

APPENDIX B

LEGISLATIVE COUNCIL STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

ANSWERS TO 2020-21 BUDGET ESTIMATES AND 2019-20 ANNUAL REPORT - QUESTIONS PRIOR TO HEARING (ROUND 1)

Office of the Information Commissioner

Hon Alison Xamon MLC asked:

- 1) I refer to Page 42 and Page 47 regarding access decisions – on Page 42 it says that the National Dashboard has WA providing access in full or in part to 94% of requests in 2018/19. On Page 47 it says that 86.2% of decisions gave access in full or in part in 2018/19. Please can the OIC to explain the discrepancy and provide a final figure?

Answer:

Metric 3 of the National Dashboard was calculated on different basis to the way in which the OIC in WA has always reported on access by agencies in the annual report of the OIC.

Although there will continue to be a discrepancy for this reason between the National Dashboard and the OIC Annual Report data, the OIC has applied the same calculation method to the annual report data over the years.

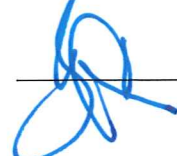
Both calculations best reflect the access rate for the particular purpose. For example, the National Dashboard most accurately compares between jurisdictions as far as is practicable and the annual reports of the OIC over the years records the trend within WA.

Any conclusions drawn from the National Dashboard metrics for WA, as compared with other jurisdictions, should take account of the differences in the relevant legislative provision of each jurisdiction that relates to each metric. The discrepancy in the percentage of access arises because of the legislative anomalies between the various jurisdictions that comprise the contributors to the National Dashboard.

In particular, as not all other jurisdictions have the same kind of legislative provision or record the data in the way WA does, it was determined at that time of establishing the National Dashboard that our so-called deemed refused decisions under section 26 of the FOI Act (documents cannot be found or do not exist) would be excluded from the calculations. This was to take into account that a number of other Australian FOI regimes did not have a similar provision.

- 2) I refer to Page 39 and the increase in the number of applications for external review from local government councillors regarding their own local government records and I ask:
- a) Which local governments have been named in these requests for external review in 2017-18 and 2018-19;

Minister's initials



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Answer: The external review process of the OIC is inherently confidential and only limited details of a complaint (external review) may be disclosed to the parties to that process as the Commissioner considers appropriate in order to deal with each matter

Other than where the Commissioner may be required to publish certain details relating to an external review, no other details are disclosed.

Section 82 of the FOI Act provides that if a person who is or has been the Commissioner, the Acting Commissioner or a member of the staff of the Commissioner – discloses any confidential information other than for the purposes of the FOI Act or another written law or proceedings arising under or in relation to the FOI Act or another written law – that person commits an offence.

Therefore, I am at present unable to provide the requested details that describe the particular local government agencies where the complainant was a councillor of that agency. To do so would be contrary to my usual policy and, more relevantly in my view, contrary to the non-disclosure obligations under the FOI Act.

b) How many of these external reviews were resolved with:

i) Full access;

Answer: refer to answer to 2(a) above

ii) Partial access; and

Answer: refer to answer to 2(a) above

iii) No access; and

Answer: refer to answer to 2(a) above

c) Did the OIC make a submission to the recent review of Local Government regarding this issue?

Answer: No. The information referred to at page 39 of the annual report was identified after the completion of my submission.

3) I refer to Page 33 and the upgraded communications technologies to fully enable working from home and I ask:

a) Was the Office of Digital Government involved in any of the work to select and implement technologies to accomplish this task;

Answer:

No.

Minister's initials

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- b) Have you solution choices been communicated back to the Office of Digital Government?

Answer:

No.

Minister's initials

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