



**Government
of South Australia**

**Administration of the
Freedom of Information Act 1991
2018-19 Annual Report**

Administration of the *Freedom of Information Act 1991*

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To:

Hon Vickie Chapman MP

Deputy Premier

Attorney-General

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

This is the twenty eighth freedom of information (FOI) 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:

Simon Froude
Director, State Records

Date 30 October 2019 Signature  _____

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Overview: about the Administration of the Freedom of Information Act 1991

Agency Purpose

State Records of South Australia (State Records) is a business unit with the Attorney-General's Department and has within its remit responsibility for supporting the Minister (the Attorney-General) responsible for 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 of the Freedom of Information Management System (FOIMS)
- provision of regular and ad hoc reports to the Minister
- provision of training and advice to agencies
- response to public enquiries.

In order to produce the FOI annual report, all agencies subject to it are required to make available to State Records statistical information relating to FOI and 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, ie state government, local government and universities.

Reporting

Pursuant to Section 54AA of the FOI Act, FOI reporting requirements were gazetted on 15 June 2006. These requirements remained unchanged in 2018-19.

State Records derives annual FOI statistics from FOIMS to enable this annual report to be produced. FOIMS is a web-based system where agencies record their FOI applications so that they can meet their FOI related reporting obligations.

Additional information, including the costs incurred by agencies in the administration of the FOI Act, is collected via an online survey.

Objectives

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.

Other related agencies (within the Minister's area/s of responsibility)

State Records is a business unit of the Attorney-General's Department.

Key strategies and their relationship to SA Government objectives

Key strategy	SA Government objective
Access to information through the FOI Act is administered efficiently	Better services

Programs and initiatives and their effectiveness and efficiency for 2018-19

Program name	Indicators of performance/ effectiveness/ efficiency	Comments
FOI advice to agencies and members of the public	1059 phone calls or emailed enquiries responded to by State Records	There was a decrease in enquiries from members of the public due to improved referral information.
Publication of guidelines and information sheets to assist FOI Officers and the public	All information sheets, brochures and forms were rebranded and/or refreshed	State Records produces documents to assist FOI officers to process FOI applications. FOI related guidelines and information sheets can be found on the State Records website at http://archives.sa.gov.au/
Delivery of accredited training for FOI officers	116 students attended the classroom based training	Section 54A of the FOI Act requires the Minister to develop and maintain appropriate training programs in consultation with the Ombudsman SA. Section 4 of the FOI Act requires the Minister to approve training for Accredited FOI Officers.
Delivery of online FOI education	75 students enrolled to undertake the online courses	During the coming year, additional course content will be developed for delivery online.
Proactive release of information	Proactive Disclosure of Regularly Requested Information (PC035) and Disclosure Logs for Non-Personal Information Released through FOI (PC045) actively implemented by agencies	State government agencies bound by Premier and Cabinet Circulars PC035 and PC045 are required to publish relevant information to their websites in line with the policies.
Online submission and payment for FOI applications	State government agencies received more than 2600 applications through the online FOI Application Form using iApply.	FOI applicants seeking to access information held by state government agencies are able to lodge and pay for their FOI applications online using the online FOI Application Form.

Reporting required under any other act or regulation

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 2018-19

Agencies provide FOI application information through FOIMS and an annual survey to enable a consolidated statistical report to be prepared. The accuracy of the data relies on agencies entering correct data into FOIMS and providing responses to the annual survey.

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

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FOI Statistical Data

The following FOI 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 (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.

TABLE 1 Applications to be processed

Application	State		Local		Unis		All Sectors	
	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18
New	9 978	9 676	490	479	17	19	10 485	10 174
Carried Over	2 482	2 460	143	134	10	9	2 635	2 603
Total	12 460	12 136	633	613	27	28	13 120	12 777

TABLE 2 Applications to be processed by sector and application category

Sector	Personal Affairs		Non-Personal Affairs	
	No.	%	No.	%
New applications 2018-19				
State Government	7 723	77%	2 255	23%
Local Government	77	16%	413	84%
Universities	8	47%	9	53%
Total	7 808	74%	2 677	26%
Applications unfinished at the end of 2017-18				
State Government	1 868	75%	614	25%
Local Government	36	25%	107	75%
Universities	1	10%	9	90%
Total	1 905	72%	730	28%
Total to be processed 2018-19	9 718	74%	3 407	26%

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TABLE 3 Applications received by applicant type

