



Our reference: FOIREQ17/00035

Ms Verity Pane

By email to: foi+request-3569-6925c6f6@righttoknow.org.au

Dear Ms Pane

Your Freedom of Information request

I refer to your request for access to documents under the *Freedom of Information Act 1982* (Cth) (the FOI Act), received by the Office of the Australian Information Commissioner (OAIC) on 25 May 2017, and revised on 27 and 29 May 2017.

You sought access to summary information about FOI requests dealt with by the OAIC as follows:

1. ... a breakdown of 2016/17 financial year to date FOI data for the OAIC, as per the Request Numbers and Actions on Request worksheets of your Annual FOI reporting template
2. And I really require precision over the FOI exemption sections claimed, rather than broad categories in some cases, to make a proper analysis. For example, with respect to the s 47 certain operations of agencies exemption, it is broken down in the Act into four distinct elements, with two very different classes of exemption, and context is lost when it just rolled up to summary descriptors. It therefore is important for transparency to know the exact exemption claimed, particularly when trying to extrapolate on shifts in the FOI landscape.
3. Noting that for FYs 2011/12 thru to 2015/16 inclusive that the OAIC has made 191 FOI decisions (and that there may be about 20 or 30 FOI decisions made YTD FY2016/17), and not wishing to create undue burden, I suggest we split the difference and compile the specific FOI section exemptions cited in any FOI decision from FY2013/14 thru to and including YTD FY2016/17 (which is roughly 100 FOI decisions to flick through).

Decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have identified four documents within the scope of your request. I have decided to grant you access to these documents in full.

I have attached a schedule of documents to this letter. This schedule describes each document and the access decision I have made for each document.

In an email dated 29 May 2017, you also asked ‘do you know if the Information Commissioner has ever published any commentary on FOI trends that might be useful? Would gratefully receive any links/references on that.’

Except for the last Annual Report (2015/16), the OAIC’s Annual Reports contain a chapter titled ‘Agency freedom of information’. This chapter analyses data collated from across the Australian government and comments on trends in freedom of information requests during the relevant year. You can access our Annual Reports from the OAIC’s website at this link - <https://www.oaic.gov.au/about-us/corporate-information/annual-reports/all/>.

Disclosure log

Section 11C of the FOI Act requires agencies to publish online documents released to members of the public within 10 days of release, except if the documents contain personal or business information that it would be unreasonable to publish.

Because there is no personal or business information in the documents released to you, there is no reason not to publish them.

I will shortly publish the documents released to you on our disclosure log, which is available on the OAIC’s website (<https://oaic.gov.au/about-us/access-our-information/foi-disclosure-log/>).

If you disagree with my decision

Internal review

You have the right to apply for an internal review of my decision under Part VI of the FOI Act. An internal review will be conducted, to the extent possible, by an officer of the OAIC who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please mark your application for the attention of the FOI Coordinator and state the grounds on which you consider that my decision should be reviewed.

Further Review

You have the right to seek review of this decision by the Information Commissioner and the Administrative Appeals Tribunal (AAT).

You may apply to the Information Commissioner for a review of my decision (IC review). If you wish to apply for IC review, you must do so in writing within 60 days. Your application must provide an address (which can be an email address or fax number) that we can send notices to, and include a copy of this letter. A request for IC review can be made in relation to my decision, or an internal review decision.

It is the Information Commissioner's view that it will usually not be in the interests of the administration of the FOI Act to conduct an IC review of a decision, or an internal review decision, made by the agency that the Information Commissioner heads: the OAIC. For this reason, if you make an application for IC review of my decision, it is likely that the Information Commissioner will decide (under s 54W(b) of the FOI Act) not to undertake an IC review on the basis that it is desirable that my decision be considered by the AAT.

Section 57A of the FOI Act provides that, before you can apply to the AAT for review of an FOI decision, you must first have applied for IC review.

Applications for internal review or IC review can be submitted to:

Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Alternatively, you may submit your application by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Raewyn Harlock', with a long horizontal flourish extending to the right.

Raewyn Harlock
Assistant Director
Dispute Resolution Branch

23 June 2017

Schedule of Documents – FOIREQ17/00035

Document no.	Page no.	Date	Description	Decision on access	Exemption
1	1-2	31.5.2017	FOI statistics 2013-14	Release in full	N/A
2	3-4	31.5.2017	FOI statistics 2014-15	Release in full	N/A
3	5-6	31.5.2017	FOI Statistics 2015-16	Release in full	N/A
4	7-10	31.5.2017	FOI Statistics 2016-17	Release in full	N/A