



**Government
of South Australia**

Administration of the
Freedom of Information Act 1991
2021-22 Annual Report

Administration of the *Freedom of Information Act 1991*

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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 first 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 27 October 2022

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 2021-22 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 10 057 new FOI applications, down slightly compared with previous years.

Whilst release rates remained consistent, non-personal applications reduced by a third and applications submitted by Members of Parliament reduced by half.

Agencies continued to strive to process applications within the 30-day timeframe. In line with the legislation, where this could not be achieved due to extensive consultation or search requirements, formal extensions of time were approved and communicated.

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 MP

Attorney-General

Minister for Aboriginal Affairs

Minister for Industrial Relations and Public Sector

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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 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 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, 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 were updated on 26 June 2022.

Agencies record information about their FOI applications and determinations within FOIMS, a web-based system. Recording information in FOIMS enables agencies to meet their FOI related reporting obligations and enables State Records to extract the FOI statistical data.

The 2021-22 financial year is the last year State Records will derive annual FOI statistics from FOIMS as it is being decommissioned.

From 2022-23 onwards, agencies will be required to manage their own FOI statistical information. State Records has produced a suite of resources and tools to help agencies with this transition.

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

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

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

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 and information 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.	604 phone calls or email 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.	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 the online accredited training for FOI officers	Accredited and non-Accredited officer training is available.	108 students completed Accredited and non-Accredited Officer training. This is 41 more than 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 825 times during the reporting year, a large increase on the previous year's 378.
Online submission and payment for FOI applications	An online mechanism is available for the community to lodge and pay for freedom of information applications.	State government agencies received 3224 applications through the online FOI Application Form, an increase of 135 on the previous year.

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 2021-22

Agencies FOI application information is obtained via 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 accurate 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 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 2021-22 and carried over from 2020-21

TABLE 1 Applications to be processed

Application	State		Local		University		All Sectors	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
New	9 574	9 841	451	587	32	34	10 057	10 462
Personal	8 358	7 952	131	143	20	9	8 509	8 104
Non-Personal	1 216	1 889	320	444	12	25	1 548	2 358
Carried Over	3 265	2 849	270	213	9	18	3 544	3 080
Personal	2 355	2 033	67	45	3	2	2 425	2 080
Non-Personal	910	816	203	168	6	16	1 119	1 000
Total	12 839	12 690	721	800	41	52	13 601	13 542

TABLE 2 Applications received by applicant type

Applicant type	State		Local		University		All sectors	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
Member of the Public	5 196	4 547	314	353	9	9	5 519	4 909
Lawyer / Agent	3 012	2 972	62	63	2	3	3 076	3 038
Member of Parliament	556	1 035	34	124	0	1	590	1 160
Other	695	1 133	30	43	21	11	746	1 187
Media	122	154	4	4	0	10	126	168
Total	9 581	9 841	444	587	32	34	10 057	10 462

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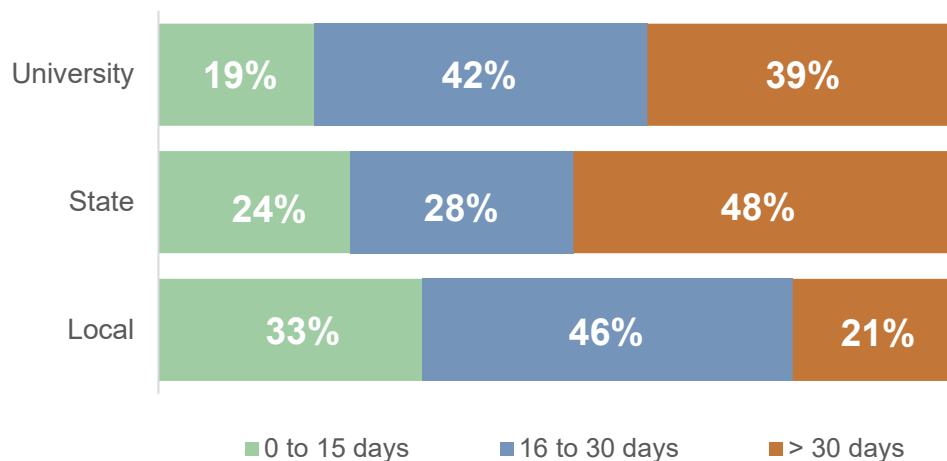
FOI Statistical Data

