



information
and privacy
commission
new south wales

**REPORT ON THE OPERATION OF
THE GOVERNMENT INFORMATION
(PUBLIC ACCESS) ACT 2009
2010 – 2013**

Letter of Transmission

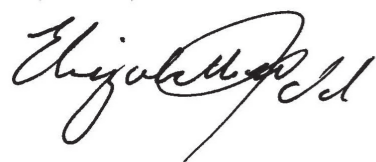
The Honorable Don Harwin MLA
President, Legislative Council
Parliament of NSW
Parliament House
Macquarie Street
Sydney NSW 2000

The Honorable Shelley Hancock MP
Speaker, Legislative Assembly
Parliament of NSW
Parliament House
Macquarie Street
Sydney NSW 2000

Dear Mr President and Madam Speaker,

In accordance with S37 of the *Government Information (Information Commissioner) Act 2009*, I am pleased to present the *Report on the Operations of the Government Information (Public Access) Act 2009: 2010 – 2013*.

Yours sincerely,



Elizabeth Tydd
Information Commissioner
CEO, Information and Privacy Commission NSW

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Commissioner's Overview



The introduction of the *Government Information (Public Access) Act 2009* transformed access to information rights and the approach required of information access decision makers.

Three years experience indicates that while there are identified opportunities to further advance open access, the Act's strategic intent is largely being met.

This first Report on the Operation of the *Government Information (Public Access) Act 2009* (the Act), based on three years of operation, gives agencies and the Information Commissioner a baseline from which we can advance our collective responsibility for information access and its contribution to our democratic society.

Citizens are interested in and affected by how resources are used, how services are delivered and how authority is exercised. The Act provides citizens with different pathways to access information and an accountability mechanism for decision makers.

The public's right to know and right to privacy are interrelated. The existence of a single Information and Privacy Commission (IPC) with two independent Commissioners oversees both of these key issues and provides a seamless point of access for citizens and agencies.

Three years of data provided by agencies indicates that, in the main, agencies are adopting the Act's flexible and timely approach to decision making on formal access applications that support greater release of information as shown by:

- Consistent and credible levels of information release
- High level of timeliness
- Increasing number of valid applications and more invalid applications becoming valid
- The application of public interest considerations that align with the type of information held

- Greater release of information through agency reviews
- Variation of original decisions through the review process.

Collectively, these results are promising and while this report also identifies opportunities to further advance open access, agencies do appear to be adopting the Act's operational and strategic intent.

The report relies heavily on the Act's mandated reporting requirements that focus on access applications. However this is only one of the information access pathways outlined in the Act and I intend that future reports will address this broader perspective and draw on a wider range of contemporary, relevant information.

This approach will enable us to better understand the contribution made by each access pathway to advance the Act's intent of greater proactive release of information.

I also undertake that future reports will be issued by 30 December of each reporting year.

The *Government Information (Public Access) Act 2009* and the *Government Information (Information Commissioner) Act 2009* provide the legislative framework that established the position of an independent Information Commissioner as a champion of information access rights.

In this role, I will be addressing a broad range of information management issues such as the challenges arising from digital records and data storage and access, as well as structural and governance issues impacting on agency performance in their management of access to information.

These are complex, longer-term issues that require a collaborative leadership approach to better identify and collectively advance our understanding and treatment of these contemporary challenges impacting upon the application of the Act.

Commissioner's Overview (cont'd)

The Way Forward

Continuous improvement

Integrated reporting

- Improved data quality for S37 reporting
- More flexible reporting framework
- Greater use of complementary data

Improved competencies

- Needs based practitioner training
- Shared best practice models
- Effective service delivery channels

Increased public awareness and understanding of their rights

Better decision making

- Consistent decision making methodologies
- Training and Education of decision makers
- Greater proactive release of information

Responsible and representative government that is:

- Open
- Fair
- Accountable
- Effective

This report provides a vehicle to identify the immediate, shorter-term challenges and to drive improved performance in meeting the Act's operational and strategic intent.

Data creation, storage and access is at the forefront of internationally recognised challenges for governments, all decision makers, industry and importantly, citizens.

Developing and implementing effective strategies to meet these challenges will require a common understanding of our governance and structural systems, identification of solutions and a focus on resource management.

The reporting and advisory functions of the Information Commissioner will provide an instructive framework to facilitate our collective understanding of these issues and advance shared solutions.

Over the next year, my focus will be to examine how agencies and the IPC can work collaboratively to achieve greater maturity in:

- the reporting framework to deliver quality data and more integrated information
- operational competencies, particularly through information and training to assist agencies to streamline service delivery

- decision making, particularly at the initial decision making stage to ensure information is made available at the earliest point in the access process.

I look forward to working with all agencies to progress these commitments and advance the broader policy objective of proactive release of information.



Elizabeth Tydd
Information Commissioner
CEO Information and Privacy Commission

The Legislative Framework

The Government Information (Public Access) Act 2009

The Government Information (Public Access) Act 2009 embodies the principle of proactive disclosure of information, a presumption in favour of disclosure and an enforceable right of access to information. It also prescribes the way agencies manage and report on formal access applications – one of the three information access pathways available under the Act.

Access Pathways		
Proactive release	Informal release	Access applications

The Government Information (Public Access) Act 2009 replaced the *Freedom of Information Act 1989* and commenced on 1 July 2010.

The object of the Act is to:

Maintain and advance a system of responsible and representative government that is open, accountable, fair and effective by:

- authorising and encouraging the proactive public release of government information by agencies;
- giving members of the public an enforceable right to access government information; and
- ensuring that access to government information is restricted only when there is an overriding public interest against disclosure.

The Act applies to government departments, state owned corporations, local councils, ministers and their staff, and universities.

The guiding principle of the Act is to make information more accessible to the public and the Act embodies the general presumption that the disclosure of information is in the public interest unless there is a strong case to the contrary.

The Act outlines three information access pathways: proactive release, informal release and access applications – formal applications for information.

Agencies are encouraged to proactively and informally release as much information as possible. The Act outlines the kind of information that agencies must release and the records that must be kept, but does not mandate them as reporting requirements.

The Act also outlines the processes that applicants and agencies must follow in dealing with access applications and the options for the review of decisions.

Section 125 of the Act requires agencies to report to Parliament annually on how they have dealt with access applications.

This mandated information is set out in Clause 7 (a), (b), (c) and (d) of the *Government Information (Public Access) Regulation 2009* (the Regulation). Schedule 2 of the Regulation sets out the prescribed form for Clause 7(d) reporting through Tables A – H.

The Government Information (Information Commissioner) Act 2009

The system of public access to information is overseen by the Information Commissioner,

established under the *Government Information (Information Commissioner) Act 2009*.

Under this Act the Information Commissioner's role includes:

- promoting public awareness and understanding of the Act
- providing information, advice, assistance and training to agencies and the public
- dealing with complaints about agencies
- investigating agencies' systems, policies and practices
- reporting on compliance with the Act.

Under Section 37 of the *Government Information (Information Commissioner) Act 2009*, the Information Commissioner is required to provide an annual report to Parliament on "the operation of the *Government Information (Public Access) Act 2009*, generally, across all agencies".

This report fulfils the Information Commissioner's obligation in this regard.

The First Report

This is the first *Report on the Operation of the Government Information (Public Access) Act 2009* and is based on information that has been provided by agencies in relation to access applications – formal applications for information.

The report highlights the consistent trends that have emerged and provides an analysis by three year total, three year trend and sector trend.

Sector Coverage				
Government departments	State owned corporations	Local councils	Ministers and staff	Universities

This first report is based on information that has been provided by agencies under Section 125 of the Act over the financial years 2010 – 2011, 2011 – 2012 and 2012 – 2013.

It is a retrospective report that covers the early years of agencies and the IPC adopting the strategic intent of a new Act along with significant structural change.

In particular, the structure of the Government sector – the largest reporting sector – changed significantly after the 2011 State election followed by some subsequent re-alignments.

To achieve continuity in reporting and analysis over a three-year period, the report has adopted the structural framework of the four sectors as at 30 June 2013 and all data has been retrospectively fitted within this framework.

While the majority of annual reporting is based on a financial year basis, universities and some large government departments report on a calendar year. For the purpose of this report, calendar year returns have been treated as a financial year.

Additionally, State owned corporations have been included in the Government sector.

The Act promotes a flexible approach to decision making by enabling applications to have more than one outcome.

Within the current reporting structure, some reporting fields are referenced back to outcomes, others to applications. For example, the type of applicant and application is expressed as a factor of the number of outcomes, while timeliness is expressed as a factor of number of applications.

Additionally, Clause 7 (a), (b) and (c) reporting and Tables A – H are largely independent of each other and not all sectors are required to provide returns across all the reporting fields.

These factors limit the capacity to illustrate the life cycle of applications from lodgment to final decision against one consistent measure.

These are issues that may be further examined by the statutory review of the Act to be undertaken in 2014.

Analysis of the data highlighted some consistent trends. However, it also identified data gaps including incomplete returns and incorrect reconciliations within and between reporting fields that should reconcile and provide a cogent reporting framework.

Throughout the report calculated totals have been used where reporting fields do not reconcile. However the appendices reflect the reported information supplied by agencies.

The IPC has already started a process to assist agencies to better understand and improve reporting for the 2013 – 2014 report.

The report highlights the consistent trends that have emerged and provides an analysis by three year total, three year trend and sector trend. More detailed information by reporting year and by sector is given in the Appendices.

To assist in the preparation of this report, the IPC developed a database that captures the legislated reporting requirements and enables flexible reporting on and analysis of that information.

This has been an effective tool in the delivery of this report and will have application for future IPC reports.

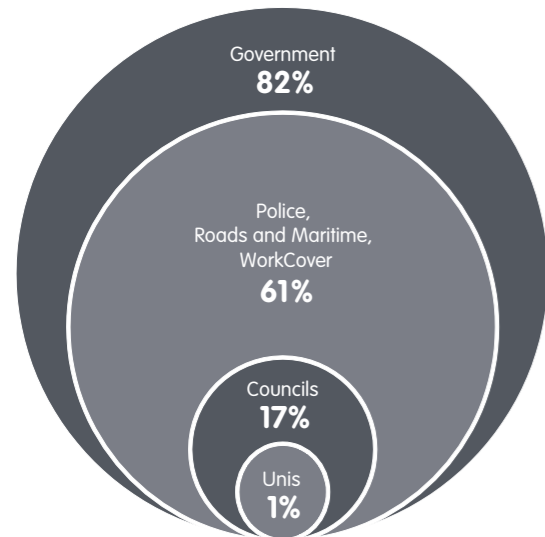
More information about the statistical information used in the preparation of this Report is contained in the IPC's S37 Data Base Management Policy at www.ipc.nsw.gov.au.

3 Years at a Glance

50,318 applications were lodged

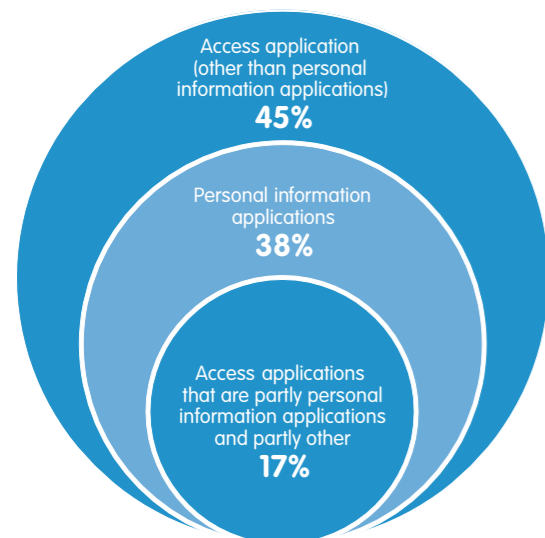
Where were applications lodged?

- Within the Government sector three agencies accounted for 61% of all applications: Police (36%), RMS (15%), WorkCover (10%).



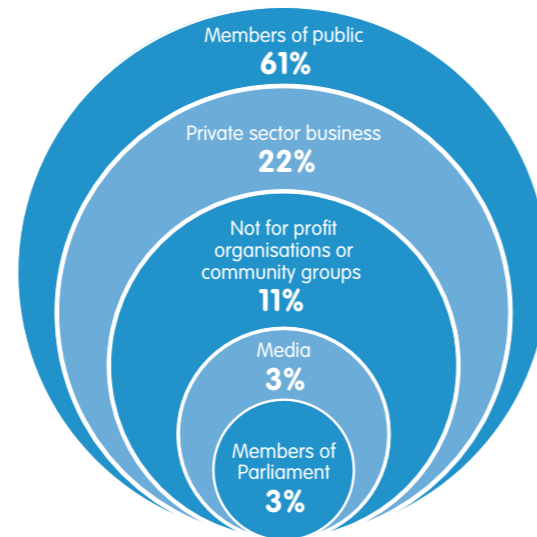
What was asked for?

- 45% of all decisions related to applications made for information other than personal information.



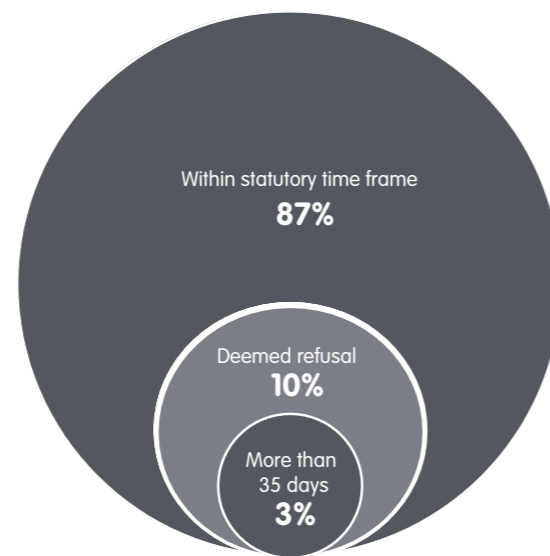
Who applied?

- 61% of all decisions related to applications lodged by members of the public – both by legal representative and unrepresented.



How quickly were decisions made?

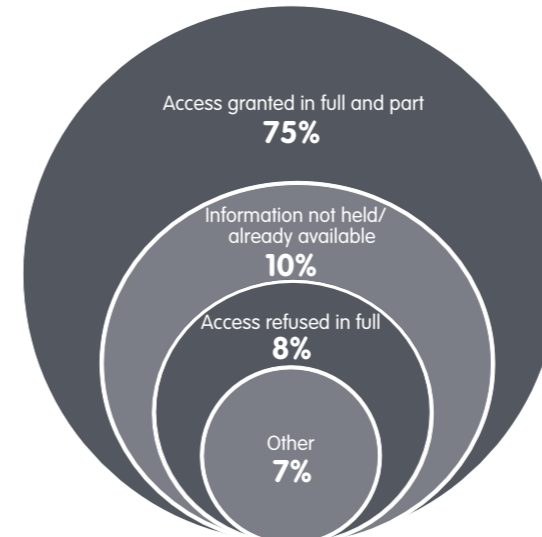
- 87% of applications were finalised within the statutory time frame.



While this report has identified some limitations in reporting arrangements and data quality, there are several consistent trends that have emerged over the three years.

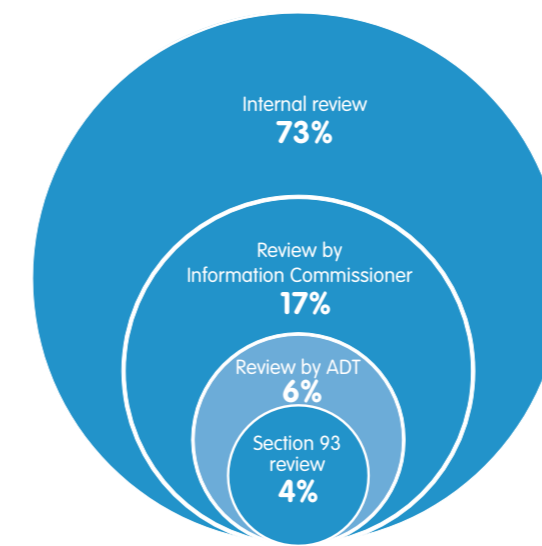
Did applicants get what they asked for?

- 75% of decisions resulted in information being released in full and in part.