Applicant type	State		Local		Unis		All sectors	
	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18
Member of the Public	4 115	3 900	296	311	10	12	4 421	4 223
Lawyer / Agent	3 450	3 878	48	35	0	1	3 498	3 914
Member of Parliament	1 514	1 038	86	59	0	4	1 600	1 101
Other	689	688	52	66	5	2	746	756
Media	210	172	8	8	2	0	220	180
Total	9 978	9 676	490	479	17	19	10 485	10 174

TABLE 4 Response times by sector

Time	State		Local		Unis		All Sectors	
	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18	2018-19	2017-18
0-15 days	2 506	2 250	162	201	4	3	2 672	2 454
16-30 days	2 206	2 863	188	212	7	8	2 404	3 083
>30 days	4 780	4 179	91	75	3	5	4 874	4 259
Total	9 495	9 292	441	488	14	16	9 950	9 796

TABLE 5 Formal extensions of time

Extension reason	State	Local	Unis	All Sectors
Section 14(1)(a) – searching	282	9	4	297
Section 14(1)(b) – consultation	243	19	4	266
Total	525	28	10	563

TABLE 6 Negotiated extensions by sector

Extension reason	State	Local	Unis	All Sectors
Negotiated	173	5	0	178

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TABLE 7 Outcomes of application by sector

Sector	Application Category	Full Release		Partial Release		Refused	
		2018-19	2017-18	2018-19	2017-18	2018-19	2017-18
State	Personal	4 100	3 878	2 515	2 443	747	719
	Non-Personal	571	830	686	444	539	746
	Total	4 671	4708	3 201	2 887	1 286	1 465
Local	Personal	25	18	25	46	11	15
	Non-Personal	195	161	103	135	68	69
	Total	220	179	131	181	79	84
Universities	Personal	0	2	5	3	1	2
	Non-Personal	3	3	5	2	3	3
	Total	3	5	10	5	4	5
All Sectors	Personal	4125	3 898	2 548	2 493	759	736
	Non-Personal	769	994	794	582	610	818
	Total	4 894	4 892	3 342	3 075	1 369	1 554

TABLE 8 Reasons for refusing access by sector

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

Details	State	Local	Unis	Total	
				2018-19	2017-18
Section 15 - Application incomplete/wrongly directed*	11	1	0	12	13
Section 18(1) - Unreasonable diversion of an agency's resources *	25	2	0	27	83
Section 18(2a) - Abuse of right of access *	6	9	0	15	45
Section 18(3) - Fees not paid	34	4	2	40	64
Section 19(2) - Deemed refusal - over 30 days to respond	374	1	0	375	397
Section 20(1) - Exempt *	3 214	118	8	3 340	3 242
Section 20(1)(b)(c)(d) – Documents otherwise available *	46	24	0	70	107
Exempt agency	22	0	0	22	21
Document does not exist/lost	375	46	0	421	412

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TABLE 9 Exemptions

Most commonly applied exemptions	Total
Clause 4 – documents affecting law enforcement and public safety	624
Clause 6 – documents affecting personal affairs	2 329
Clause 7 – documents affecting business affairs	212
Clause 10 – Documents subject to legal professional privilege	204
Clause 12 – documents the subject of secrecy provisions	395
Clause 13 – documents containing confidential material	347
Clause 16 – documents concerning the operations of agencies	203

TABLE 10 Amendment of personal information

Outcome	2018-19	2017-18
Amendment in full	12	35
Amendment refused	84	83
Partial amendment	6	7
Notation added	8	0
Total	110	125

TABLE 11 Reasons for refusal to amend personal information records

Reason	2018-19	2017-18
Records are not incomplete, incorrect, out-of-date or misleading	77	80
Application contains matter that is incorrect or misleading	2	0
Procedures for amending records are prescribed by or under the provisions of another legislative instrument	5	5
Total	84	85

TABLE 12 Contracts reported approved confidentiality clauses

Sector	Number of contracts reported in 2018-19	2017-18
State Government	204	51
Local Government	74	56
Universities	5	5
Total	283	112

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TABLE 13 Cabinet documents 10 years or older - requests for to access

Requests	2018-19	2017-18	2016-17
By MPs	5	24	67
By Public	44	198	140
By Media	91	42	2
Total	140	264	209

TABLE 14 Cabinet documents 10 years or older – access determinations

Determination	2018-19	2017-18	2016-17
Released in full	47	76	23
Released in part	58	169	165
Refused in full	7	5	8
Withdrawn	0	1	7
Total	112	251	203

TABLE 15 The cost of administering FOI

Cost category	2018-19 \$	2017-18 \$
Salary	12 894 695	14 083 398
Other expenses	558 101	590 758
Total	13 452 795	14 674 156