Application response times and extensions

TABLE 3 Response times

Time	State		Local		University		All Sectors	
	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
0-15 days	2 218	2 246	135	173	7	17	2 360	2 436
16-30 days	2 587	2 849	190	231	15	25	2 792	3 105
>30 days	4 454	4 063	85	106	14	12	4 553	4 181

Response Times


TABLE 4 Formal extensions of time

Extension reason	State	Local	University	All Sectors 2021-22	All Sectors 2020-21
Section 14(1)(a) – searching	601	13	1	615	715
Section 14(1)(b) – consultation	77	14	0	91	202
Total	678	27	1	706	917

TABLE 5 Negotiated extensions

Extension reason	State	Local	University	All Sectors 2021-22	All Sectors 2020-21
Negotiated	68	10	0	78	86

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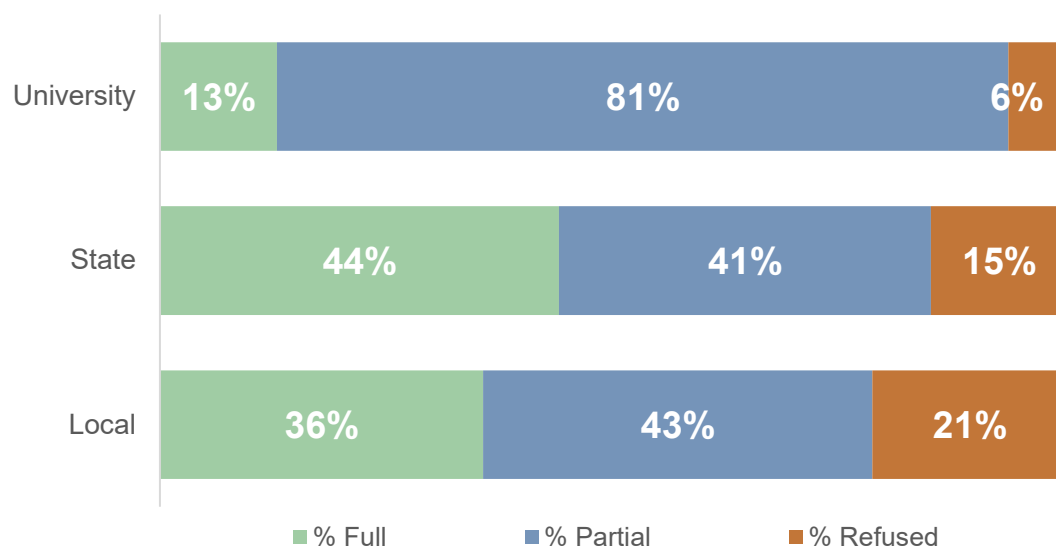
FOI Statistical Data

Application outcomes

TABLE 6 Outcomes of applications

Sector	Application Category	Full Release		Partial Release		Refused	
		2021-22	2020-21	2021-22	2020-21	2021-22	2020-21
State	Personal	3 621	3 614	3 268	2 904	958	734
	Non-Personal	314	555	382	572	409	547
	Total	3 935	4 169	3 650	3 476	1 367	1 281
Local	Personal	42	27	53	70	21	18
	Non-Personal	104	165	123	144	67	71
	Total	146	192	176	214	88	89
Universities	Personal	2	2	16	6	2	1
	Non-Personal	2	9	9	14	0	11
	Total	4	11	25	20	2	12
All Sectors	Personal	3 665	3 614	3 337	2 980	981	753
	Non-Personal	420	729	514	730	476	629
	Total	4 085	4 372	3 851	3 710	1 457	1 382