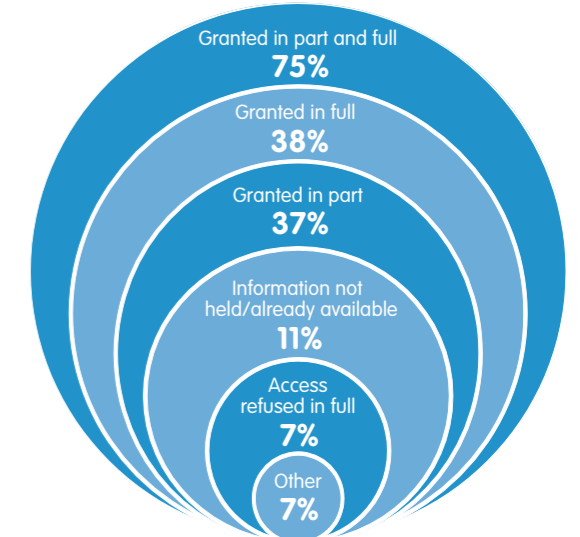
How were decisions reviewed?

- 73% of all reviews were internal reviews including Section 93 internal reviews.



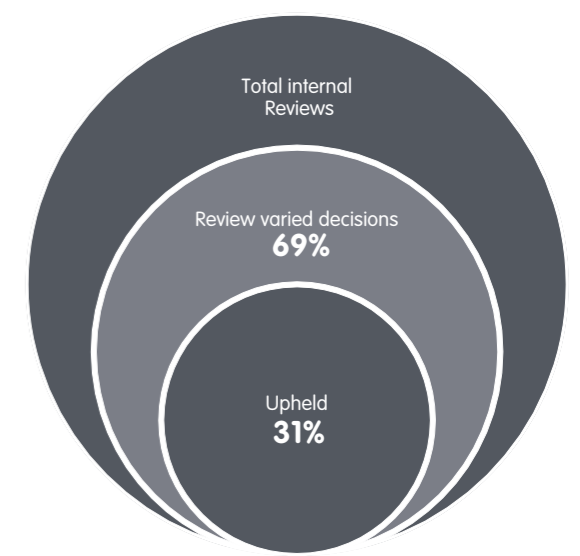
Did members of the public get what they asked for?

- 75% of decisions resulted in members of the public being granted access in full or in part.



What were the main review outcomes?

- 69% of all internal reviews (including Section 93 decisions) varied the initial decision.



Sector Snapshot

The *Government Information (Public Access) Act 2009* broadened the coverage of access to information rights to include Councils, Ministers and Universities as well as Government departments.

The profile of the applicant, the application type and the outcomes largely reflect the sector profile and the type of information managed and held by the sectors.

This table represents an analysis of the primary findings within each sector for the issues highlighted in the report.

Sector	Government including State owned corporations (202)	Councils (152) and County Councils (14)	Ministers (22)	Universities (10)
Where were applications lodged?	82%	17%	N/A	1%
Who applied?	27% – individual members of the public 27% – legally represented members of the public	67% – individual members of the public	39% – members of Parliament 19% – media 19% – not for profit organisations/ community groups	58% – individual members of the public
What was asked for?	43% – personal information 39% – access applications other than personal information	81% – access applications other than personal information	83% – access applications other than personal information	48% – personal information 47% – access applications other than personal information
How quickly were decisions made? (within the statutory time frame)	86%	95%	73%	81%
Did people get what they asked for?	Granted: 72% in full and in part 33% in full 39% in part Refused: 9%	Granted: 86% in full and in part 69% in full 17% in part Refused: 3%	Granted: 41% in full and in part 16% in full 25% in part Refused: 9%	Granted: 65% in full and in part 47% in full 18% in part Refused: 17%

Note: The number given for the Government sector reflects the number of entities in the IPC database (i.e. the number of returns provided) and outcomes are based on Table A.

Operation of the Act 2010 – 2013

How many applications were lodged?

The number of applications lodged is based on Clause 7(b).

3 year total

- Since the introduction of the Act, 50,318 applications have been lodged
- The Government sector accounted for 82% of all applications lodged, followed by Councils with 17%
- 3 Government sector clusters accounted for 73% of all applications lodged:
 - Attorney General and Justice cluster (41%)
 - Finance and Services cluster (16%)
 - Transport cluster (16%)
- Within these 3 clusters, 3 agencies accounted for 61% of all lodgments:
 - Attorney General and Justice cluster – Police (36%)
 - Transport cluster – Roads and Maritime Services (15%)
 - Finance and Services cluster – WorkCover (10%).

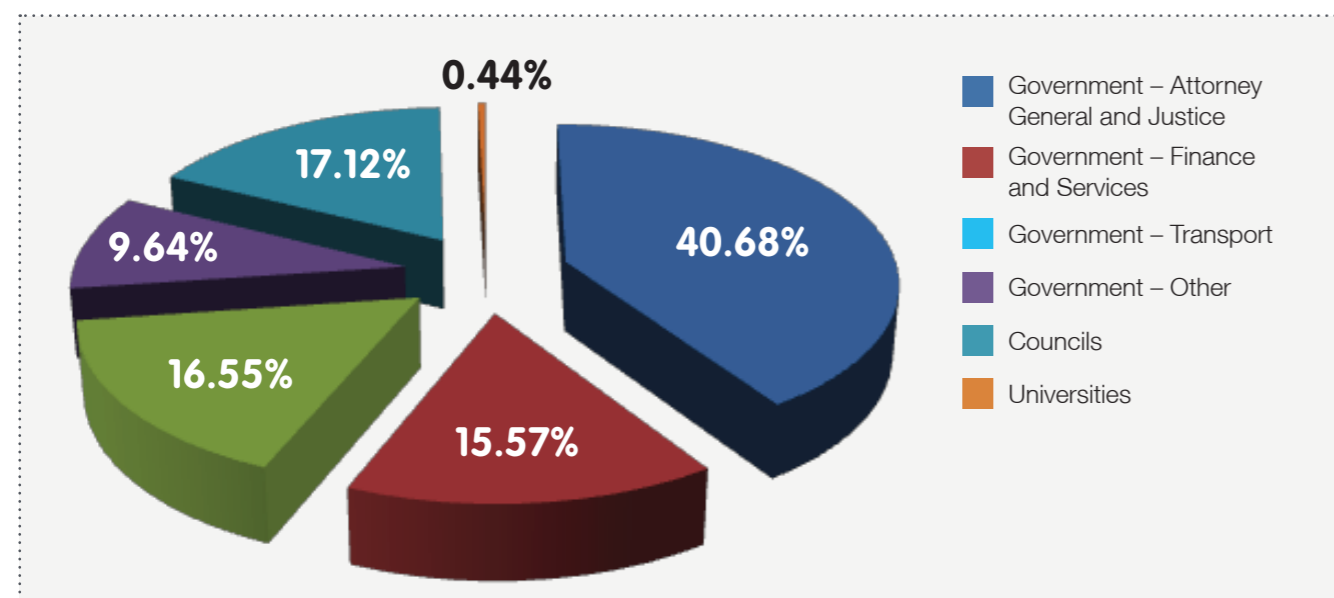
3 year trend

- Lodgments have been steady over the 3 years, but there was a 16% decrease in 2011 – 2012
- A review of the data did not identify any key factors that would explain this decrease.

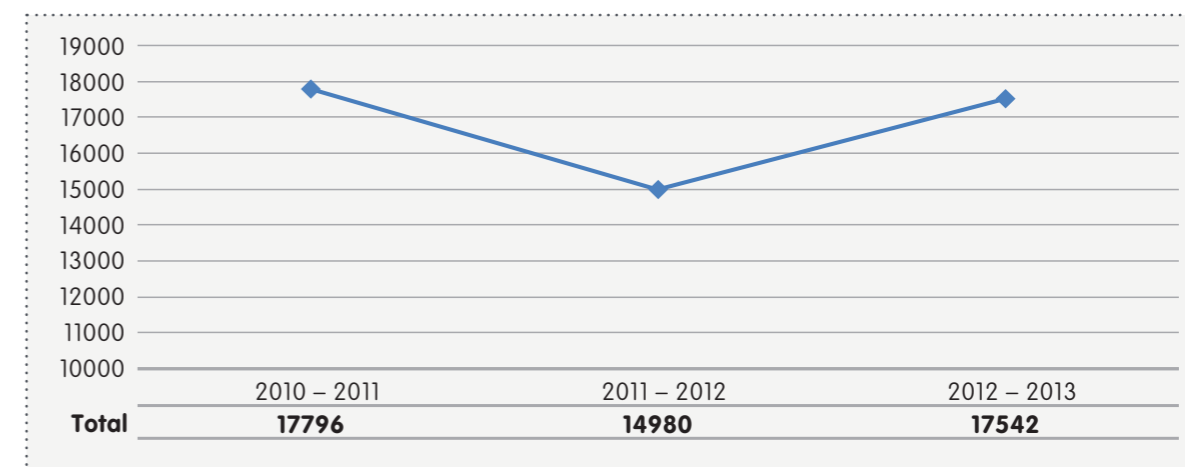
Sector trend

- The proportional division in applications lodged with the 4 sectors has been consistent across the 3 years.
- Note: Ministers are not required to report under the Clause.

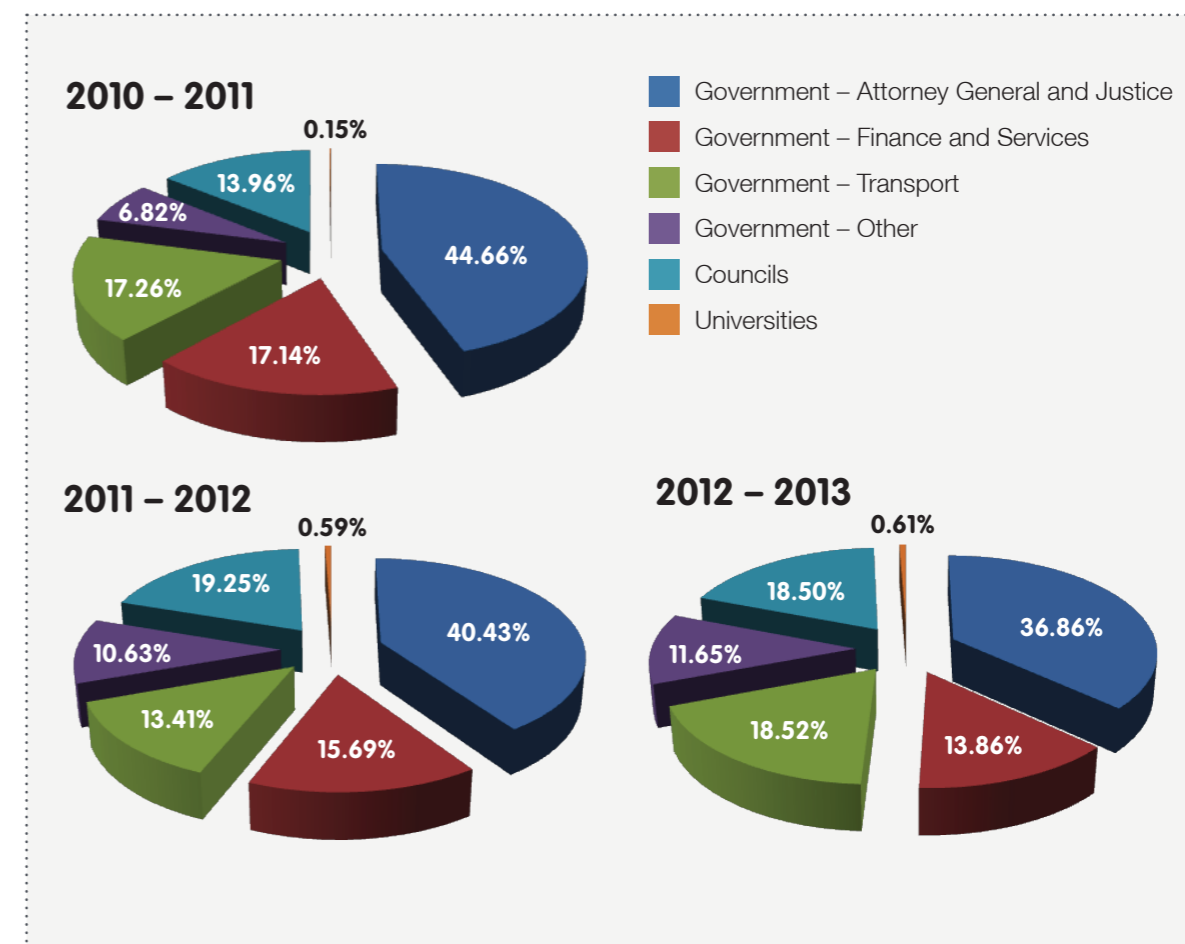
Applications – 3 year total



Applications – 3 year trend



Applications by year



Invalid applications

Under the Act an application can be deemed to be invalid if it does not meet specified formal requirements (Section 41), if it is an application for excluded information (Section 43), or if it contravenes a restraint order (Section 110). Information on invalid applications is based on Table C.

3 year total

- Invalid applications represented 12% of all applications
- The majority (96%) of invalid applications were deemed to be invalid under Section 41 – in that they did not meet the formal requirements of the Act.

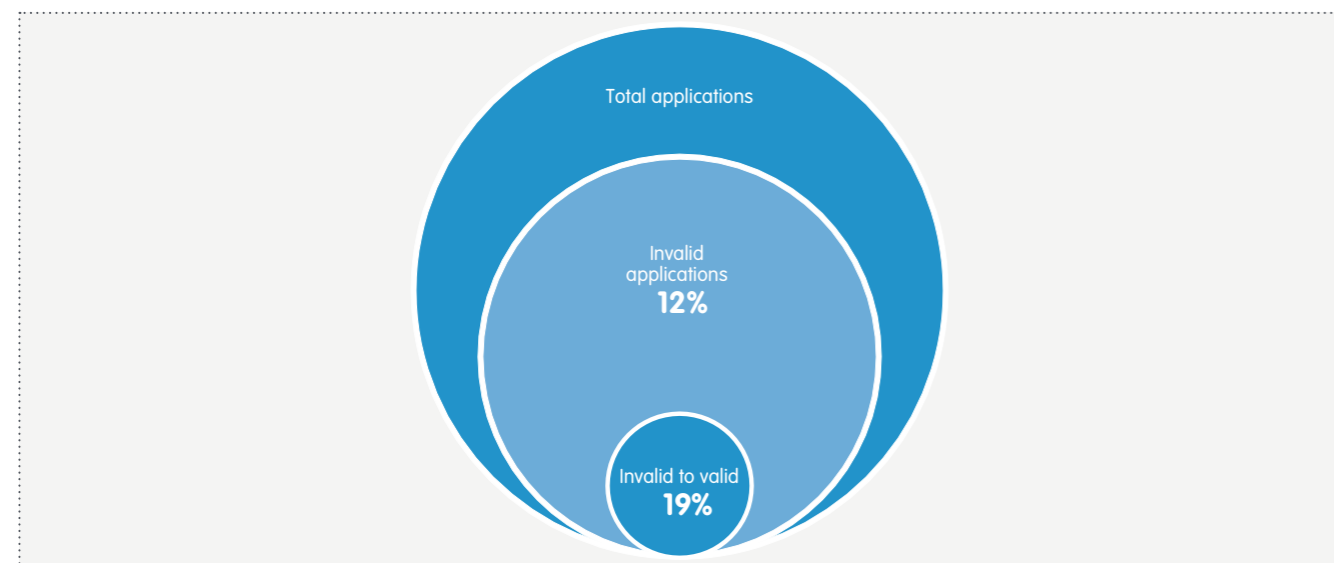
3 year trend

- The number of invalid applications decreased from 13% to 7% of all applications
- The number of invalid applications that subsequently became valid increased from 13% to 26%.

