



**Government
of South Australia**

Administration of the Freedom of Information Act 1991 2016-17 Annual Report

Administration of the Freedom of Information Act 1991

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To:

Honourable John Rau MP

Deputy Premier

Attorney-General

Minister for Justice Reform

Minister for Planning

Minister for Industrial Relations

Minister for Child Protection Reform

Minister for the Public Sector

Minister for Consumer and Business Services

Minister for the City of Adelaide

This annual report is presented to Parliament to meet the statutory reporting requirements of the *Freedom of Information Act 1991* and meets the requirements of Premier and Cabinet Circular *PC013 Annual Reporting*.

This is the twenty sixth freedom of information (FOI) Annual Report to be tabled in Parliament since the commencement of the 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



Signature

31/10/17

Date

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Section A: Reporting required under the *Public Sector Act 2009*, the *Public Sector Regulations 2010* and the *Public Finance and Audit Act 1987*

Agency purpose or role

State Records of South Australia (State Records) provides support to the Minister responsible for the administration of the *Freedom of Information Act 1991* (the Act).

This support includes:

- provision of policy and legislative advice in relation to the operation of the 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
- responding to enquiries from members of the public.

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

Agencies subject to the FOI Act

Section 4 of the Act defines those agencies that are subject to it. The definition of 'agency' is inclusive of most State Government agencies and statutory authorities, South Australian Local Government councils (municipal and district) and South Australian Universities.

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

Throughout this report a reference to agencies includes all entities subject to the Act across the three sectors, i.e. State Government, Local Government and Universities.

Reporting

Pursuant to Section 54AA of the Act, FOI reporting requirements were gazetted on 15 June 2006. These requirements remained unchanged in 2016-17.

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

Objectives

The objects of the 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
- to 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 and to Members of Parliament, and
- conferring on members of the public a legally enforceable right of access to documents held by South Australian State and Local Government and South Australian Universities, subject only to such restrictions that are consistent with the public interest and the preservation of personal privacy, and
- enabling each member of the public to apply for the amendment of government records concerning his or her personal affairs if those records are incomplete, incorrect, out-of-date or misleading.

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

Key strategies and their relationship to SA Government objectives

Key strategy	SA Government objective
State Records implements business reforms to support the delivery of improved services to government and community customers.	Strategic Plan Target 32 – Customer and client satisfaction with government services

Agency programs and initiatives and their effectiveness and efficiency

Program name	Indicators of performance/ effectiveness/ efficiency	Comments
Advice service for members of the public and agencies	FOI & FOIMS Telephone calls = 971 Emails = 382	During 2016-17 State Records responded to 1289 FOI related enquiries from members of the public and agencies
Publication of guidelines and information sheets to assist FOI Officers	A number of information sheets, brochures and forms were updated and refreshed to reflect changes to fees and charges and sufficiency of search.	State Records produces guidelines and information sheets to assist FOI officers to process FOI applications FOI related guidelines and information sheets can be found on the State Records website at http://government.archives.sa.gov.au
Delivery of accredited training for FOI officers	In 2016-17, 97 students attended some or all modules of the training	Section 54A of the Act requires the Minister to develop and maintain appropriate training programs in consultation with the Ombudsman SA. Section 4 of the Act requires the Minister to approve training for Accredited FOI Officers
Delivery of online FOI awareness education	In 2016-17, 12 students enrolled to undertake the online course	The course provides a general overview of FOI, the FOI Act and agency and staff responsibilities under the FOI Act

Program name	Indicators of performance/ effectiveness/ efficiency	Comments
Disclosure Logs for non-personal information released through FOI (PC045)	Not assessed in this reporting period	Development of the policy and program occurred through 2016-17. Policy will come into effect for in-scope agencies on 1 October 2017.
Online submission and payment for FOI applications	Not assessed in this reporting period	Development of this online system and associated procedures occurred through 2016-17. Form will come into operation on 12 September 2017.