Application Outcomes



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FOI Statistical Data

Access refusals and exemptions

TABLE 7 Reasons for refusing access

Details	State	Local	Uni	Total 2021-22	Total 2020-21
Section 15 - Application incomplete/wrongly directed*	19	2	0	21	13
Section 18(1) - Unreasonable diversion of an agency's resources *	42	8	0	50	60
Section 18(2a) - Abuse of right of access *	34	2	0	36	24
Section 18(3) - Fees not paid	63	18	1	82	36
Section 19(2) - Deemed refusal - over 30 days to respond	192	2	0	194	335
Section 20(1) - Exempt *	3 879	158	25	4 062	3 733
Section 20(1)(b)(c)(d) – Documents otherwise available *	66	16	0	82	125
Exempt agency	18	0	0	18	33
Document does not exist/lost	460	33	0	493	401

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

TABLE 8 Exemptions

Most commonly applied exemptions	2021-22	2020-21
Clause 4 – documents affecting law enforcement and public safety	759	968
Clause 6 – documents affecting personal affairs	3 109	2 622
Clause 7 – documents affecting business affairs	203	200
Clause 9 – internal working documents	494	291
Clause 10 – documents subject to legal professional privilege	119	131
Clause 11 – documents relating to judicial functions	173	232
Clause 12 – documents the subject of secrecy provisions	640	503
Clause 13 – documents containing confidential material	391	326
Clause 16 – documents concerning the operations of agencies	306	302

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FOI Statistical Data

Amendment of personal information and contacts containing confidentiality clauses

TABLE 9 Amendment applications

Outcome	2021-22	2020-21
New applications	94	105
Carried over	19	10
Total	113	115

TABLE 10 Outcome of amendment applications

Outcome	2021-22	2020-21
Amendment in full	19	14
Partial amendment	5	2
Notation added	2	3
Amendment refused	60	39
Total	86	58

TABLE 11 Reasons for refusal to amend personal information records

Reason	2021-22	2020-21
Records are not incomplete, incorrect, out-of-date or misleading	54	37
Application contains matter that is incorrect or misleading	4	2
Procedures for amending records are prescribed by or under the provisions of another legislative instrument	2	0
Total	60	39

TABLE 12 Contracts reported approved confidentiality clauses

Sector	2021-22	2020-21
State Government	49	26
Local Government	78	25
Universities	2	0
Total	129	51

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FOI Statistical Data

Application reviews and applications for Cabinet documents

TABLE 13 Applications for review received

Applications reviewed	2021-22	2020-21
Internal review	202	334
External review - Ombudsman	377	359
External review - South Australian Civil and Administrative Tribunal	40	33
Total	619	726

TABLE 14 Outcome of internal review applications

Outcome	2021-22	2020-21
Decision confirmed	142	138
Decision varied	75	85
Decision reversed	28	63

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

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

Requests	2021-22	2020-21	2019-20
By MPs	0	42	11
By Public	24	119	87
By Media	26	20	13
Total	50	181	111

TABLE 16 Cabinet documents 10 years or older – access determinations

Determination	2021-22	2020-21	2019-20
Released in full	45	103	0
Released in part	27	70	127
Refused in full	7	4	10
Withdrawn	1	0	0
Total	80	177	137

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FOI Statistical Data

The cost of administering the FOI Act

TABLE 17 Overall cost of administering FOI

Cost category	2021-22 \$	2020-21 \$	2019-20 \$
Salary	\$14 163 431	\$16 030 262	\$15 344 767
Other expenses	\$521 583	\$703 470	\$631 448
Total	\$14 685 014	\$16 733 732	\$15 976 215

TABLE 18 Staffing

Sector	Number of staff		Full-time equivalent	
	2021-22	2020-21	2021-22	2020-21
State Government	1116	618	126.4	142.7
Local Government	170	175	18.9	21.3
Universities	46	45	3.3	4.0
Total	1332	838	148.6	168.0