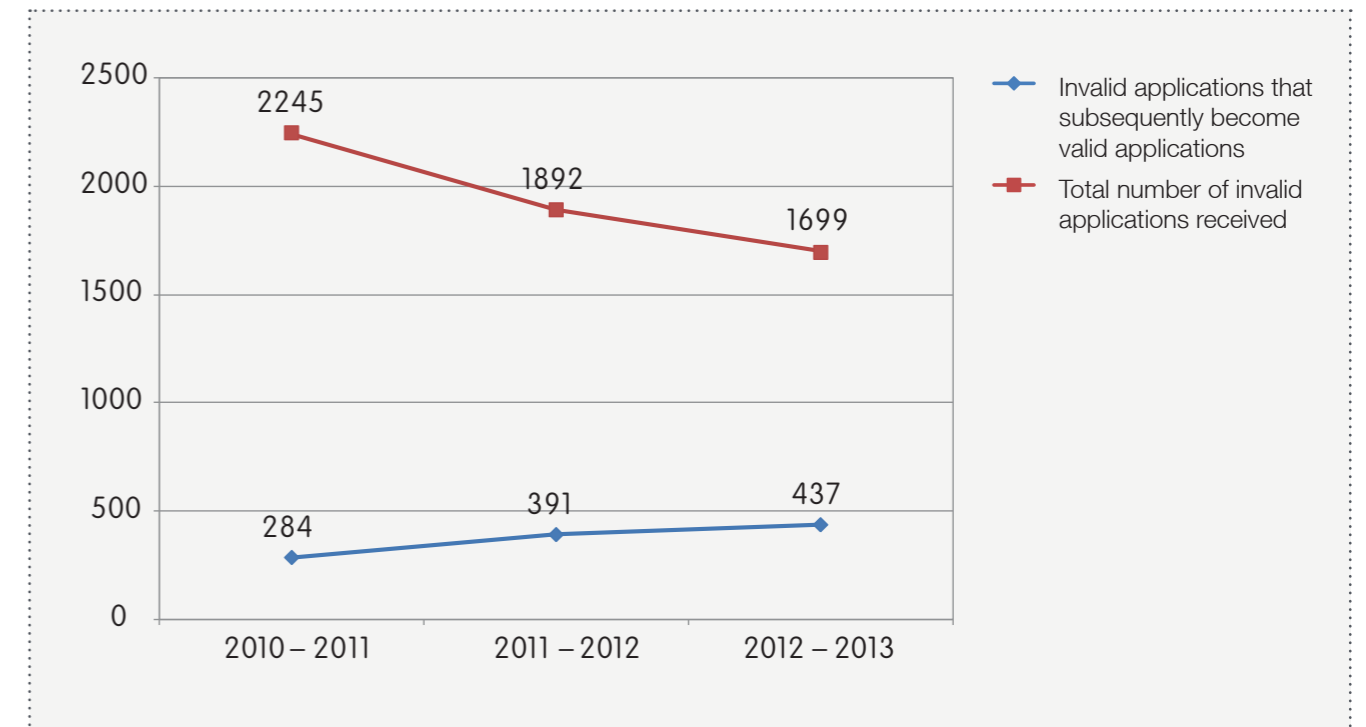
Sector trend

- 18% of all University sector applications were invalid applications
- 13% of all Government sector applications were invalid applications
- 4% of all Council sector applications were invalid applications
- Note: as Ministers are not required to report data for Clause 7(b) – a percentage comparison cannot be provided. Table C has been used to calculate a percentage of valid and invalid applications.

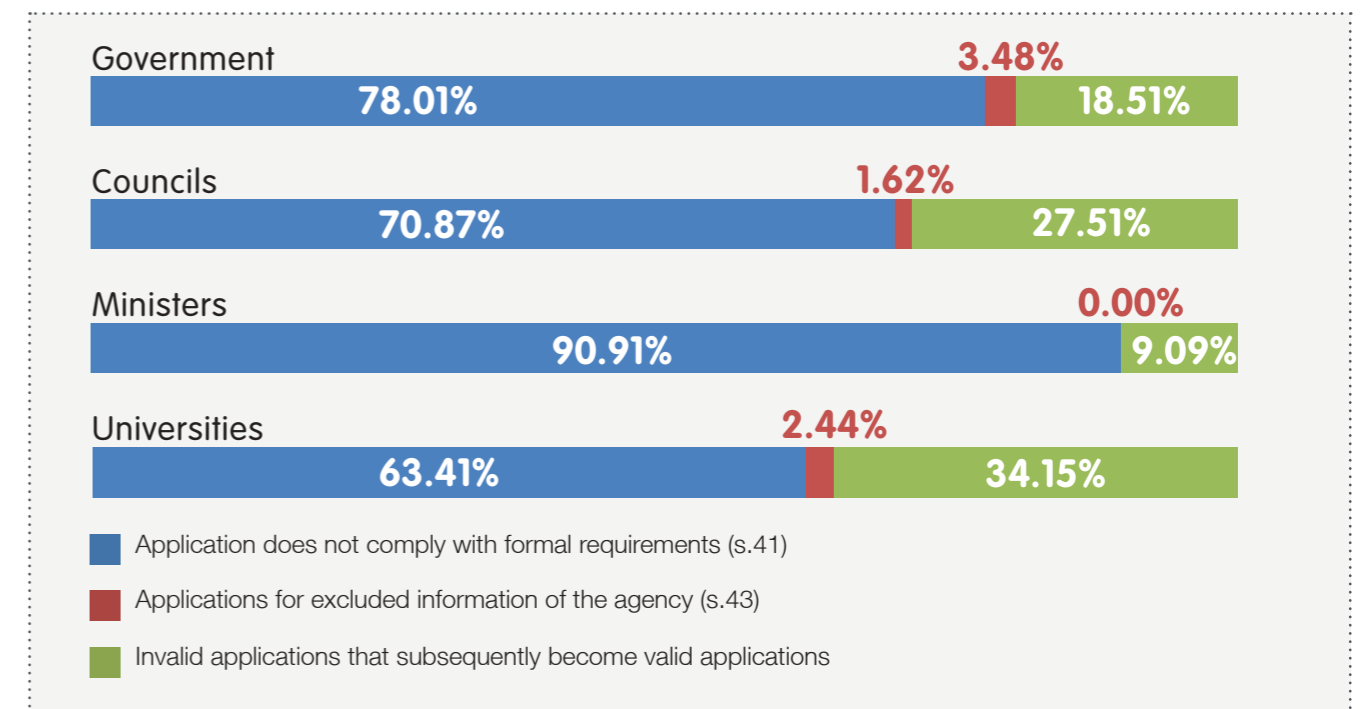
Invalid applications – 3 year total



Invalid applications – 3 year trend



Invalid applications – sector trend



Who is applying?

This information is based on Table A – number of applications by type of applicant and outcomes. Please note that the following calculations are based on the number of outcomes not the number of applications.

3 year total

- 61% of all outcomes related to applications from members of the public (both by legal representative and unrepresented), followed by Private Sector Business (22%).

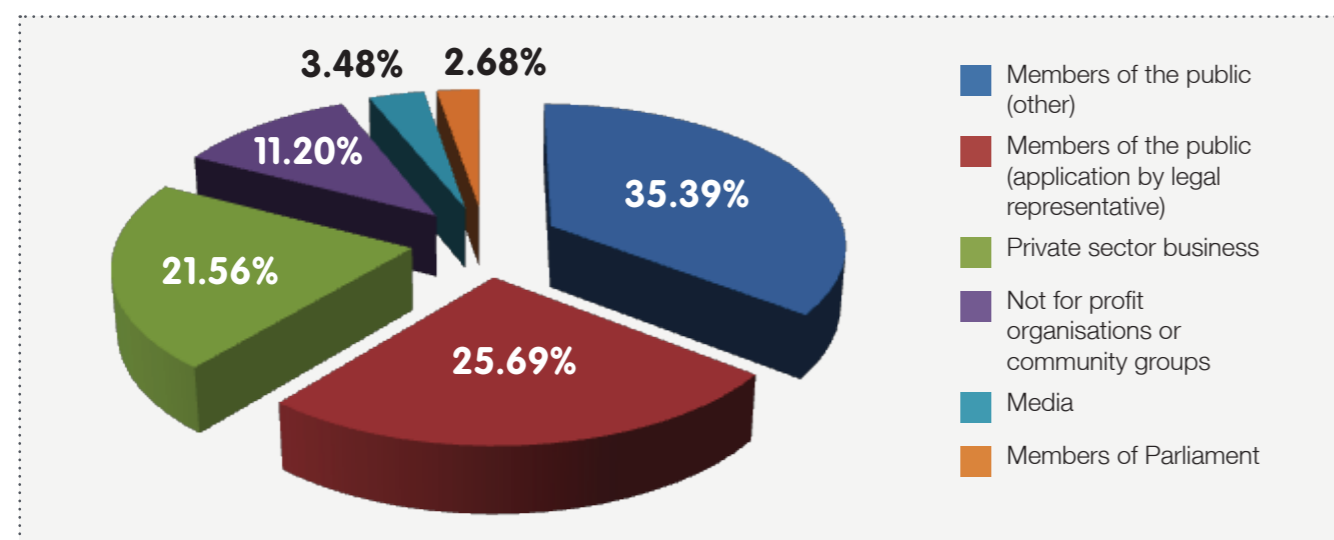
3 year trend

- The proportional division between outcomes relating to members of the public and other applicants were largely consistent
- Outcomes related to applications from unrepresented members of the public, legally represented members of the public and Private Sector Business were the 3 main applicant types
- In 2010 – 2011 Private Sector Business replaced legally represented members of the public as the second highest applicant type
- There was a significant increase in applications from Not for Profit Organisations and Community Groups from 4% to 20% over the 3 years.

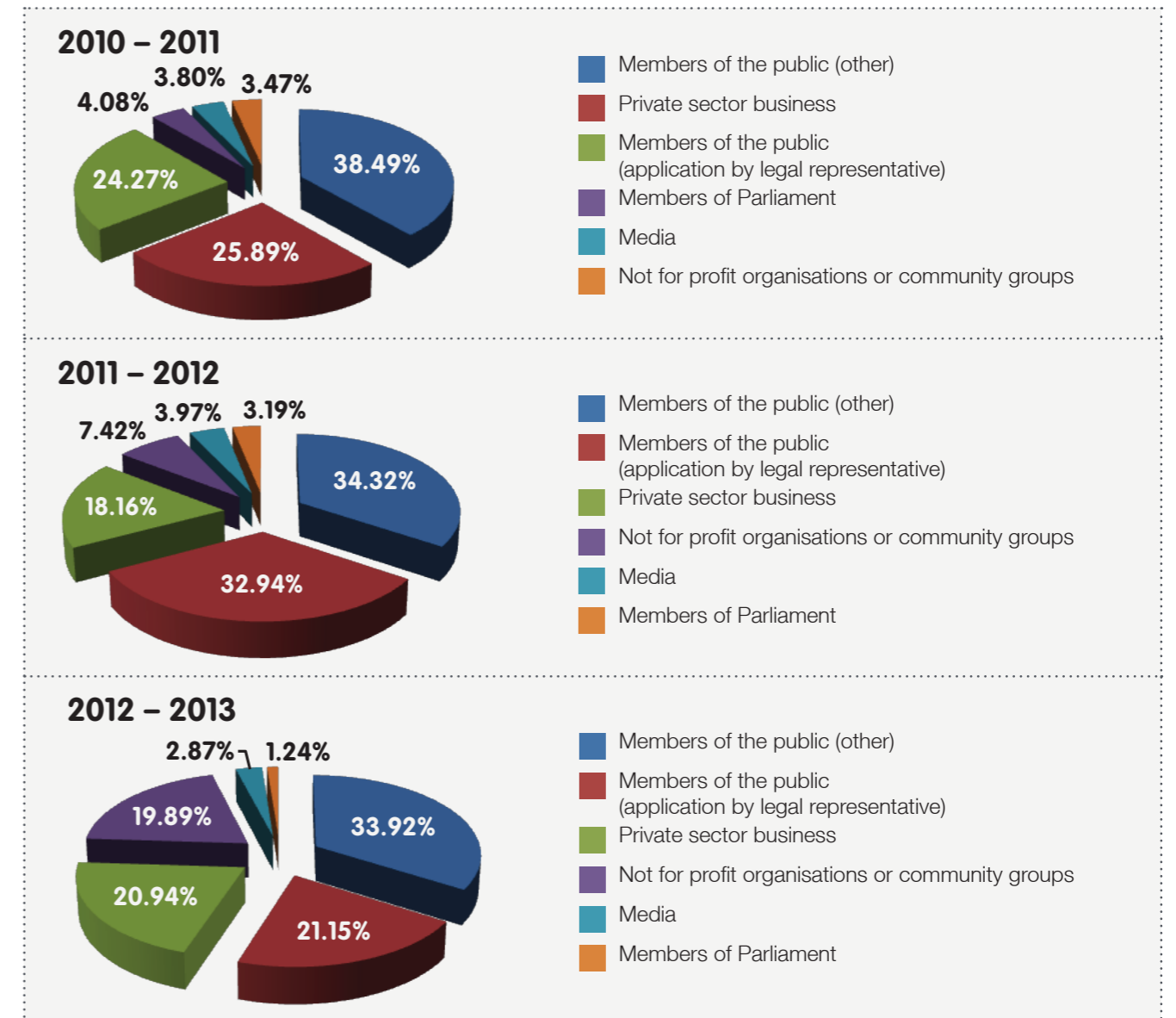
Sector trend

- Within the Government sector outcomes relating to applications from members of the public were almost evenly divided between legally represented and unrepresented applicants
- Unrepresented members of the public comprised 67% of Council sector outcomes and 58% of University sector outcomes.

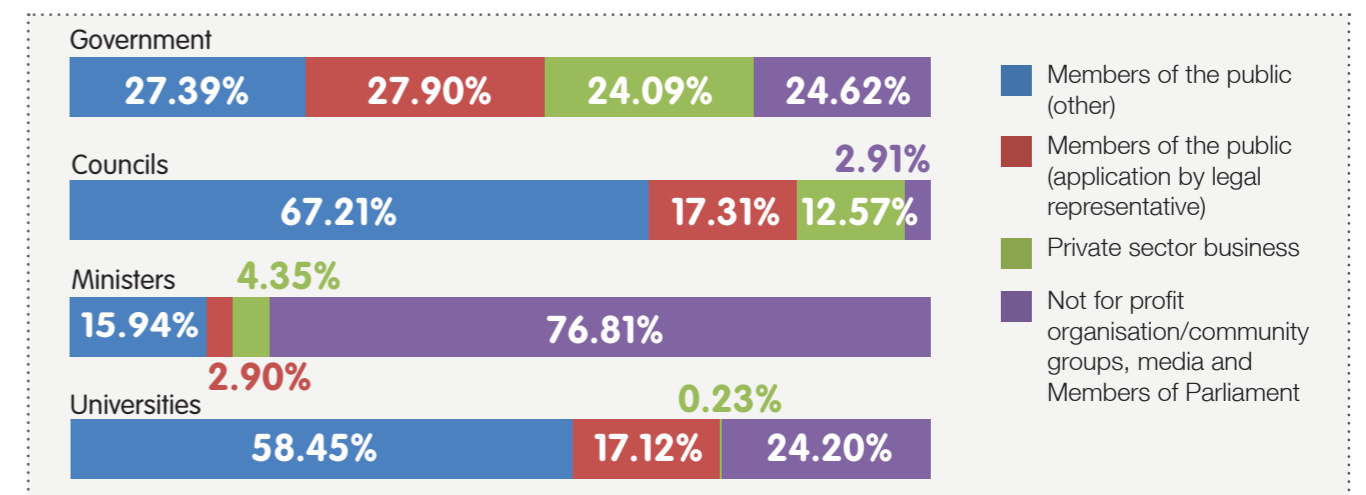
Type of applicant (by outcomes) – 3 year total



Type of applicant (by outcomes) – 3 year trend



Sector trend – type of applicant (by outcomes) by sector – 3 year total



Please note: within the Ministers sector the breakdown of 'Other' is as follows: Members of Parliament 39.13%; not for profit organisations/community groups and media 18.84%.

What is being asked for?

This information is based on Table B – number of applications by type of application and outcomes. It should be noted that the following calculations are based on number of outcomes not number of applications.

3 year total

- 45% of all outcomes related to applications for information other than personal information
- 38% of all outcomes related to applications for personal information of the applicant.