TABLE 16 Staffing

Sector	Number of staff		Full-time equivalent	
	2018-19	2017-18	2018-19	2017-18
State Government	528	587	126.6	132
Local Government	113	143	12.1	21.4
Universities	40	34	2.4	3.7
Total	681	764	141.1	157.1

TABLE 17 Fees collected by sector

Sector	2018-19 \$	2017-18 \$
State Government	290 230	266 658
Local Government	10 025	28 727

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Universities	490	376
Total	300 745	295 761

TABLE 18 Applications for review received

Applications reviewed	2018-19	2017-18
Internal review	322	155
External review - Ombudsman	262	127
External review - South Australian Civil and Administrative Tribunal	15	23
Total	599	305

TABLE 19 Outcome of internal review applications

Outcome	2018-19	2017-18
Decision confirmed	141	105
Decision varied	102	36
Decision reversed	37	22

TABLE 20 Applications unfinished at 30 June 2019

Sector	Within 30 day timeframe	Outside 30 day timeframe	Total
State Government	624	2 391	3 015
Local Government	38	151	189
Universities	2	7	9
Total	664	2 549	3 213

TABLE 21 Overdue applications unfinished at 30 June 2019

Sector	Personal	Non-Personal	Total
State Government	1 537	854	2 391
Local Government	40	111	151
Universities	1	6	7
Total	1 578	971	2 549

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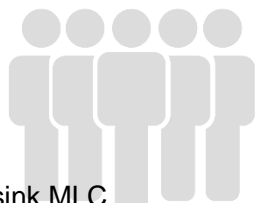


State Government Agency Breakdown

Access Applications

Division/Agency	Personal	Non Personal	Total
Attorney-General	56	100	156
Attorney-General's Department	14	45	59
Courts Administration Authority	27	8	35
Electoral Commission of South Australia	0	4	4
Equal Opportunity Commission	1	2	3
Independent Gambling Authority	0	4	4
Legal Services Commission	8	1	9
Office of the Attorney General - Hon Vickie Chapman	1	28	29
Office of the Public Advocate	2	6	8
South Australian Civil & Administrative Tribunal	3	2	5
Child Protection	246	25	271
Department for Child Protection	244	12	256
Office of the Minister for Child Protection	2	13	15
Education	86	80	166
Department for Education	81	51	132
Education Standards Board	0	1	1
History Trust of South Australia	0	1	1
Office of the Minister for Education	4	18	22
SACE Board of South Australia	1	2	3
TAFE SA	0	6	6
Teachers Registration Board of South Australia	0	1	1
Energy and Mining	4	48	52
Department for Energy & Mining	4	31	35
Office of the Minister - van Holst Pellekaan MP	0	17	17
Environment and Water	14	136	150
Adelaide and Mt Lofty Ranges NRM Board	1	0	1
Department for Environment and Water	11	46	57
Environment Protection Authority	0	28	28
Green Industries SA	0	1	1
Office of the Minister - Hon David Speirs MP	1	25	26
SA Arid Lands Natural Resources Management Board	0	1	1

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Division/Agency		Personal	Non Personal	Total
SA Murray Darling Basin Natural Rsrcs Mgmt Board		0	2	2
SA Water		1	32	33
South East Natural Resources Management Board		0	1	1
Health and Wellbeing		6468	674	7142
Central Adelaide Local Health Network		2557	84	2641
Country Health SA Local Health Network		1239	169	1408
Department for Health & Wellbeing		20	202	222
Northern Adelaide Local Health Network		877	137	1014
Office of the Minister - Hon Stephen Wade MLC		0	40	40
SA Health - Drug and Alcohol Services South Australia		8	1	9
SAAS - SA Ambulance Service		221	9	230
Southern Adelaide Local Health Network		1152	25	1179
Women's and Children's Health Network		392	7	399
Human Services		121	360	481
Disability Services		17	1	18
Housing SA		5	2	7
Screening Unit		4	0	4
Department of Human Services		22	78	100
Office of the Minister - Hon Michelle Lensink MLC		0	200	200
South Australian Housing Authority		73	79	152
Industry and Skills		8	49	57
Department for Innovation & Skills		2	17	19
Office of the Minister - Hon David Pisoni MP		6	26	32
Office of the Small Business Commissioner		0	4	4
South Australian Film Corporation		0	2	2
Police, Emergency Services and Corrections		2195	260	2455
Department for Correctional Services		271	24	295
Office of the Minister - Hon Corey Wingard MP		1	25	26
SA Fire and Emergency Services Commission		0	8	8
SA Metropolitan Fire Service		0	21	21
SA State Emergency Service		0	6	6
South Australia Police		1917	149	2066
South Australian Country Fire Service		6	27	33