Legislation administered by the agency

State Records Act 1997

Freedom of Information Act 1991

Organisation of the agency

At 30 June 2017, State Records comprised six functional teams:

- Business Services
- Collection Management Services
- Executive Services
- Freedom of Information and Privacy
- Government Record Keeping
- Reference and Access Services

Further information is reported in State Records Annual Statement of Activity which is published on the State Records website.

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

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

Employment opportunity programs

Information regarding employment opportunity programs in State Records is included in the Annual Report of the Attorney-General's Department.

Agency performance management and development systems

Information regarding agency performance management and development systems in State Records is included in the Annual Report of the Attorney-General's Department.

Occupational health, safety and rehabilitation programs of the agency and their effectiveness

Information regarding occupational health, safety and rehabilitation programs and their effectiveness in State Records is included in the Annual Report of the Attorney-General's Department.

Fraud detected in the agency

Information regarding fraud detected in State Records is included in the Annual Report of the Attorney-General's Department.

Whistle-blowers' disclosure

Information regarding Whistle-blower's disclosure in State Records is included in the Annual Report of the Attorney-General's Department.

Executive employment in the agency

Information regarding executive employment in State Records is included in the Annual Report of the Attorney-General's Department.

Consultants

Information on the engagement of external consultants by State Records is included in the Annual Report of the Attorney-General's Department.

See also <https://www.tenders.sa.gov.au/tenders/index.do> for a list of all external consultancies, including nature of work and value.

See also the Consolidated Financial Report of the Department of Treasury and Finance <http://treasury.sa.gov.au/> for total value of consultancy contracts across the SA Public Sector.

Financial performance of the agency

Information regarding the financial performance of State Records is included in the Annual Report of the Attorney-General's Department.

Other information requested by the Minister(s) or other significant issues affecting the agency or reporting pertaining to independent functions

State Records produces an Annual Report on the administration of the *State Records Act 1997* on behalf of the Attorney-General.

For further information please see the Annual Report on the Administration of the State Records Act and the Annual Statement of Activity on the Administration of the *State Records Act 1997*.

State Records produces an Annual Report on behalf of the Privacy Committee of South Australia.

For further information please see the Annual Report of the Privacy Committee of South Australia and the Privacy Committee's Annual Statement of Activity.

These documents are available on the State Records website.

Section B: Reporting required under any other act or regulation

State Records Act 1997

Section 16—Inadequate record management practices to be reported

If the Manager is of the opinion that the record management practices of an agency are inadequate, the Manager must report the matter to the Minister.

Section 32—Annual report

- (1) The Manager must, on or before 30 September in each year, provide a report to the Minister on the administration of this Act for the 12 months ending on 30 June.
- (2) The Minister must cause a copy of the report to be laid before both Houses of Parliament within six sitting days after being provided with the report.

State Records is responsible for the administration of the Act on behalf of the Attorney-General.

Further information on the administration of the *State Records Act 1997*, including reporting on section 16 of the Act, is reported in State Records Annual Statement of Activity which is published on the State Records website.

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 this 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

State Records is responsible for the administration of the *Freedom of Information Act 1991* on behalf of the Minister for the Public Sector.

Proclamation establishing the Privacy Committee of South Australia

Privacy Committee of South Australia

4(A) – Annual Report

- (1) The Committee must, on or before 30 September in each year, prepare and present to the Minister a report on its activities during the preceding financial year.
- (2) The report must include details of any exemptions granted under clause 4 during the year to which the report relates.
- (3) The Minister must, within 12 sitting days after receipt of a report under this section, cause copies of the report to be laid before each House of Parliament.

State Records supports the Privacy Committee in producing an Annual Report on its activity.

The Attorney-General is responsible for ensuring the Annual Report on the Privacy Committee is laid before both Houses of Parliament within 12 sitting days of receipt of the report.

Reporting required under the *Carers' Recognition Act 2005*

Reporting required under the *Carers' Recognition Act 2005* by State Records is included in the Annual Report of the Attorney-General's Department.

Section C: Reporting of public complaints as requested by the Ombudsman

Reporting requested by the Ombudsman of public complaints is included in the Annual Report of the Attorney-General's Department.

Appendix: Audited financial statements 2016-17

Financial information of State Records is included in the Annual Report of the Attorney-General's Department.