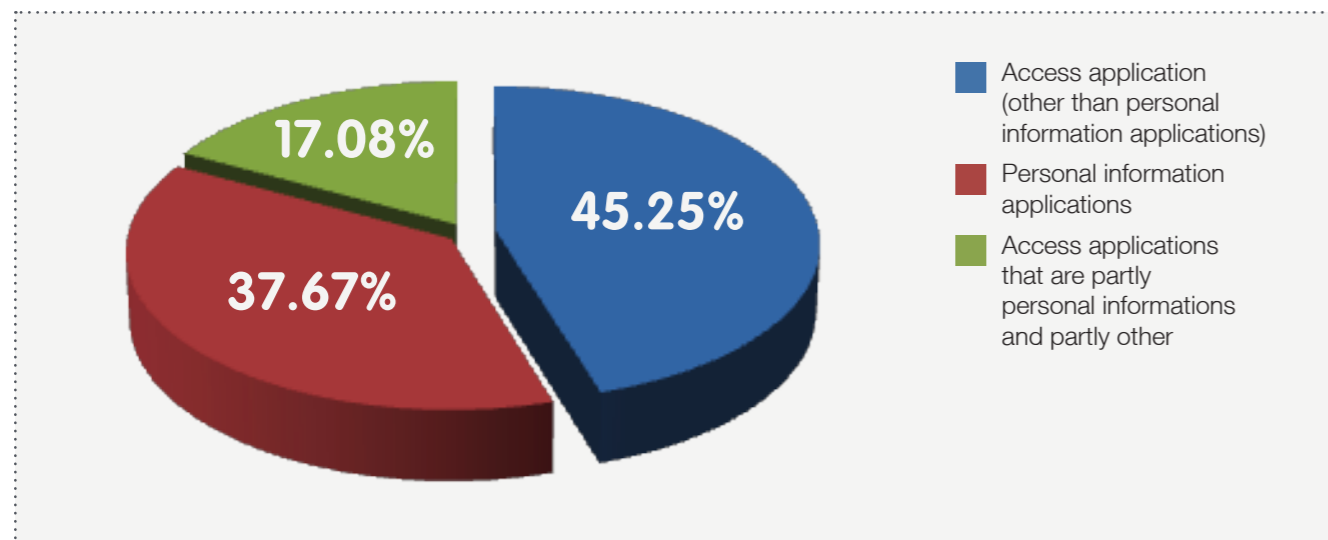
3 year trend

- Outcomes relating to applications for personal information moved from a low base of 22% in 2010 – 2011 to a higher base of 49% and 45% over the following 2 years
- By 2012 – 2013 there was an almost even division between outcomes on applications seeking personal information and outcomes on applications other than for personal information – 44% and 45% respectively.

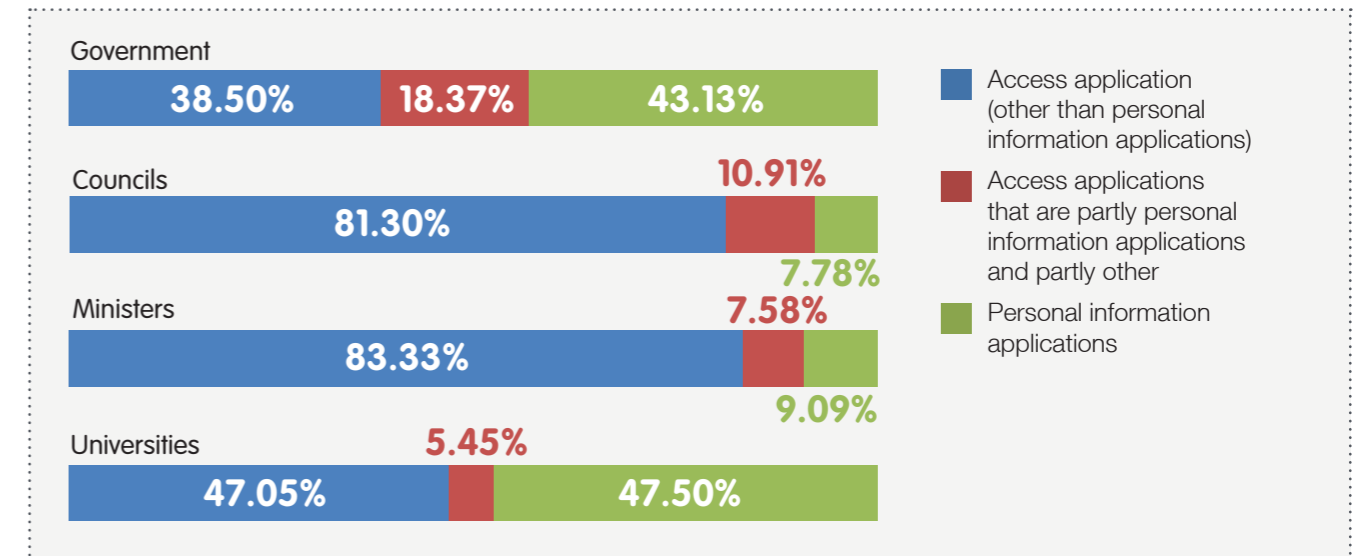
Sector trend

- Types of applications are likely to be influenced by the type of information held in the different sectors
- In total, the percentage of outcomes relating to applications for information other than personal was highest within the Ministerial (83%) and Council (81%) sectors
- The percentage of outcomes relating to applications for information other than personal was more evenly divided within the Government and University sectors.

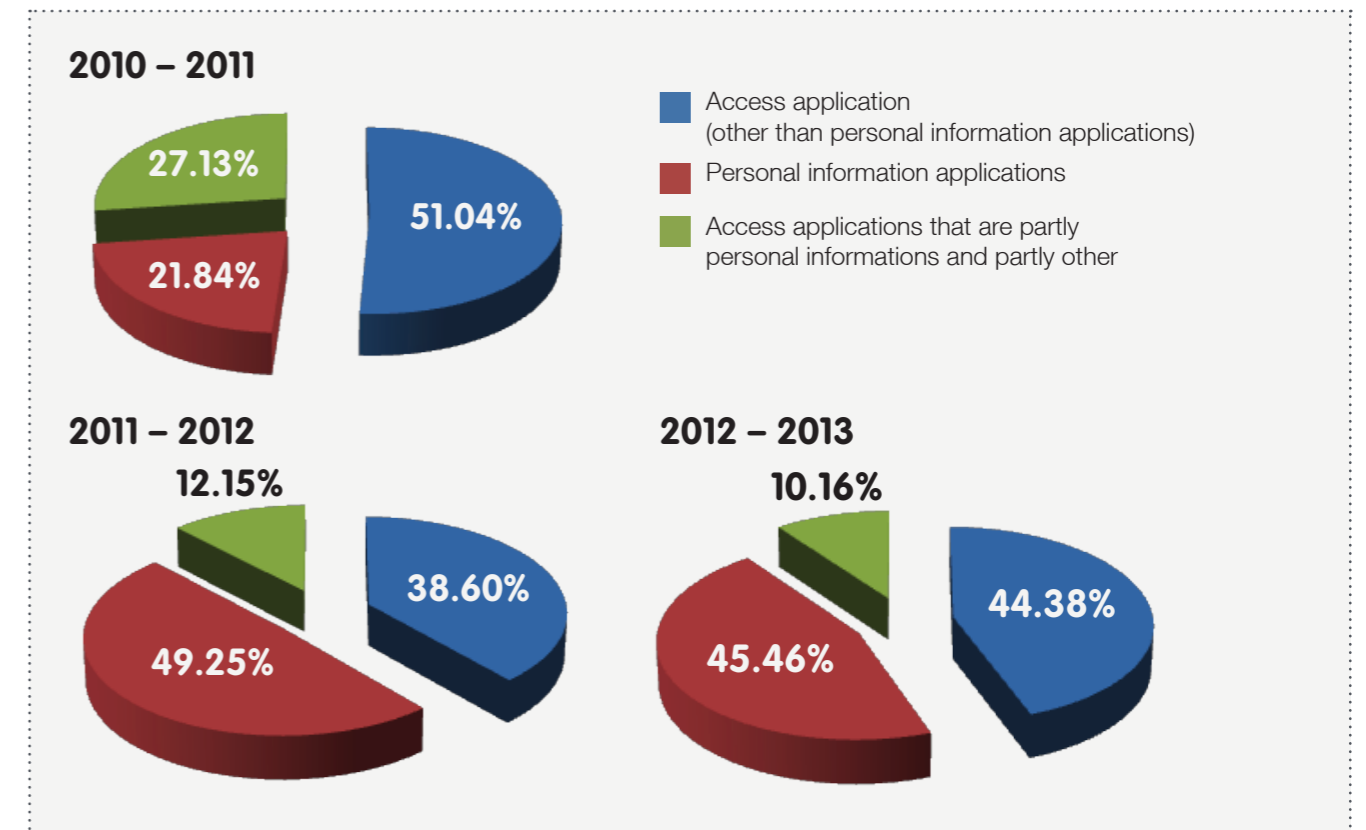
Type of application (by outcomes) – 3 year total



Sector trend – type of application (by outcomes) by sector – 3 year total



Type of application (by outcomes) – 3 year trend



How quickly were decisions made?

The statutory time frame for dealing with applications is 20 working days. A maximum extension of 15 working days is available under the Act – allowing for up to 35 days. This can be extended to more than 35 working days with the agreement of the applicant. If a decision is not made within the agreed time frame the application is deemed to be refused. Agency timeliness in dealing with applications is based on Table F. Percentage calculations are based on application totals given in Table F.

3 year total

- 87% of all applications were decided within the statutory time frame; 3% after 35 days.

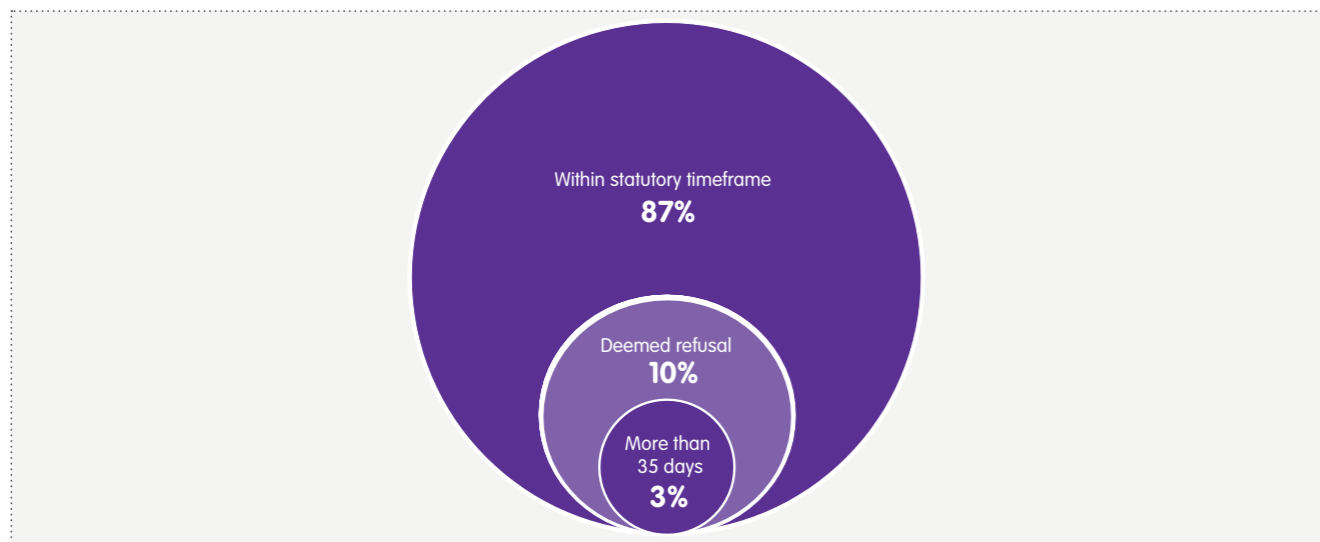
3 year trend

- While the number of applications decided within the statutory time frame was consistently high over the 3 years there was a small decrease in 2012 – 2013 compared with 2010 – 2011.

Sector trend

- 95% of all Council decisions were decided within the statutory time frame; 86% in the Government sector, 81% in the University sector and 72% in the Ministerial sector.

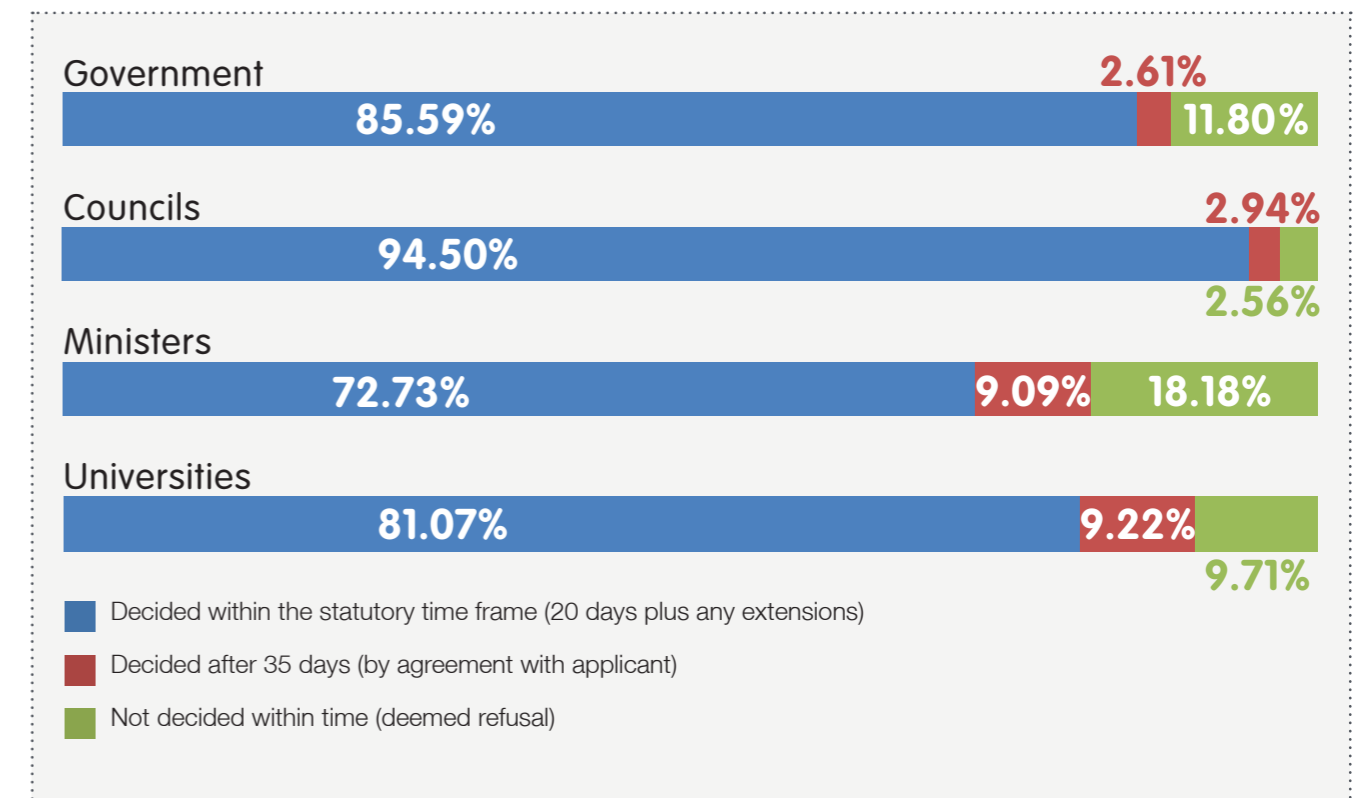
Timeliness – 3 year total



Timeliness – 3 year trend

	2010 – 2011		2011 – 2012		2012 – 2013	
	Number	% of total	Number	% of total	Number	% of total
Within statutory time frame	16,426	92.50%	10,642	81.64%	13,475	84.77%
Deemed refusal	851	4.79%	2,039	15.64%	2,024	12.73%
Decided after 35 days	480	2.70%	355	2.72%	397	2.50%
Total	17,757		13,036		15,896	

Sector trend – timeliness by sector – 3 year total



Are people getting what they asked for?

This information is based on Tables A and B that break down outcomes by applicant type (Table A) and application type (Table B). Tables A and B break down 8 outcomes by 6 applicant types and 3 application types across 4 sectors. The following charts illustrate the multi-dimensional aspects of these tables and are set out by: outcomes – 3 year total; outcomes – 3 year trend; outcomes by applicant type; outcomes by application type; and outcomes by sector.

The number of outcomes reported in Tables A and B should reconcile but do not. Therefore, while the proportional division between outcomes does not vary significantly between the two tables, the percentages shown in the tables below may vary. In the interests of transparency the results for both tables are provided.

