

Introduction to Freedom of Information (FOI)



University Records
June 2020

Session outline

1. Introduction
2. What is FOI?
3. How are FOI requests processed?
4. What documents can be requested?
5. Responsibilities of staff
6. Searching for documents
7. Release of documents
8. FOI decision reviews
9. Further information, contacts and questions
10. Close

Session objectives

At the end of the session you will be able to identify:

- the right of access to documents under the FOI Act
- how to respond to an FOI request
- how to search for documents requested
- deadlines for the processing of FOI requests
- exemptions that may be applied for the protection of sensitive information

What is FOI?

The Freedom of Information (FOI) Act 1982 is Commonwealth legislation that allows the general public to seek access to documents held by any Commonwealth agency or authority

The ANU is a Commonwealth authority and therefore subject to the Act



The former Australian Information Commissioner, Timothy Pilgrim, discusses why FOI matters



The FOI Act gives the general public the right to:



SEEK ACCESS TO COPIES OF DOCUMENTS HELD BY THE ANU. THE ANU IS NOT REQUIRED TO PROVIDE ACCESS TO DOCUMENTS THAT ARE EXEMPT UNDER THE FOI ACT, PUBLICLY AVAILABLE DOCUMENTS OR DOCUMENTS THAT ARE AVAILABLE FOR PURCHASE



ASK FOR THE CORRECTION OF PERSONAL INFORMATION THE ANU HOLDS ABOUT THEM WHICH IS INCOMPLETE, INCORRECT, OUT OF DATE OR MISLEADING



SEEK A REVIEW OF A DECISION NOT TO ALLOW ACCESS TO A DOCUMENT OR NOT TO AMEND THEIR PERSONAL RECORD

ANU Policy Library

- Policy:
 - Freedom of information
- Procedures:
 - Staff access to personnel records
 - Freedom of information requests
 - Student access to student records
- Guidelines:
 - Processing freedom of information requests

FOI request timeline

Day	Task
0	Valid request received
By 14	Acknowledgement letter sent to applicant including notification of charges if relevant
	CLOCK STOPS UNTIL CHARGES ACCEPTED BY APPLICANT
	<ul style="list-style-type: none">○ Receive acceptance of charges from applicant○ Request documents from responsible areas
	Receive from responsible areas: <ul style="list-style-type: none">○ documents in scope of request○ advice on release or partial or full exemption of documents

FOI request timeline cont.

Day	Task
By day 14	Consultation with third parties if required
	ADD 30 DAYS TO PROCESSING TIME WHERE EXTERNAL CONSULTATION REQUIRED
By day 30	Decision letter, schedule and marked up sent documents to applicant <ul style="list-style-type: none">○ Personal information/no charges○ Charges applied - once full fee has been paid
	Relevant areas and staff advised of decisions reached
By day 40	Decision on ANU Disclosure Log if appropriate

What is a document?

- any paper or other material on which there is writing or a mark, figure or symbol
- electronically stored information e.g. emails and attachments, audio visual files and database reports
- a map, a plan, a drawing or a photograph
- any article from which sounds, images or writing are capable of being produced



What can't be accessed under FOI



A document an Australian Government agency or minister holds that is:

- exempt under the FOI Act
- conditionally exempt under the FOI Act
- accessible to the public under other arrangements e.g. published information

What are your responsibilities?

As an ANU employee you are required to:

- document the work activities you perform and decisions you make
- incorporate the records you create and receive into the ANU recordkeeping systems e.g. ERMS
- search for, locate and retrieve all documents you have that are relevant to an FOI request



Initial contact from the FOI Officer

When a FOI request has been received, the FOI Officer will email the relevant unit asking to conduct a document search

The email will include:

- Provision of Information Table to record the documents located and any objection to the release of the documents
- a list of exemptions found in the FOI Act
- Time Control Sheet to record the time you spent searching, locating, retrieving and copying documents

Where do I search for relevant documents?

All ANU information holdings you have access to, such as:

- ERMS
- portable storage devices e.g. thumb drives
- databases
- enterprise systems
- SharePoint documents and communications
- email and text message accounts
- paper files and documents

What if I can't find any relevant documents?

- Email the FOI officer advising of your unsuccessful search for documents in scope of the request
- Include a summary of your document search



What if I find a lot of documents?

Email the FOI officer:

- that your searches show that there are an extensive number of documents relevant to the request
- an estimate of the work and time it will take to retrieve and send the documents



What are my FOI deadlines?

The ANU must provide a decision on an FOI request within 30 calendar days, so it is important that you meet the deadlines specified

10-14 calendar days to send all documents located to the FOI Officer:

- 10 days for chargeable requests (non-personal information)
- 14 days for non-chargeable requests (personal information)

Common exemptions applied to documents

The most common exemptions applied to ANU documents include:

- where legal professional privilege applies (s 42)
- information obtained in confidence (s 45)
- personal information about any person (s 47F)
- business information (s 47G)
- current and future research of the ANU and CSIRO (s 47H)

An agency or minister may decide to disclose a document even if an exemption or conditional applies

What if I object to release of a document?

If you consider that an exemption under the FOI Act applies to the documents:

- send all the documents you have located to the FOI officer
- advise the FOI Officer of the reason for your objections and the FOI exemption you believe should be used.
- record any objections on the Provision of Information Table document sent to you

FOI decision reviews

Internal review (Part VI of FOI Act)

- Conducted by the Chief Operating Officer
- Should be requested by the applicant within 30 calendar days after receiving the decision letter

Information Commissioner (IC) review (Part VII of FOI Act)

- Conducted by the Office of the Australian Information Commissioner
- Should be requested by the applicant within 60 calendar days after receiving the decision letter

FOI decision reviews cont.

Internal and IC Reviews may result in:

- additional documents being fully or partially released to the applicant
- upholding of the original decision
- more detailed explanation provided to the applicant regarding the ANU's reasons for its decision

Further information and contacts

- Policy Library website:
https://policies.anu.edu.au/ppi/document/ANUP_6030578
- FOI website: <http://www.anu.edu.au/freedom-of-information>
- Contacts:
 - FOI Officer on extension 56430
 - Email queries to foi@anu.edu.au



Thank you!