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Division/Agency	Personal	Non Personal	Total
Premier	8	405	413
Adelaide Festival Centre Trust	1	0	1
Defence SA	0	4	4
Department of the Premier and Cabinet	7	293	300
Economic Development Board	0	5	5
Energy Division	0	23	23
Mineral and Energy Resources	0	1	1
Office of the Premier - Hon Steven Marshall MP	0	78	78
State Library of South Australia	0	1	1
Primary Industries and Regional Development	2	26	28
Department for Primary Industries & Regions SA	2	12	14
Forestry SA	0	3	3
Office of the Minister for PIRD	0	10	10
Veterinary Surgeons Board of SA	0	1	1
Trade, Tourism and Investment	1	27	28
Department for Trade, Tourism & Investment	0	9	9
South Australian Tourism Commission	1	18	19
Transport, Infrastructure and Planning	14	228	242
Corporate Services Division	0	2	2
Adelaide Cemeteries Authority	1	0	1
Department of Planning Transport & Infrastructure	8	155	163
Homestart Finance	0	4	4
Office of the Minister - Hon Stephan Knoll MP	1	56	57
Office of the National Rail Safety Regulator	2	2	4
Rail Commissioner	0	4	4
Urban Renewal Authority (Renewal SA)	0	4	4
West Beach Trust (Adelaide Shores)	2	1	3
Treasury	368	451	819
Department of Treasury and Finance	48	246	294
Essential Services Commission of SA	0	5	5
Office of the Treasurer - Hon Robert Lucas MLC	0	194	194
Return to WorkSA	319	6	325
Super SA	1	0	1

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FOI Statistical Data

Local Government Breakdown

Access Applications

Region	Personal	Non Personal	Total
Adelaide City Council	0	29	29
Adelaide Hills Council	1	22	23
Adelaide Plains Council	0	4	4
Alexandrina Council	1	3	4
Campbelltown City Council	0	9	9
City of Burnside	8	9	17
City of Charles Sturt	11	21	32
City of Holdfast Bay	14	65	79
City of Marion	2	15	17
City of Mitcham	2	10	12
City of Mount Gambier	0	4	4
City of Norwood, Payneham & St Peters	5	0	5
City of Onkaparinga	2	24	26
City of Playford	1	25	26
City of Port Adelaide Enfield	11	18	29
City of Port Lincoln	0	1	1
City of Prospect	1	8	9
City of Salisbury	17	23	40
City of Tea Tree Gully	14	22	36
City of Unley	0	46	46
City of Victor Harbor	0	7	7
City of West Torrens	2	18	20
Clare & Gilbert Valleys Council	0	4	4
Coorong District Council	0	6	6
Corporation of the Town of Walkerville	0	2	2
District Council of Ceduna	0	1	1
District Council of Cleve	0	1	1
District Council of Grant	0	6	6
District Council of Karoonda East Murray	0	1	1
District Council of Lower Eyre Peninsula	0	2	2
District Council of Loxton Waikerie	1	1	2
District Council of Mount Barker	4	11	15

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Region	Personal	Non Personal	Total
District Council of Mount Remarkable	1	1	2
District Council of Orroroo Carrieton	0	1	1
District Council of Peterborough	1	0	1
District Council of Robe	0	4	4
District Council of Streaky Bay	0	2	2
District Council of The Copper Coast	0	24	24
District Council of Tumby Bay	0	2	2
District Council of Wudinna	0	1	1
Eastern Health Authority Inc.	0	3	3
Kangaroo Island Council	3	5	8
Kingston District Council	0	1	1
Light Regional Council	0	1	1
Mid Murray Council	0	6	6
Naracoorte Lucindale Council	0	3	3
Northern Areas Council	2	2	4
Port Augusta City Council	0	2	2
Port Pirie Regional Council	2	1	3
Regional Council of Goyder	0	2	2
Renmark Paringa Council	4	6	10
Roxby Downs Council	0	1	1
Rural City of Murray Bridge	0	8	8
Southern Mallee District Council	0	1	1
Tatiara District Council	0	2	2
The Barossa Council	0	3	3
The Berri Barmera Council	0	1	1
Town of Gawler	1	13	14
Wattle Range Council	2	2	4
Whyalla City Council	0	2	2
Yorke Peninsula Council	0	2	2

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FOI Statistical Data

University Breakdown

Access Applications

University	Personal	Non Personal	Total
Flinders University	7	4	11
University of Adelaide	1	8	9
University of South Australia	1	6	7