Outcomes – 3 year total

Table A – outcomes based on 3 year total

- 75% of outcomes resulted in access being granted in full or in part:
 - 40% granted access in full
 - 35% granted access in part
- 8% of outcomes resulted in access being refused in full.

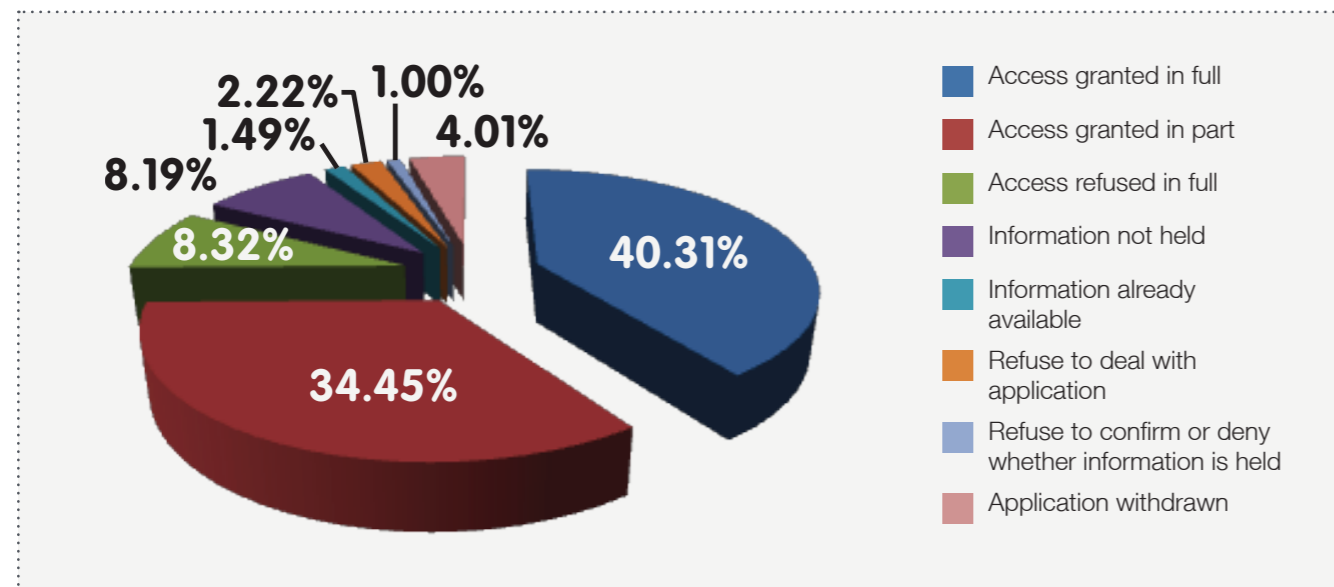
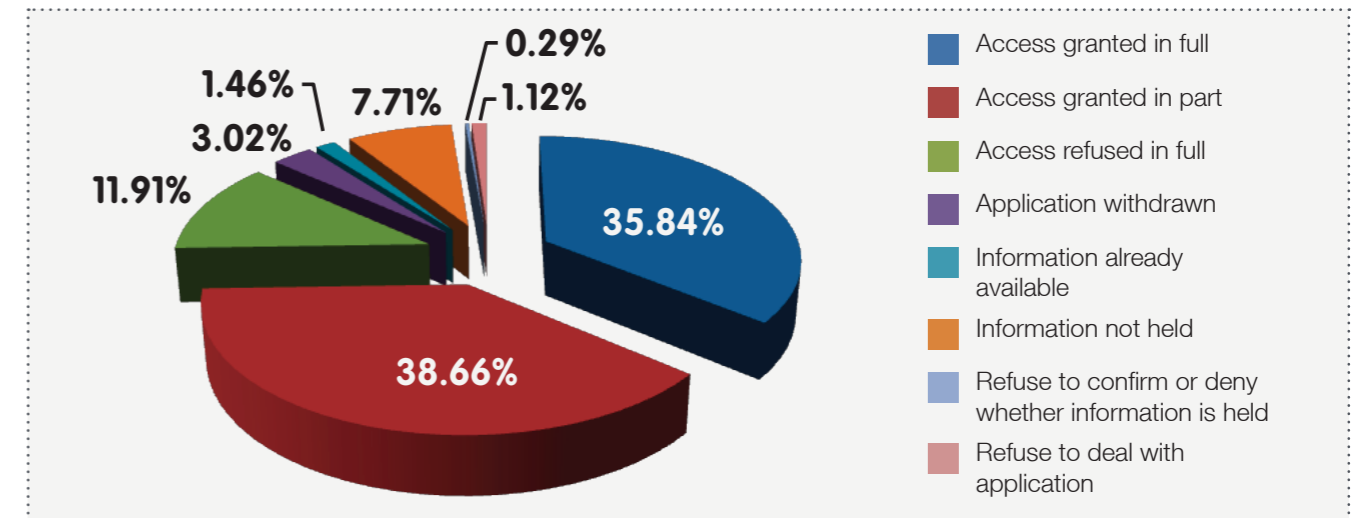


Table B – outcomes based on 3 year total

- 75% of outcomes resulted in access being granted in full or in part:
 - 36% granted access in full
 - 39% granted access in part
- 12% of outcomes resulted in access being refused in full.



Outcomes – 3 year trend

Table A – outcomes based on 3 year trend

- Across both tables, over the 3 years, the 3 most consistently applied outcomes were:
 - access granted in full
 - access granted in part
 - access refused in full.

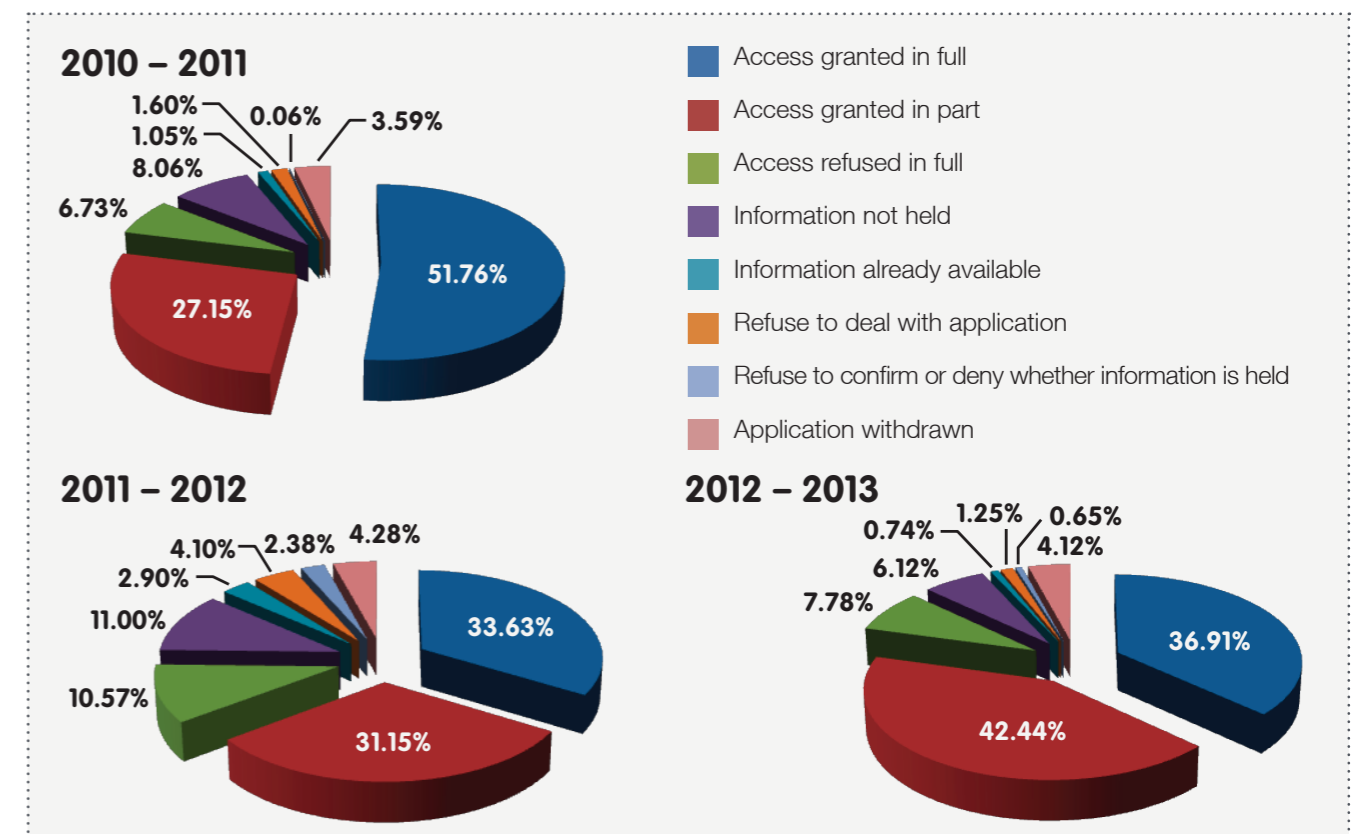
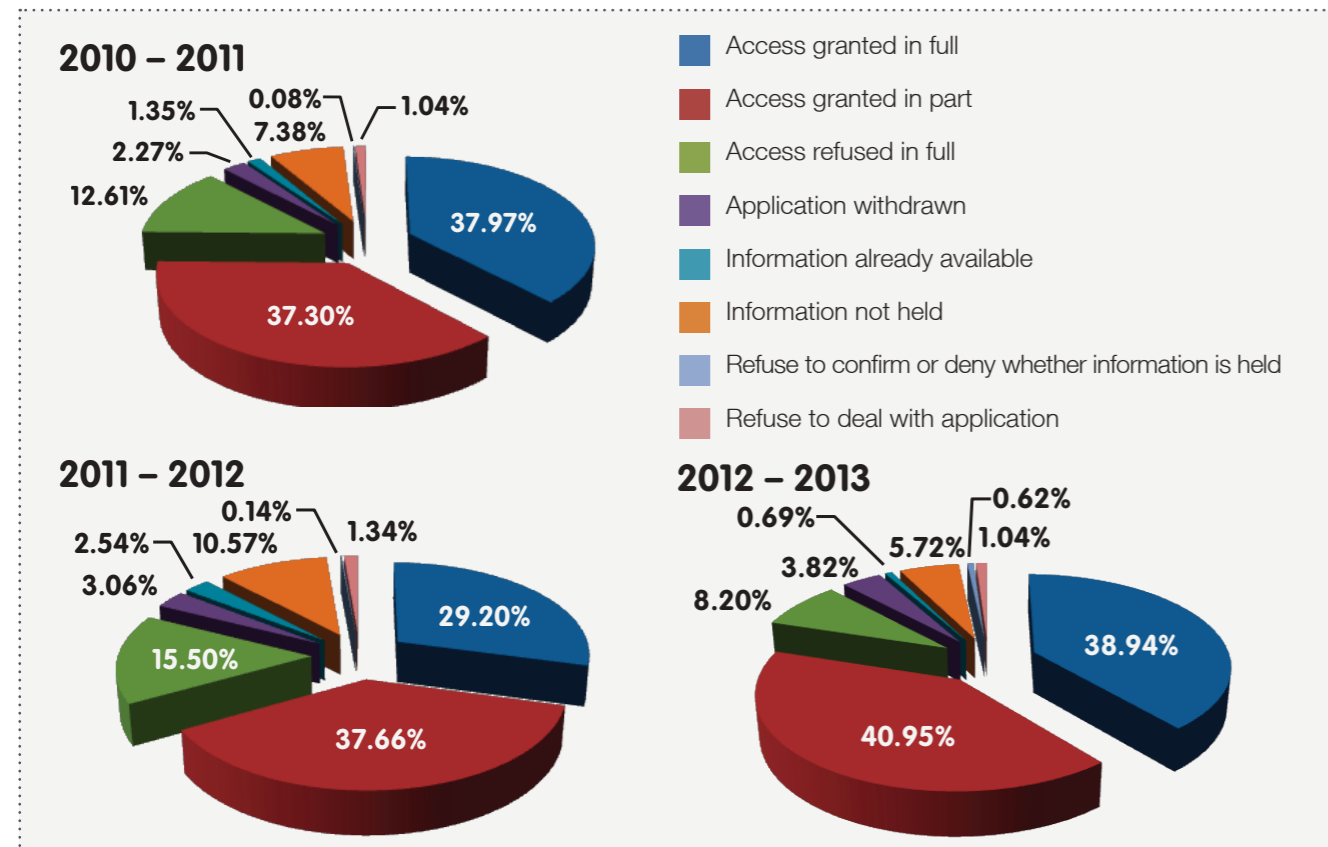


Table B – outcomes based on 3 year trend



Outcomes by applicant type – 3 year total

Table A – outcomes by type of applicant – 3 year total

- 79% of outcomes relating to all members of the public were to grant access in full and in part
- 57% of Private Business sector outcomes were to grant access in full
- 46% of Not for Profit and Community sector outcomes were to grant access in part.

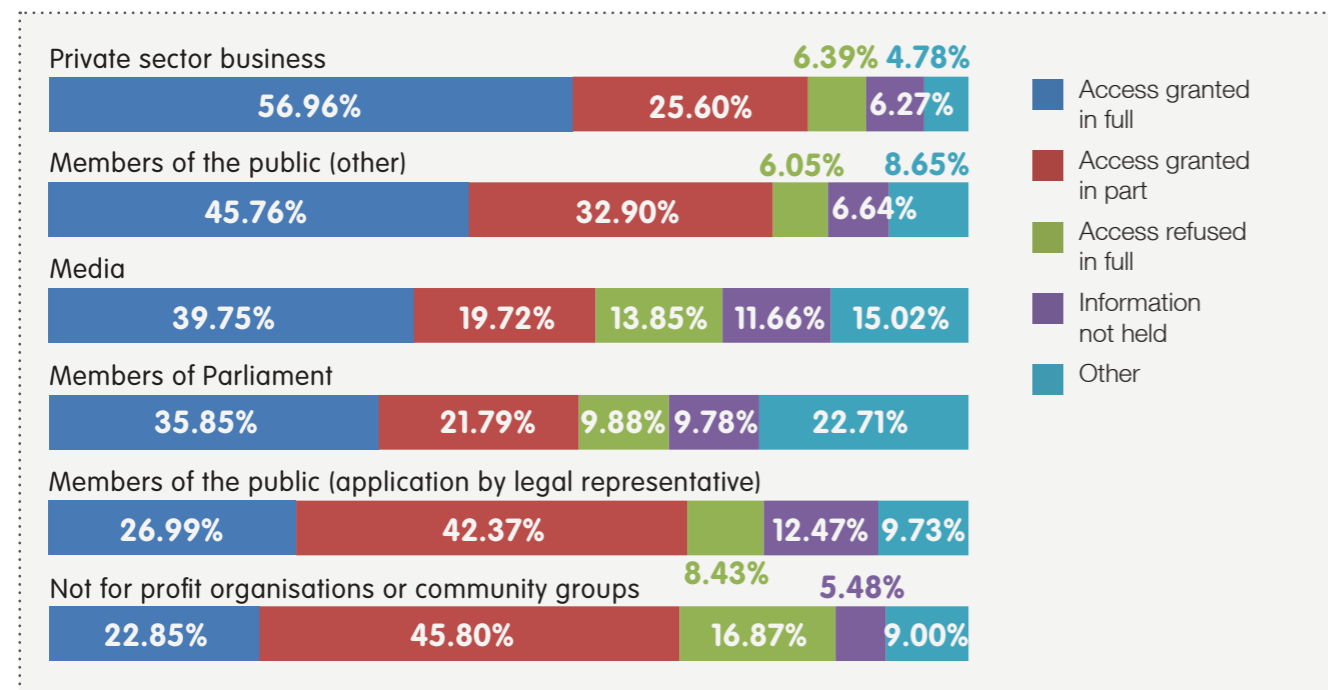
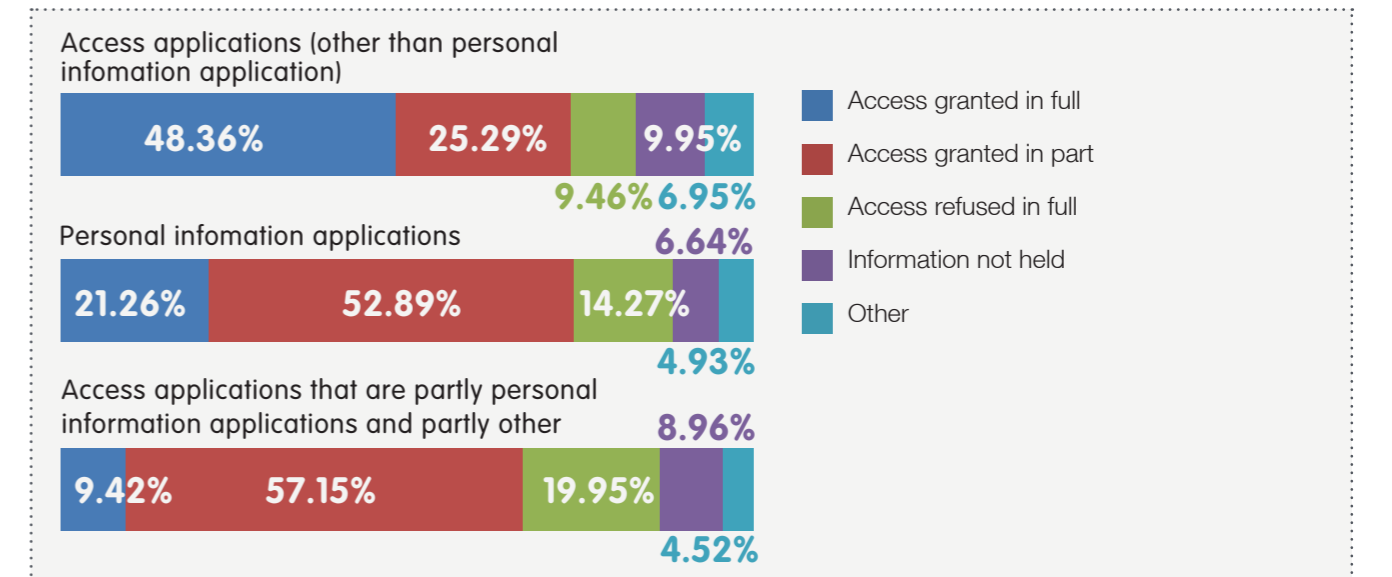


