

s 47C(1), s 47E(d)

**Recommendation****Recommendation 1**

The Information Commissioner recommends that the department take the following action to promote a stronger pro-disclosure culture in administering FOI and information access requests:

1.0 the Secretary, or relevant Deputy Secretary with responsibility for FOI and information access, issue a statement to FOI and information access officers promoting the need for a strong pro-disclosure culture in the department that is customer-focussed and is guided by the objects of the FOI Act

1.1 The department's FOI Procedures Manual and FOI training material be amended to refer to the objects of the Act and the important role that FOI can play in providing necessary information to customers of the department

1.2 The department track and analyse the outcome of FOI requests and monitor rates of disclosure and refusal relative to other agencies.

**Recommendation 2**

The Information Commissioner recommends that the department assess the feasibility of measuring customer-satisfaction with the department's FOI service and using this as a measure of performance for the FOI unit.

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**Recommendation 3**

The Information Commissioner recommends that the department add a clear statement to its FOI Procedures Manual that procedural requirements (such as an applicant giving a notice in

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writing, or responding within a specific timeframe) can and should be adjusted for clients who have difficulty complying with those processes.

**Recommendation 4**

The Information Commissioner recommends that the department consider and implement steps for improving communication with FOI applicants, including by:

- 4.1 providing training to FOI officers in plain-English writing principles, and encouraging use of those principles in departmental FOI communications

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4.2 obtaining customer feedback on FOI communications and published information to ensure it is accessible to the department's client groups

4.3 incorporating early telephone contact into its FOI procedures, particularly during any s 24AB request consultation process.

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**Recommendation 5**

The Information Commissioner recommends that the department revise its FOI web page, including by:

5.0 reviewing the content of the web page

5.1 making the FOI request form available on the web page.

**Recommendation 6**

The Information Commissioner recommends that the department take steps to assist applicants to make clearer and more manageable requests, including by:

6.0 providing a telephone contact number on the website and in relevant correspondence for prospective FOI applicants

6.1 publishing a list of categories of frequently released documents (and documents that are typically withheld from release); this list could refer applicants to administrative access channels where these are available for particular categories of documents

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6.2 reviewing any published list every twelve months

6.3 finalising the draft Consultation Request Process form and making it available to prospective FOI applicants, including by incorporating it in the department's FOI request form

**Recommendation 7**

The Information Commissioner recommends that the department review its FOI and administrative access arrangements, and suggests that:

7.0 an applicant who has made a straightforward FOI request for access to a non-sensitive document is not redirected unnecessarily to an administrative access path

7.1 the department adopt a 'one request, one release' approach where possible, rather than splitting requests into administrative and FOI components

7.2 the department's administrative access arrangements are consistent with APP 12 requirements

7.3 the administrative access arrangements are published on the department's website.

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**Recommendation 8**

The Information Commissioner recommends that the department monitor its reliance on the practical refusal provisions in the FOI Act in the following ways:

8.0 by including statistics on practical refusal actions in the department's Executive FOI Report

8.1 recording the outcome of practical refusal request consultation processes and using this as a performance metric for the FOI team

8.2 continuously reviewing its methods for estimating processing times for the purpose of s 24AA

8.3 aiming to bring its use of the practical refusal provisions (currently 17% of all requests) closer to the rate seen across the Commonwealth (6% of all requests)

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<b>Recommendation</b>
<b>Recommendation 9</b>
<p>The Information Commissioner recommends that the department provide better assistance to applicants in a request consultation process by:</p>
<p>9.0 amending its FOI Procedure Manual to include guidance for FOI officers about how to assist applicants to revise the scope of an FOI request so that a practical refusal decision will not be made</p>
<p>9.1 modifying its procedures to require telephone contact where possible before a request consultation notice is formally issued, so that an FOI officer can better understand what information the applicant seeks access to and can assist the applicant to make a revised request.</p>
<b>Recommendation 10</b>
<p>The Information Commissioner recommends that when deciding whether a particular FOI request would 'unreasonably divert' the resources of the department from other operations, subject to s 24AA(3), the department have regard to relevant surrounding circumstances, such as the volume of material that may form part of an individual's case file, and whether disclosure of the documents will cast light on a decision that has a significant impact on an applicant.</p>
<b>Recommendation 11</b>
<p>Given the nature of the department's work, the Information Commissioner recommends that the department should expect</p>



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and plan for a small number of large requests and should not expect that all requests can suitably be processed within an estimated 40 hours.

**Recommendation 12**

The Commissioner recommends that the Serious Non-Compliance Branch and the FOI and Information Access Branch of the department work together to identify the cause of substantial FOI processing times, and implement measures at the time of information collection, creation, and storage that will facilitate efficient processing of requests.

**Recommendation 13**

The Information Commissioner recommends that the department continue to consult with the NWRN to understand the information that it requires to assist its clients, and to develop responsive processes to help the NWRN obtain that information.

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