TABLE 19 Application and processing fees collected

Sector	2021-22	2020-21	2019-20
State Government	\$301 648	\$322 028	\$376 187
Local Government	\$24 150	\$31 979	\$24 201
Universities	\$649	\$898	\$3 426
Total	\$326 447	\$354 905	\$403 814

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FOI Statistical Data

Applications not determined as at 30 June 2022

TABLE 20 Applications still open at 30 June 2022

Sector	Within 30 day timeframe	Outside 30 day timeframe	Total
State Government	589	2 843	3 432
Local Government	31	273	304
Universities	2	7	9
Total	622	3 123	3 745

TABLE 21 Overdue applications still open at 30 June 2022

Sector	Personal	Non-Personal	Total
State Government	2 042	801	2 843
Local Government	75	198	273
Universities	1	6	7
Total	2 118	1 005	3 123

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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	109	90	199
Attorney-General's Department	33	62	95
Courts Administration Authority	42	6	48
Consumer and Business Services	19	4	23
Office of the AG - Hon Vickie Chapman MP	6	13	19
Legal Services Commission	6	0	6
Forensic Science SA	1	2	3
Office of the Public Advocate	1	1	2
Electoral Commission of South Australia	0	1	1
Office for the Public Sector	0	1	1
Equal Opportunity Commission	1	0	1
Child Protection - Women - Recreation, Sport and Racing	271	25	296
Department for Child Protection	270	22	292
Office for Recreation, Sport and Racing	1	3	4
Education, Training and Skill	152	58	210
Department for Education	148	51	199
SACE Board of South Australia	1	6	7
Teachers Registration Board of South Australia	2	1	3
Office of the Minister for Education	1	0	1
Health and Wellbeing	4706	248	4954
Central Adelaide Local Health Network	1852	36	1888
Northern Adelaide Local Health Network	821	37	858
Southern Adelaide Local Health Network	818	16	834
Women's and Children's Health Network	280	5	285
SA Ambulance Service	181	12	193
Limestone Coast Local Health Network	180	8	188
Barossa Hills Fleurieu Local Health Network	151	6	157
Flinders & Upper North Local Health Network	150	1	151
Yorke & Northern Local Health Network	126	10	136
Department for Health & Wellbeing	14	90	104
Riverland Mallee Coorong Local Health Network	76	20	96
Eyre & Far North Local Health Network	51	5	56
SA Health - Drug and Alcohol Services South Australia	5	1	6
Lifetime Support Authority	1	1	2

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FOI Statistical Data

State Government Agency Access Application Breakdown

Division/Agency	Personal	Non-Pers	Total
Human Services	116	57	173
South Australian Housing Authority	67	19	86
Department of Human Services	46	30	76
Office of the Minister - Hon Michelle Lensink MLC	0	8	8
Screening Unit	3	0	3
Industry, Innovation and Science - Defence and Space Industries - Climate, Environment and Water	22	124	146
Department for Environment and Water	10	56	66
Department for Innovation & Skills	6	14	20
Environment Protection Authority	0	17	17
SA Water	0	11	11
Defence SA	0	7	7
Green Adelaide Board	1	5	6
Native Vegetation Council	0	5	5
Dog and Cat Management Board	2	1	3
Green Industries SA	0	2	2
Office of the Deputy Premier	2	0	2
Office of the Minister - Hon David Speirs MP	0	2	2
Office of the Minister - Hon David Pisoni MP	0	2	2
South Australian Heritage Council	0	1	1
South Eastern Water Conservation and Drainage Board	0	1	1
Adelaide and Mt Lofty Ranges NRM Board	1	0	1
Infrastructure and Transport - Energy and Mining	14	114	128
Department of Planning Transport & Infrastructure	13	89	102
Department for Energy & Mining	0	23	23
Australian Energy Market Commission	0	2	2
Office of the National Rail Safety Regulator	1	0	1
Police, Emergency Services and Corrections	3051	343	3394
South Australia Police	2225	80	2305
Department for Correctional Services	343	11	354
SA Metropolitan Fire Service	16	6	22
SA Fire and Emergency Services Commission	4	3	7
Office f/ Minister for Police, Emrgy Svc & Corr	2	4	6
SA State Emergency Service	1	1	2