Table B – outcomes by type of application – 3 year total

- The outcomes for applicants seeking information other than personal and applicants seeking personal information were almost exactly opposite
- However, the total outcomes of granted in full and in part aligned
- 48% of outcomes information other than personal information granted access in full; 25% in part (total 73%)
- 21% of outcomes for applications for personal information granted access in full; 53% access in part (total 74%).



Sector trend – 3 year total

- The percentage outcomes across Tables A and Table B are largely consistent
- 86% of Council sector outcomes resulted in access being granted in full or in part; 69% were granted in full
- 72% of Government sector outcomes resulted in access being granted in full or in part
- Table A shows 29% of Government sector outcomes resulted in access being granted in full; Table B shows 30%
- The University sector had the highest refusal rate of 17%
- Ministers had the highest rate of information not held at 38%.

Table A – applicant outcomes by sector – 3 year total

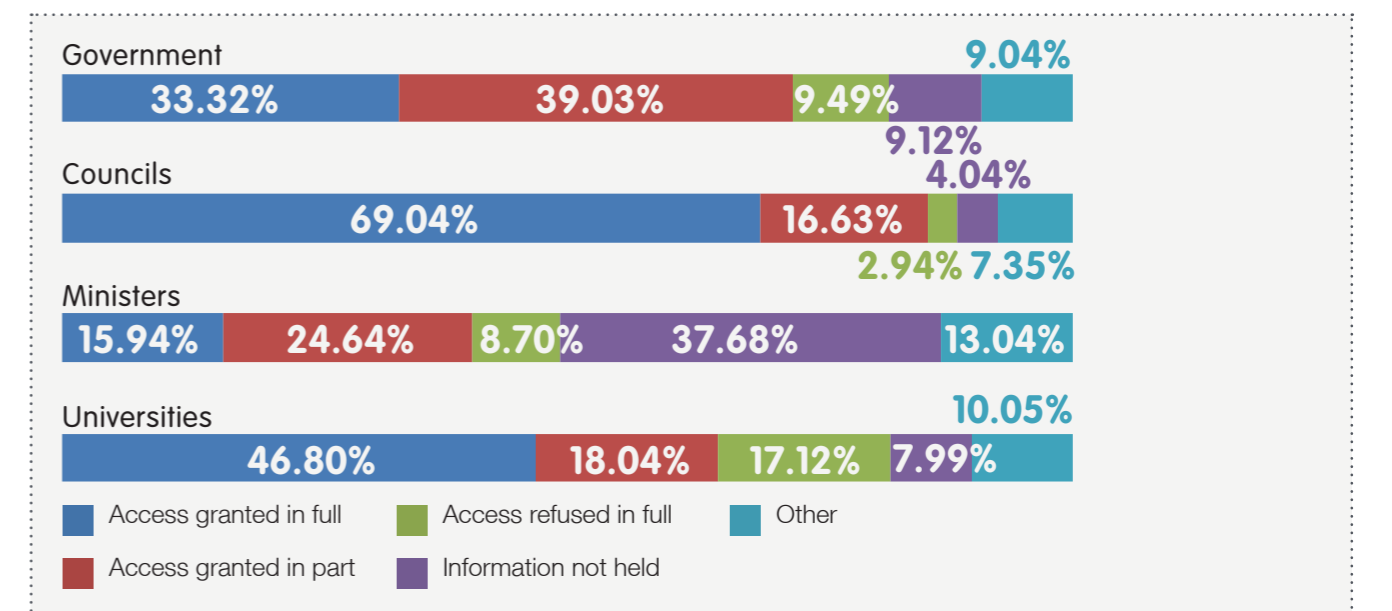
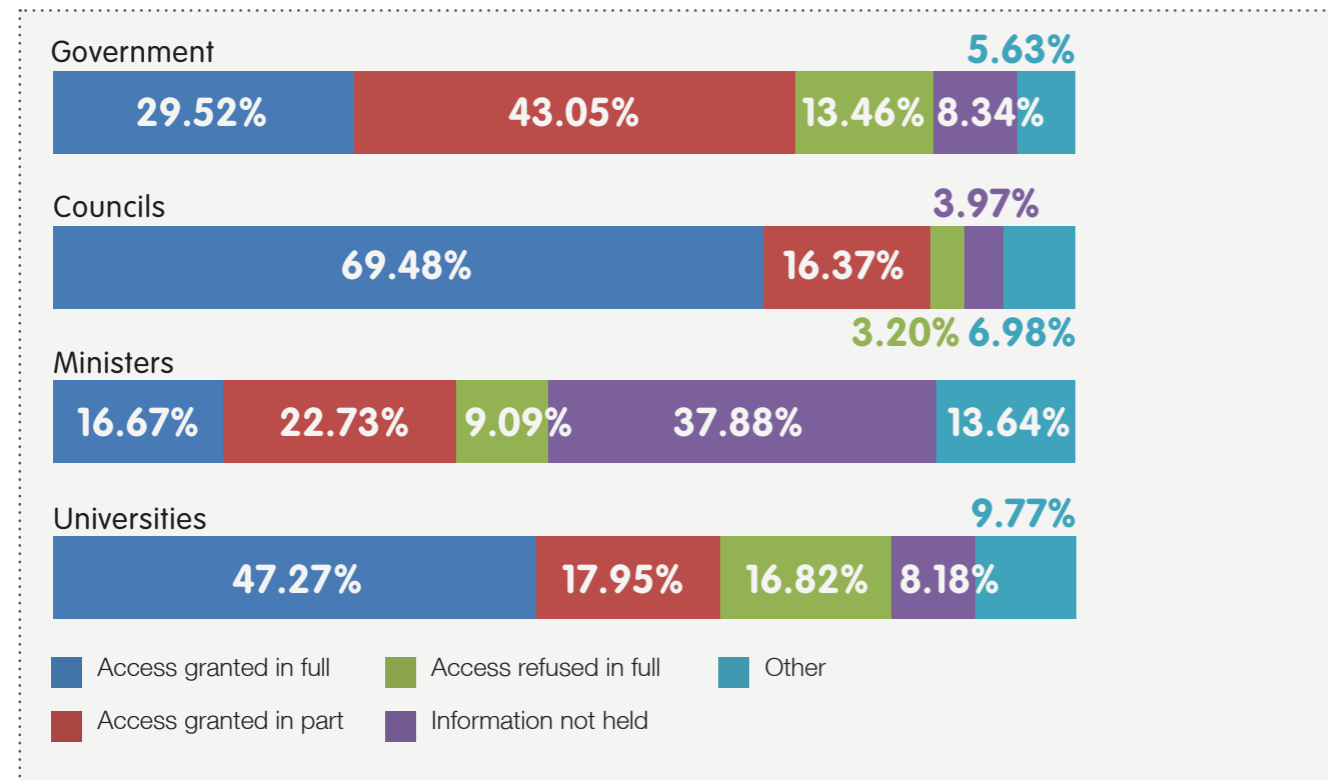


Table B – application outcomes by sector – 3 year total



How are decisions reviewed?

The Act enables applicants to seek a review of the initial decision on their application in 4 ways: internal review by the agency, internal review by the agency following a recommendation from the Information Commissioner under section 93, review by the Information Commissioner, review by the ADT. An applicant can choose any one of these avenues and in some cases an application may go through more than one review process.

The information on reviews is based on Table G. It should be noted that data provided on Information Commissioner reviews by agencies does not align with IPC data which shows that in 2012 – 2013 alone 280 applications for review were received and 237 closed.

Because applications can go through more than one review avenue and this allows for double or triple counting of reviews, comparative percentages against the number of refusals cannot be provided. The analysis of all internal review types comprises both internal reviews conducted by agencies upon direct application and those following a recommendation made by the Information Commissioner (Section 93 Review).

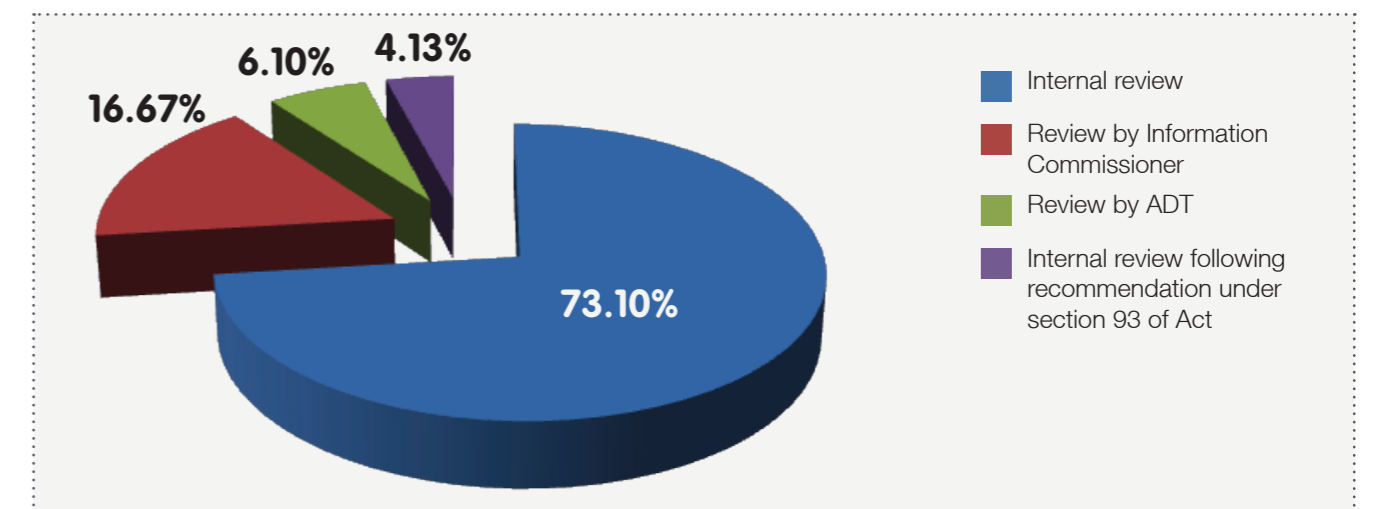
Review type – 3 year total

- 73% of all reviews were internal reviews conducted by agencies upon direct application.

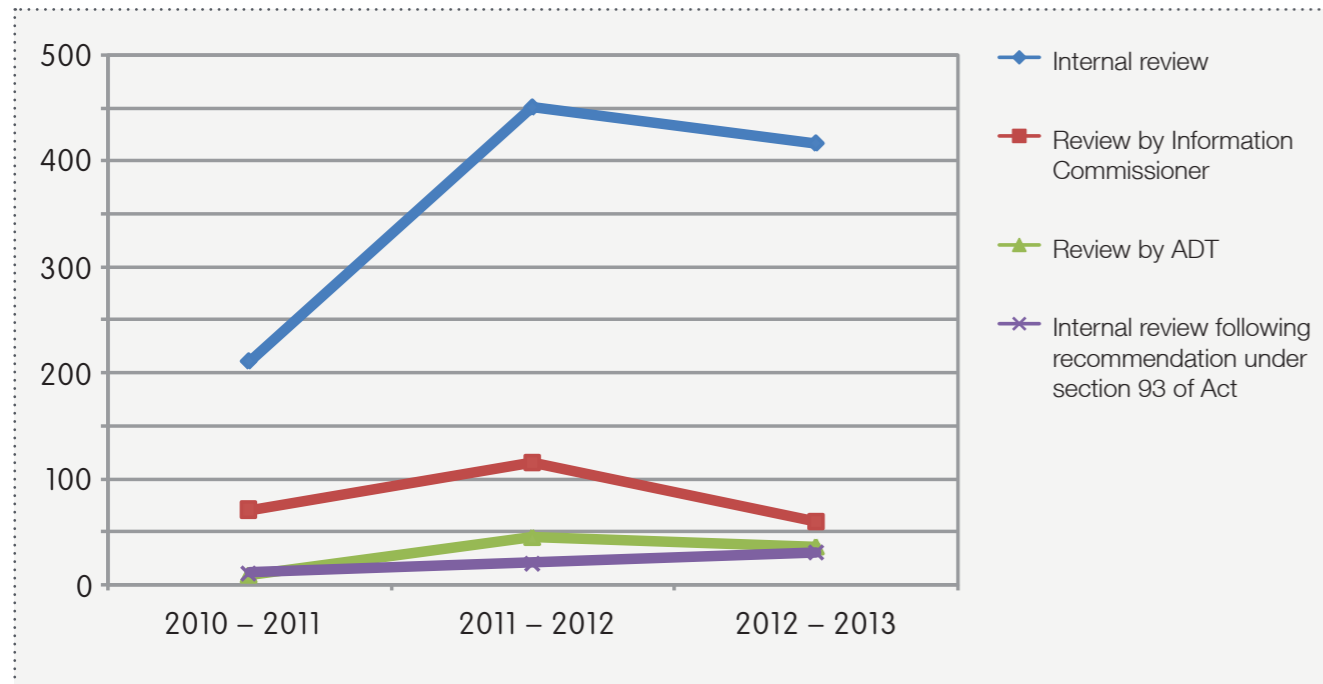
Review type – 3 year trend

- The 3 year trend shows internal reviews upon direct application were consistently the main type used by applicants.

