	503	16	519
	Yorke and Northern Local Health Network	171	10	181
Human Services				
	Human Services	139	102	241
	Department of Human Services	49	24	73
	Office of the Minister for Human Services	0	43	43
	SA Housing Authority	90	35	125
Industry, Innovation and Science; Defence and Space Industries; Climate, Environment and Water				
	Industry, Innovation and Science; Defence and Space Industries; Climate, Environment and Water	18	382	400
	Defence SA	2	3	5
	Department for Environment and Water	6	147	153
	Department for Industry, Innovation and Science	0	32	32
	Dog and Cat Management Board	2	1	3
	Environment Protection Authority	0	13	13
	Green Adelaide	0	4	4
	Green Industries SA	0	16	16
	Heritage South Australia	2	1	3
	Limestone Coast Landscape Board	0	1	1
	Native Vegetation Council	0	3	3
	Office of the Deputy Premier	2	126	128
	SA Water	4	35	39

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FOI Statistical Data

State Government Agency Access Application Breakdown

Division/Agency	Personal	Non-Pers	Total
Infrastructure and Transport; Energy and Mining	21	367	388
Department for Energy and Mining	2	77	79
Department for Infrastructure and Transport	18	194	212
Office of Hydrogen Power SA	0	24	24
Office of the Hon Tom Koutsantonis MP	1	72	73
Police, Emergency Services and Correctional Services	3022	127	3149
Department for Correctional Services	323	12	335
Office of the Hon Joe Szakacs MP	5	32	37
South Australia Police	2676	50	2726
South Australian Country Fire Service	4	29	33
South Australian Fire and Emergency Services Commission	0	1	1
South Australian Metropolitan Fire Service	12	2	14
South Australian State Emergency Services	2	1	3
Premier and Cabinet	3	183	186
Department of Premier and Cabinet	3	111	114
Office of the Hon Peter Malinauskas MP	0	48	48
Premier's Delivery Unit	0	11	11
South Australian MotorSport Board	0	6	6
South Australian Museum	0	2	2
State Library of South Australia	0	5	5
Primary Industries and Regional Development; Forest Industries	5	169	174
Department of Primary Industries and Regions	5	67	72
ForestrySA	0	1	1
Office of the Hon Clare Scriven MLC	0	91	91
Veterinary Surgeons Board of South Australia	0	10	10
Regional Roads; Veterans Affairs; Local Government	3	28	31
Office of the Hon Geoff Brock MP	3	28	31

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FOI Statistical Data

State Government Agency Access Application Breakdown

	Division/Agency	Personal	Non-Pers	Total
	Tourism; Multicultural Affairs	0	39	39
	Office of the Hon Zoe Bettison MP	0	15	15
	South Australian Tourism Commission	0	24	24
	Trade and Investment; Housing and Urban Development; Planning	8	90	98
	Department for Trade and Investment	7	29	36
	Office of the Hon Nick Champion MP	0	44	44
	Renewal SA Urban Renewal Authority	1	17	18
	Treasurer	14	289	303
	Department of Treasury and Finance	13	180	193
	Essential Services Commission of SA	0	7	7
	Office of the Hon Stephen Mullighan MP	0	101	101
	State Superannuation Office (Super SA)	1	1	2

Freedom of Information Annual Report 2022-23 FOI Statistical Data

State Government Agency Access Application Breakdown

Division/Agency Personal Non-Pers Total

State Government Agency Amendment Application Breakdown

Agency	Total
South Australia Police	55
Department for Correctional Services	19
SALHN - Southern Adelaide Local Health Network	5
Department for Child Protection	4
NALHN - Lyell McEwin Hospital	3
CALHN - Royal Adelaide Hospital	2
Limestone Coast Local Health Network	1
Women's and Children's Health Network	1
CALHN - CEOs Office	1
Department of Planning Transport & Infrastructure	1
Courts Administration Authority	1
Department for Education	1

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FOI Statistical Data

Local Government and University Access Application Breakdown

	Personal	Non-Pers	Total
Adelaide Hills Council	6	6	12
Adelaide Plains Council	5	0	5
Alexandrina Council	7	8	15
Barunga West Council	1	0	1
Campbelltown City Council	2	14	16
City of Adelaide	1	50	51
City of Burnside	1	14	15
City of Charles Sturt	6	27	33
City of Holdfast Bay	0	15	15
City of Marion	0	13	13
City of Mitcham	7	18	25
City of Onkaparinga	25	19	44
City of Playford	0	12	12
City of Port Adelaide Enfield	3	34	37
City of Port Lincoln	0	4	4
City of Prospect	5	0	5
City of Salisbury	11	3	14
City of Tea Tree Gully	18	14	32
City of Unley	2	0	2
City of Victor Harbor	3	6	9
City of West Torrens	0	28	28
City of Whyalla	1	0	1
Copper Coast Council	0	29	29
Corporation of the Town of Walkerville	2	9	11
District Council of Cleve	0	1	1
District Council of Grant	3	1	4
District Council of Lower Eyre Peninsula	1	0	1
District Council of Loxton Waikerie	0	1	1
District Council of Mount Remarkable	0	1	1
District Council of Orroroo Carrieton	0	1	1
District Council of Peterborough	0	1	1

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FOI Statistical Data

Local Government and University Access Application Breakdown

	Personal	Non-Pers	Total
District Council of Robe	0	1	1
District Council of Tumby Bay	0	10	10
District Council of Yankalilla	5	0	5
Kangaroo Island Council	0	2	2
Kingston District Council	1	0	1
Mid Murray Council	0	2	2
Mount Barker District Council	10	2	12
Port Pirie Regional Council	10	0	10
Regional Council of Goyder	0	1	1
Renmark Paringa Council	1	0	1
Tatiara District Council	3	0	3
The Barossa Council	1	4	5
The Rural City of Murray Bridge	3	9	12
Town of Gawler	1	2	3
Wattle Range Council	0	6	6
Wudinna District Council	0	1	1
Yorke Peninsula Council	3	3	6

University Access Application Breakdown

University	Personal	Non Personal	Total
Flinders University	9	2	11
University of Adelaide	7	3	10
University of SA	3	0	3