

# Administrative Circular

**N723/13**

**11 November 2013**

**Distribution** All Staff to see  
**Cc** -  
**EDRMS** 10/23193  
**Reference**  
**Responsible Branch** International Legal Branch ([http://dfatintranet.titan.satin.io/\\_layouts/listform.aspx?PageType=4&ListId={1DBEB31A-ADCD-4BD0-B7CD-7455AACB1AF5}&ID=463&RootFolder=\\*](http://dfatintranet.titan.satin.io/_layouts/listform.aspx?PageType=4&ListId={1DBEB31A-ADCD-4BD0-B7CD-7455AACB1AF5}&ID=463&RootFolder=*))

## Subject: Freedom of Information - Responsibilities for management and processing of FOI requests

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On 1 November 2013, AusAID's and DFAT's Freedom of Information (FOI) functions were integrated. The Freedom of Information and Privacy Law Section (FPL) centrally manages the processing of all FOI requests to the Department. New FOI requests will be directed to a consolidated [foi@dfat.gov.au](mailto:foi@dfat.gov.au) (<mailto:foi@dfat.gov.au>) email address. All AusAID records prior to 1 November will now be treated as DFAT documents. Following is guidance for all staff about the Department's FOI obligations and processes.

The Freedom of Information Act 1982 ('the FOI Act') gives the public a legal right of access to documents in the possession of the Department. The FOI Act generally requires agencies, if presented with a valid FOI request, to provide access to documents in their possession within certain timeframes and subject to exemptions designed to protect the legitimate interests of government and third parties who deal with government.

All work areas should promptly and comprehensively take action on any tasking from FPL to assist the Department to meet its obligations under the FOI Act within the statutory timeframes. Failure to meet statutory timeframes can result in charges being waived, appeals to the Information Commissioner and negative publicity for the Department. Detailed information on the FOI process including statutory timeframes, the document search and retrieval process, decision-making and appeals processes, can be found in the Legal Handbook: <http://dfatintranet.titan.satin.io/Pages/Legal-Handbook-chapter7.aspx#toc318474451> (<http://support-services/legal/legal-handbook/Pages/Legal-Handbook-chapter7.aspx#toc318474451>). FPL can provide additional advice to staff at any stage in the process.

Decisions on release of documents under the FOI Act have been delegated by the Secretary to SES Band 1 officers. Decisions are generally made by the SES Band 1 manager of the line area relevant to the subject matter of the FOI request. FPL can assist decision-makers with any queries concerning the application of the FOI Act and the Office of the Australian Information Commissioner's Guidelines. The Department's Guidelines for FOI Decision-Makers can be accessed at: <http://www.dfat.gov.au/publications/foi-guidelines.html> (<http://www.dfat.gov.au/publications/foi-guidelines.html>).

Departmental record-keeping policy requires staff to create full and accurate records of their work including any 'significant business transaction' undertaken in the course of conducting the business of the Department. The real possibility that documents may be released under the FOI Act reinforces the responsibility on APS employees to maintain a professional tone in the records they make, whether on paper or in electronic form, including in emails. Information concerning the Department's recordkeeping policy can be found in Administrative Circular P1114 of 27 June 2012 or accessed directly at: <http://dfatintranet.titan.satin.io/edrms/Pages/DFAT-Records-Management-Policy.aspx> (<http://support-services/records-management/Pages/DFAT-Records-Management-Policy.aspx>).

## Ministerial Submissions

Where documents that are being released under the FOI Act contain material of a sensitive or high-profile nature, the line area is responsible for preparing a submission, in consultation with the Media Liaison Section and FPL, to inform the Minister of the prospective release to the applicant and publication on the Department's FOI Disclosure Log. Line areas should also consider the need to prepare talking points.

## FOI Disclosure Log

The Department is required to publish a disclosure log on its website which includes a link to documents released in response to FOI requests (subject to some exceptions, for instance, documents containing personal information). The FOI disclosure log on DFAT's website has been updated to incorporate releases made by AusAID prior to 1 November.

## Contact Point for FOI Matters

Any inquiries from the public about FOI matters should be referred to the Director of the FPL Section on 6261 3056 or by email to [FOI@dfat.gov.au](mailto:FOI@dfat.gov.au) (<mailto:FOI@dfat.gov.au>).