Review type – 3 year total



Review type – 3 year trend

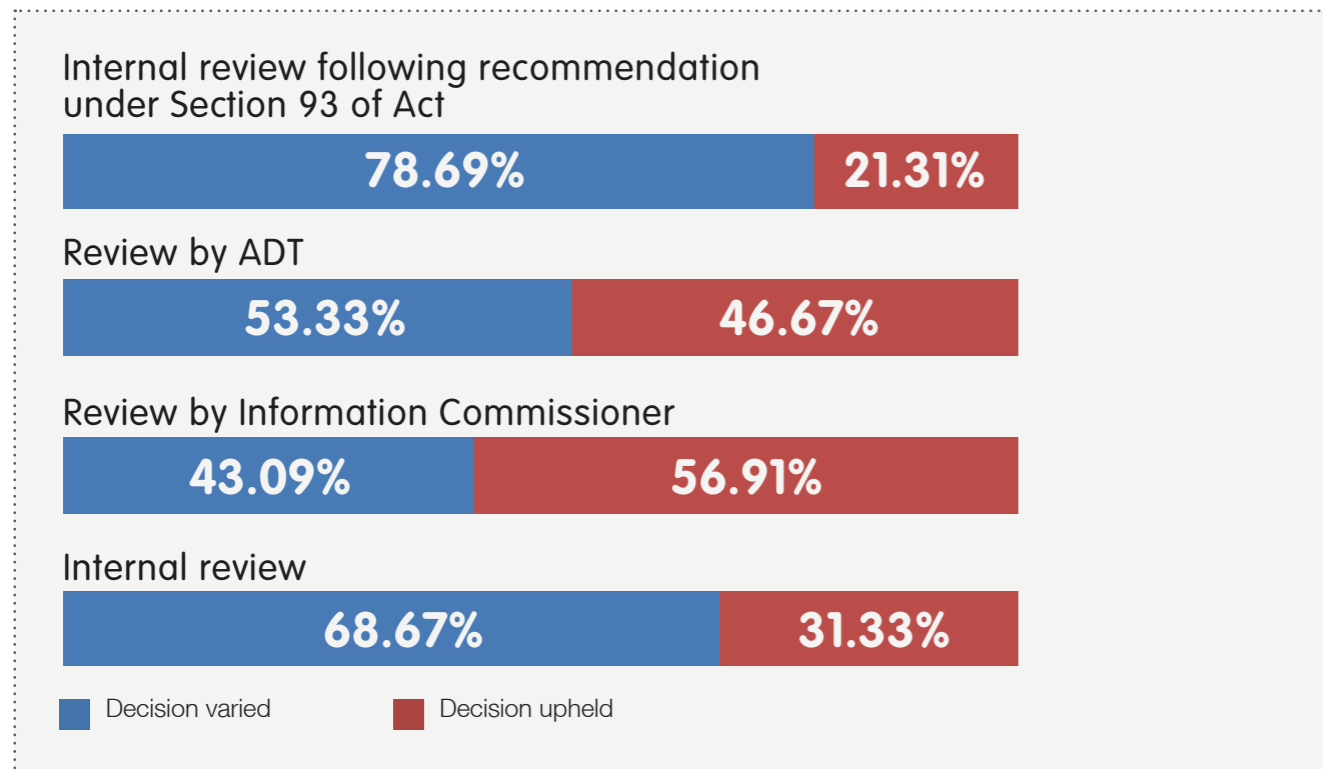


* Note: IPC data reveals 280 applications to the Information Commissioner in 2012 – 2013.

Review outcomes

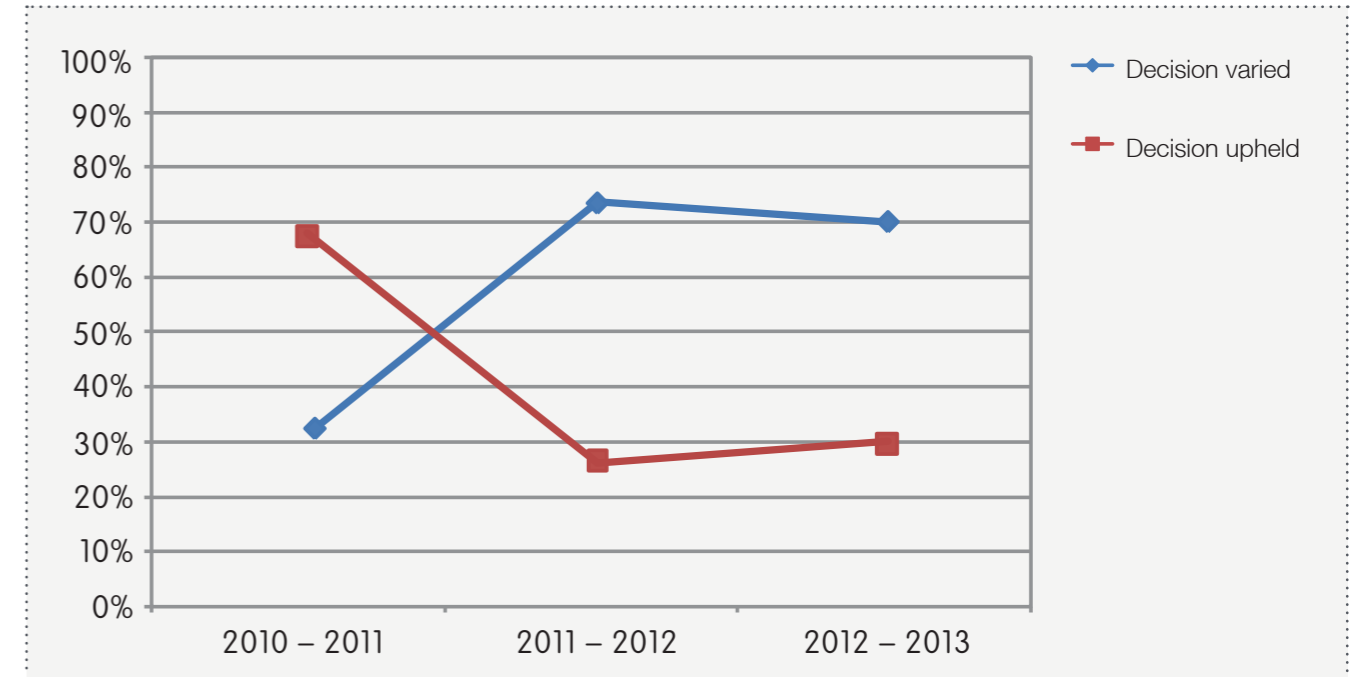
- 79% of Section 93 reviews varied the initial decision
- 69% of direct application reviews varied the initial decision
- 69% of all internal reviews – both by direct application and Section 93 reviews – varied the initial decision.

Review outcomes – 3 year total



* The Information Commissioner does not have the authority to vary decisions, but can make recommendations to the original decision maker. The data in this case indicates that a recommendation to vary or uphold the original decision has been made by the Information Commissioner.

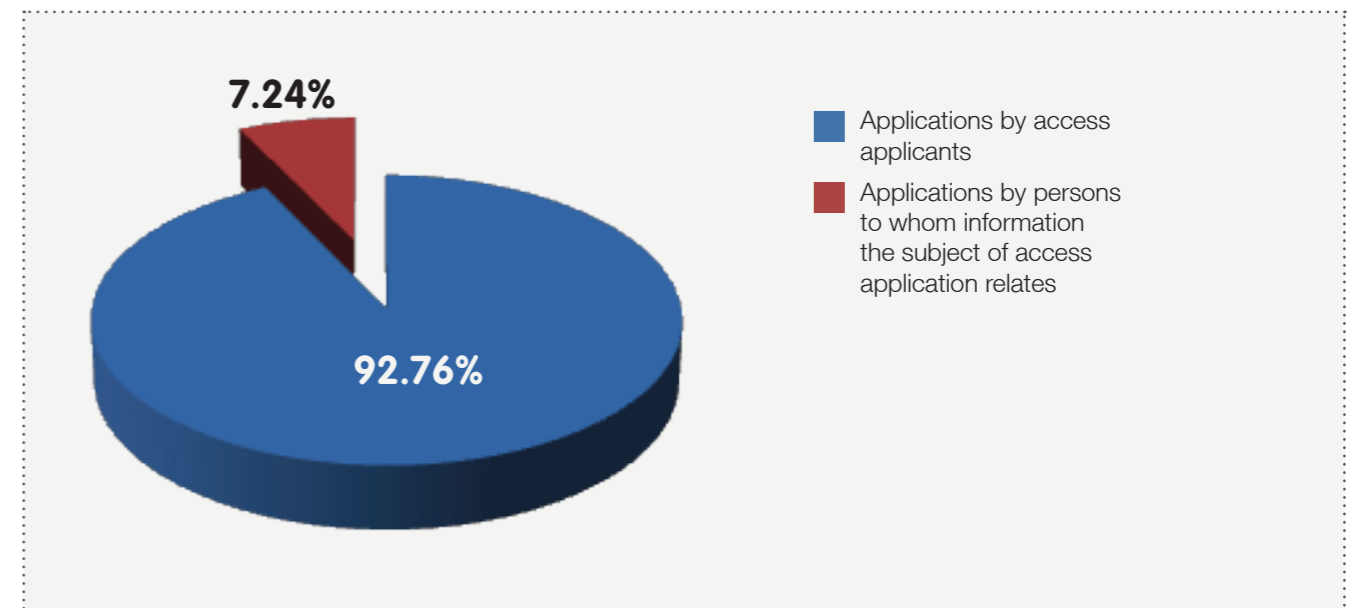
Review outcomes – 3 year trend



Type of review applicant (based on Table H)

- Over the 3 years and for each year, the majority of all applications for review were made by the original applicant.

Application review under Part 5 – 3 year total



How is the public interest test being applied?

Under Section 14 of the Act it is conclusively presumed that there is an overriding public interest against disclosure of any government information described in Schedule 1 (CPOPIAD). The only other public interest considerations against disclosure (OPIAD) that may be taken into account in applying the public interest test are listed in the Table under Section 14.

Conclusive Presumption of Overriding Public Interest Against Disclosure (CPOPIAD)

Clause 7(c) of the Regulation requires agencies to report on the number of applications that were refused wholly or in part because the application requested the disclosure of information listed in Schedule 1 of the Act.

Schedule 1 lists 13 categories of information for which there is a conclusive presumption of overriding public interest against disclosure.

Table D reports on the number of times each of the CPOPIAD considerations listed in Schedule 1 were applied to applications.

More than one CPOPIAD consideration may apply in respect of an application and in such cases each consideration is to be recorded (but only once per application).

3 year total

- 7% of all applications were refused on the grounds that there was a conclusive presumption of overriding public interest against disclosure (CPOPIAD)
- The 3 most used CPOPIAD considerations were – Legal Professional Privilege (32%), Care and Protection of Children (30%), Overriding Secrecy Laws (14%).

3 year trend

- The 3 year trend showed a reduction in Clause 7(c) refusals
- Care and Protection of Children and Legal Professional Privilege remained the 2 highest but Excluded Information increased from 2% in 2010 – 2011 to 20% in 2012 – 2013
- By 2012 – 2013 the 3 most used considerations were Legal Professional Privilege (31%), Care and Protection of Children (31%) and Excluded Information (20%).

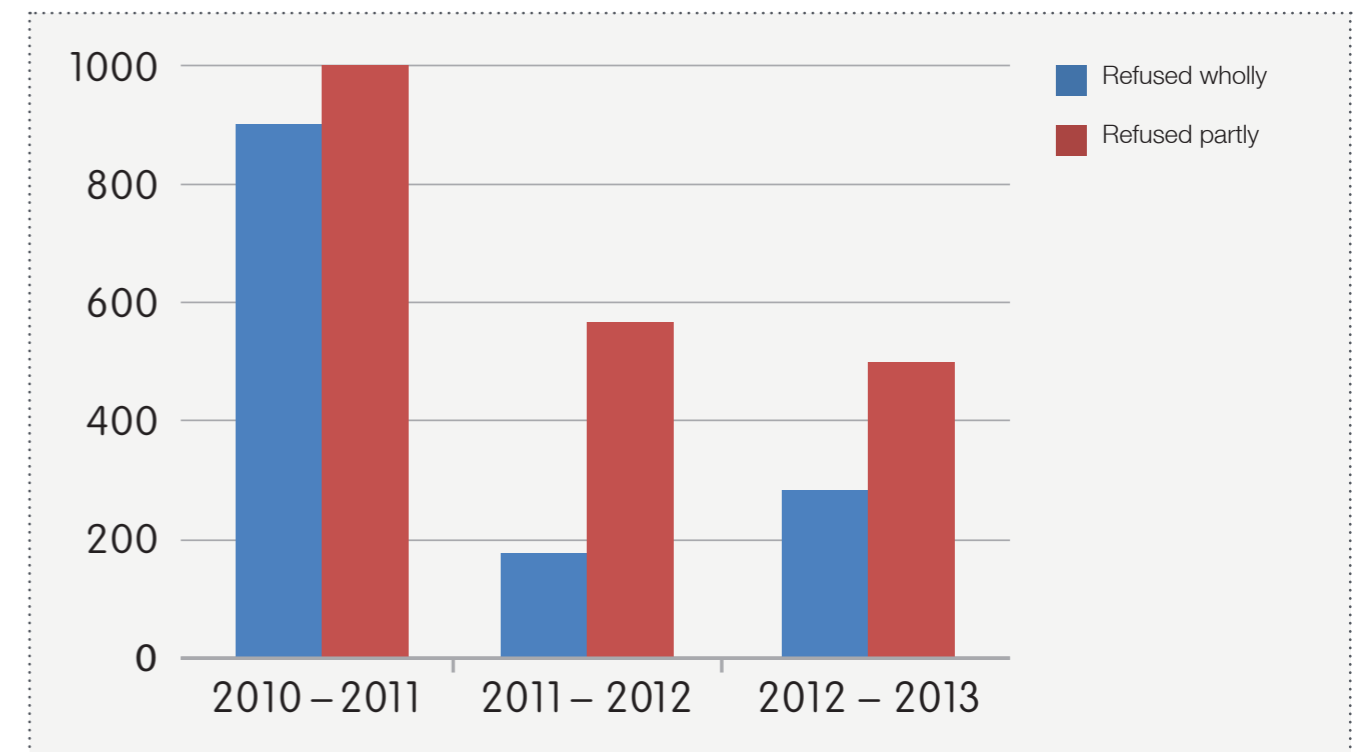
Sector trend

- Types of considerations are likely to be influenced by the type of information held in the different sectors
- Family and Community Services accounted for 98% of all Care and Protection of Children considerations
- Note: Ministers are not required to report data for this Clause.

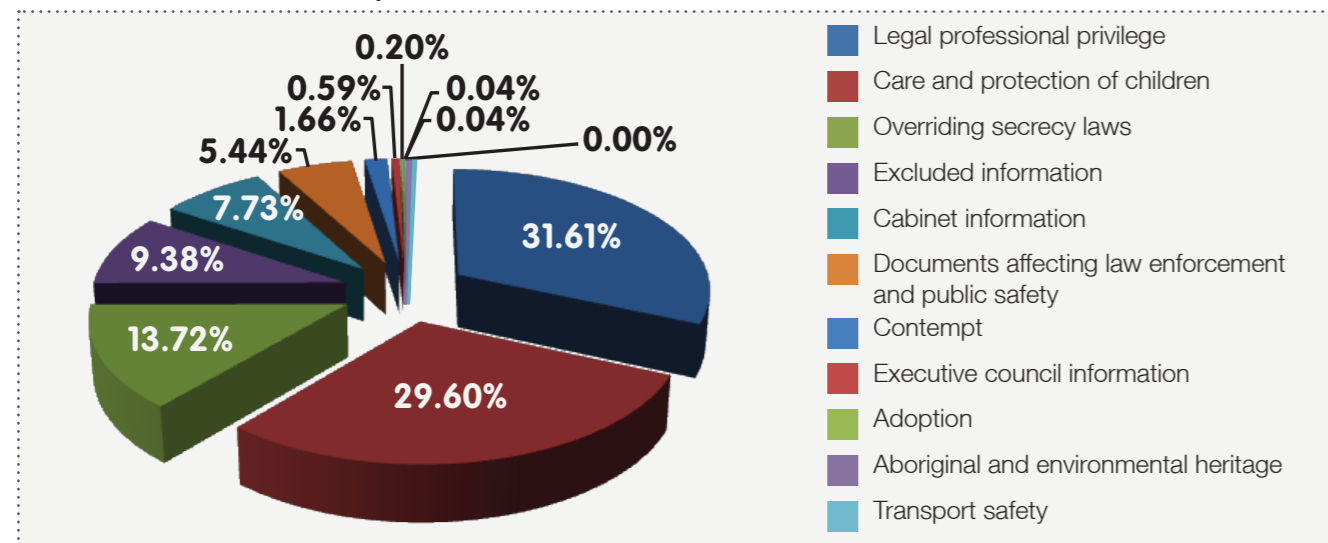
Clause 7(c) number of CPOPIAD refusals

	Refused wholly and in part	% wholly and in part against total applications	Refused wholly	% refused wholly against total application	Refused partly	% refused partly against total applications
2010 – 2011	1,908	10.72%	914	5.14%	994	5.59%
2011 – 2012	734	4.90%	164	1.09%	570	3.81%
2012 – 2013	783	4.46%	285	1.62%	498	2.84%
Total	3,425	6.81%	1,363	2.71%	2,062	4.10%