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FOI Statistical Data

State Government Agency Access Application Breakdown

Division/Agency	Personal	Non-Pers	Total
Premier and Cabinet	5	173	178
Department of the Premier and Cabinet	3	144	147
Office of the Premier - Hon Steven Marshall MP	2	24	26
Office of the Premier - Hon Peter Malinauskas MP	0	5	5
South Australian Museum	0	1	1
Primary Industries and Regional Development - Forest Industries	5	41	46
Department for Primary Industries & Regions SA	5	23	28
Office of the Minister for PIRD	0	11	11
Office of the Minister for PIRD and Forest Ind	0	5	5
ForestrySA	0	2	2
Trade and Investment - Housing and Urban Development - Planning	2	31	33
Department for Trade & Investment	0	15	15
South Australian Tourism Commission	1	9	10
Office of the Minister -Hon Stephen Patterson MP	0	4	4
Office of the Minister for Trade and Investment	1	2	3
Urban Renewal Authority (Renewal SA)	0	1	1
Treasury and Finance	362	134	496
Return to WorkSA	234	12	246
Department of Treasury and Finance	120	111	231
Office of the Treasurer - Hon Robert Lucas MLC	6	8	14
Super SA	2	1	3
Essential Services Commission of SA	0	2	2

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FOI Statistical Data

State Government Amendment Applications per agency and University Access Application Breakdown

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

University Access Application Breakdown

University	Personal	Non Personal	Total
University of Adelaide	9	8	17
Flinders University	11	4	15

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FOI Statistical Data

Local Government Access Application Breakdown

	Personal	Non-Pers	Total
Adelaide Plains Council	5	3	8
Alexandrina Council	0	8	8
Barunga West Council	1	1	2
Campbelltown City Council	2	3	5
City of Adelaide	0	24	24
City of Burnside	1	10	11
City of Charles Sturt	9	17	26
City of Holdfast Bay	5	6	11
City of Marion	0	11	11
City of Mitcham	8	7	15
City of Mount Gambier	1	3	4
City of Onkaparinga	19	29	48
City of Playford	0	21	21
City of Port Adelaide Enfield	2	25	27
City of Port Lincoln	0	1	1
City of Salisbury	6	3	9
City of Tea Tree Gully	17	24	41
City of Unley	3	3	6
City of Victor Harbor	1	2	3
City of West Torrens	3	11	14
Clare & Gilbert Valleys Council	1	1	2
Coorong District Council	1	1	2
Corporation of the Town of Walkerville	2	0	2
District Council of Ceduna	1	0	1
District Council of Grant	0	2	2
District Council of Lower Eyre Peninsula	1	1	2
District Council of Mount Barker	2	6	8
District Council of Ororoo Carrieton	0	1	1
District Council of Peterborough	0	1	1
District Council of Robe	0	1	1
District Council of Streaky Bay	1	0	1
District Council of The Copper Coast	0	45	45
District Council of Tumby Bay	0	1	1
District Council of Wudinna	1	0	1
District Council of Yankalilla	6	0	6
Kangaroo Island Council	0	6	6
Kingston District Council	0	1	1

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FOI Statistical Data

Local Government Access Application Breakdown

	Personal	Non-Pers	Total
Light Regional Council	5	0	5
Mid Murray Council	0	11	11
Naracoorte Lucindale Council	2	0	2
Northern Areas Council	1	0	1
Port Augusta City Council	2	0	2
Port Pirie Regional Council	5	1	6
Renmark Paringa Council	2	2	4
Rural City of Murray Bridge	7	4	11
Southern Mallee District Council	0	6	6
The Barossa Council	4	3	7
Town of Gawler	2	11	13
Wattle Range Council	0	3	3
Whyalla City Council	1	0	1
Yorke Peninsula Council	1	0	1