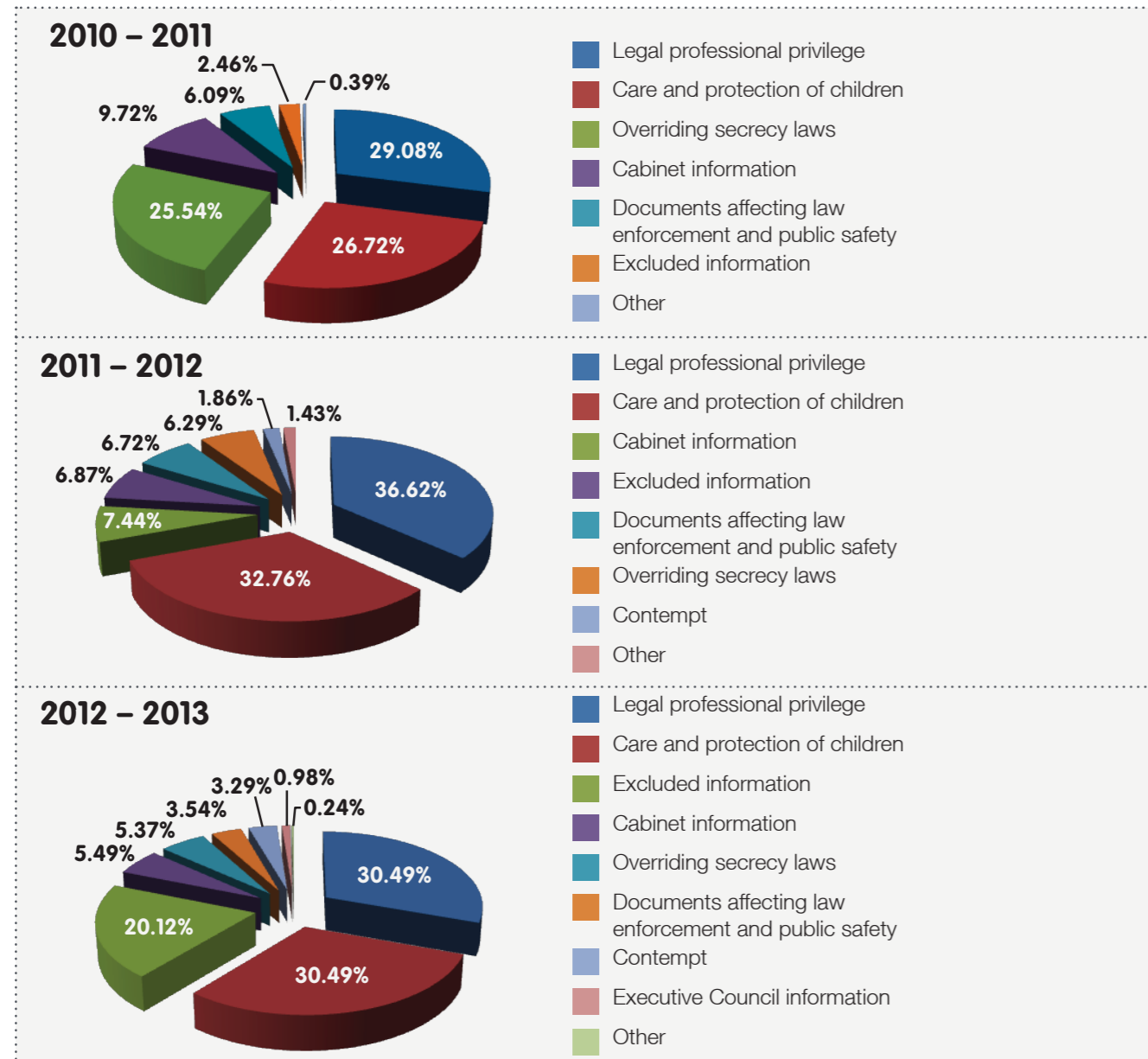
Clause 7 (c) refusals – 3 year trend



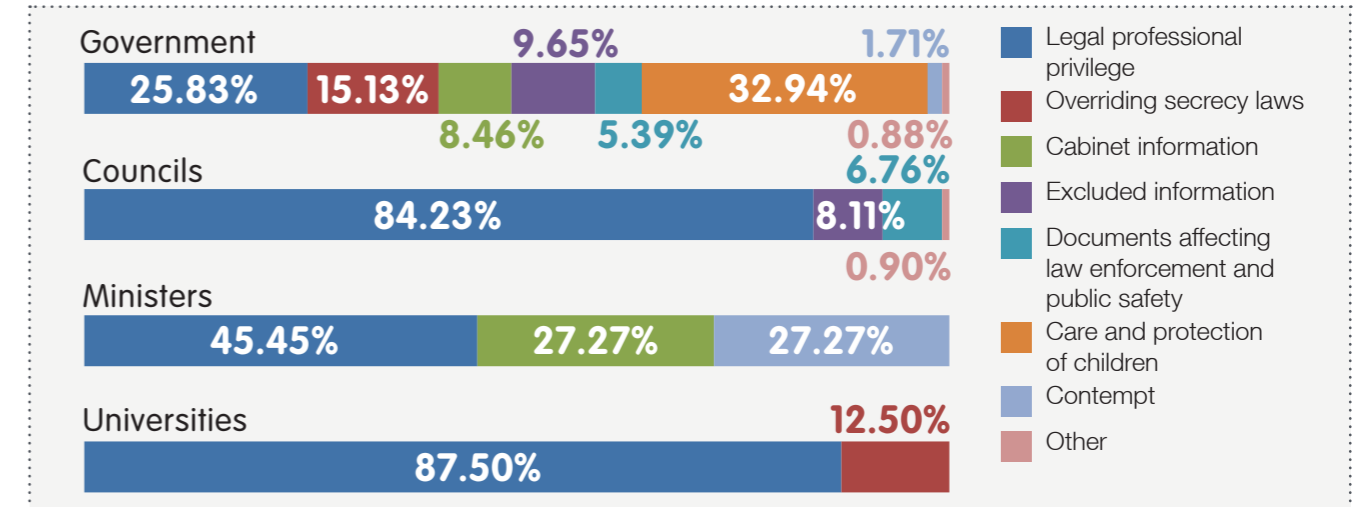
**Table D – CPOPIAD considerations used
CPOPIAD reasons – 3 year total**



CPOPIAD reasons – 3 year trend



Sector trend – CPOPIAD considerations by sector – 3 year total



Other Public Interest Against Disclosure (OPIAD)

OPIAD considerations are reported on in Table E.

More than one OPIAD consideration may apply in respect of an application and in such cases each consideration is to be recorded (but only once per application).

3 year total

- Over the 3 years the majority (65%) of OPIAD considerations resulting in information not being disclosed was the Individual Rights, Judicial Rights and Natural Justice public interest consideration against disclosure
- The other 2 most applied public interest considerations against disclosure considerations were Law Enforcement and Security (17%) and Responsible and Effective Government (12%).

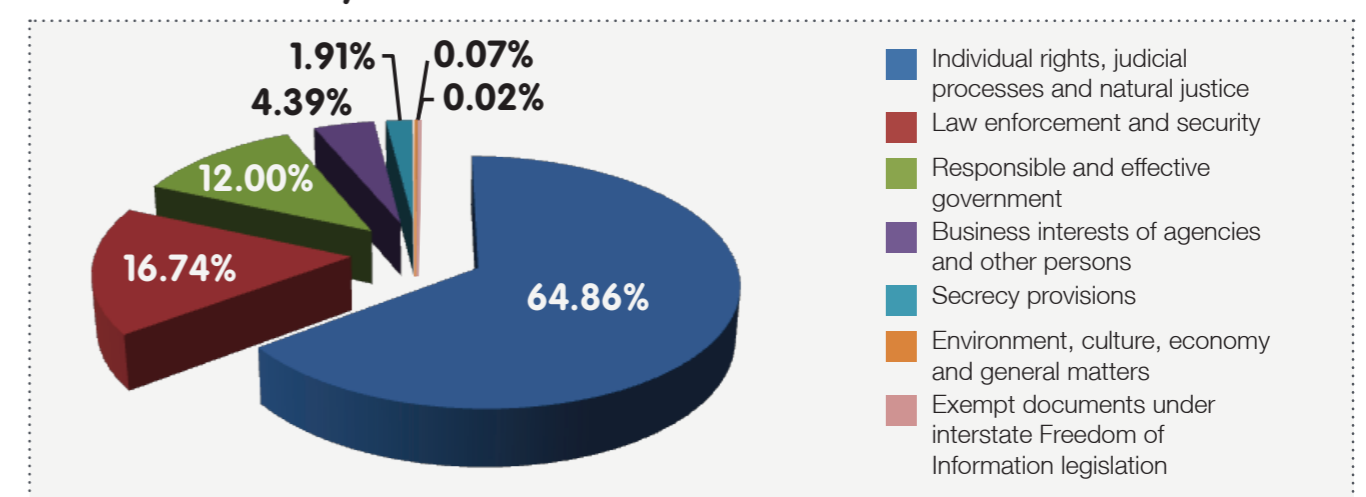
3 year trend

- The 3 year trend shows that the OPIAD consideration of Individual Rights, Judicial Rights and Natural Justice continued to be the most applied.

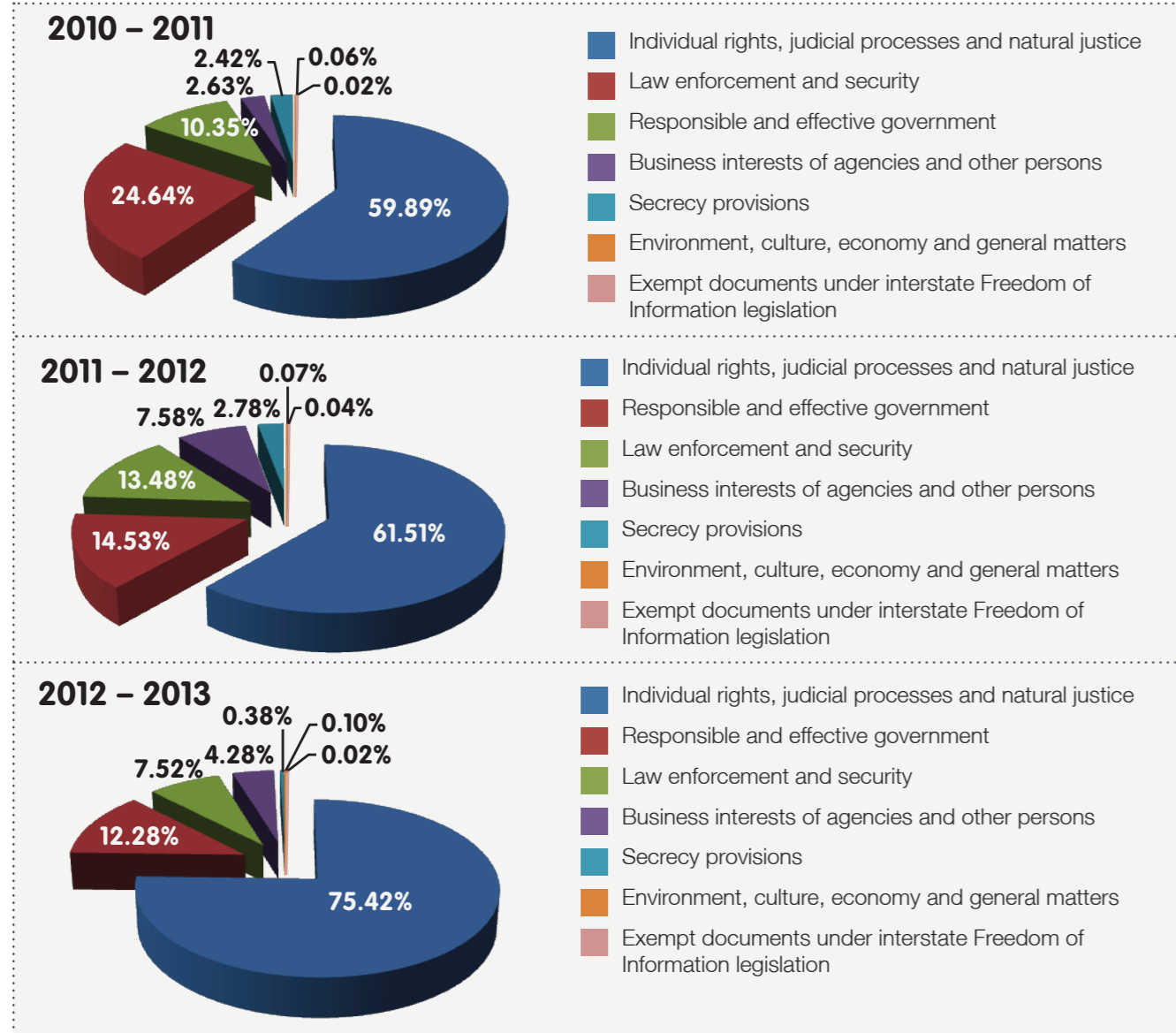
Sector trend

- Individual Rights, Judicial Rights and Natural Justice was the major OPIAD consideration applied by Government (65%) and Councils (63%).

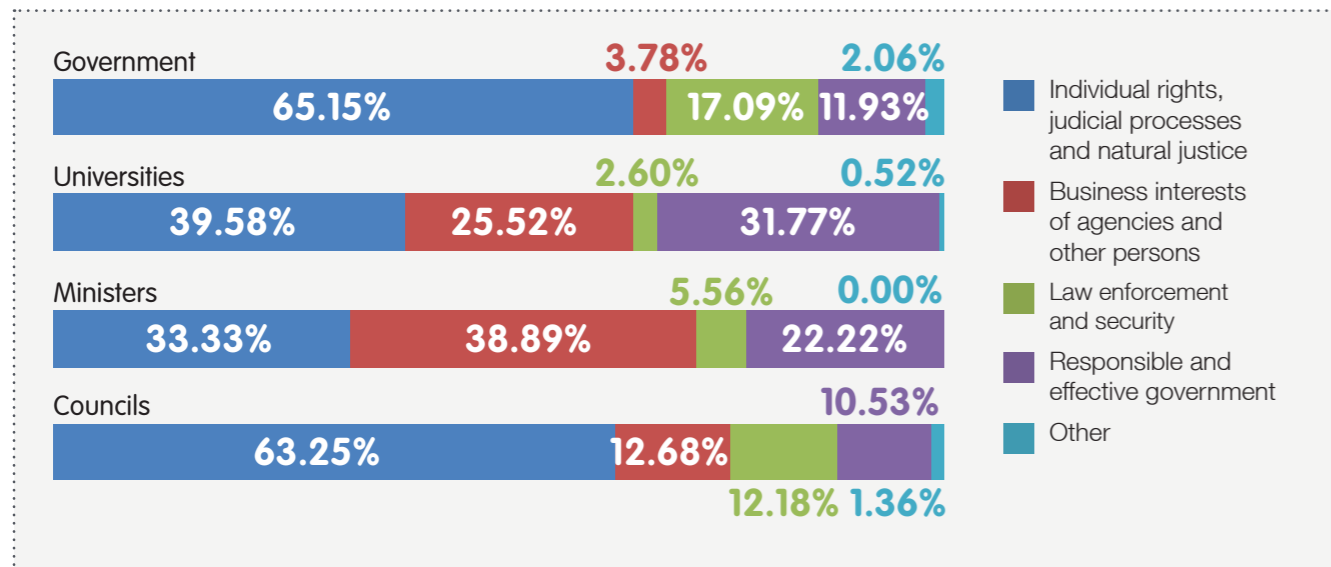
**Table E – OPIAD considerations used
OPIAD reasons – 3 year total**



OPIAD reasons – 3 year trend



Sector trend – OPIAD considerations by sector – 3 year total



Is more information being made available?

Agency reviews

Under Clause 7(a) of the Regulation agencies are required, at least annually, to review their program for the release of information and identify the kinds of information that should be made publicly available.

This is the only mandated reporting requirement regarding additional information being released and as such only provides a small window of visibility into the proactive release of information.

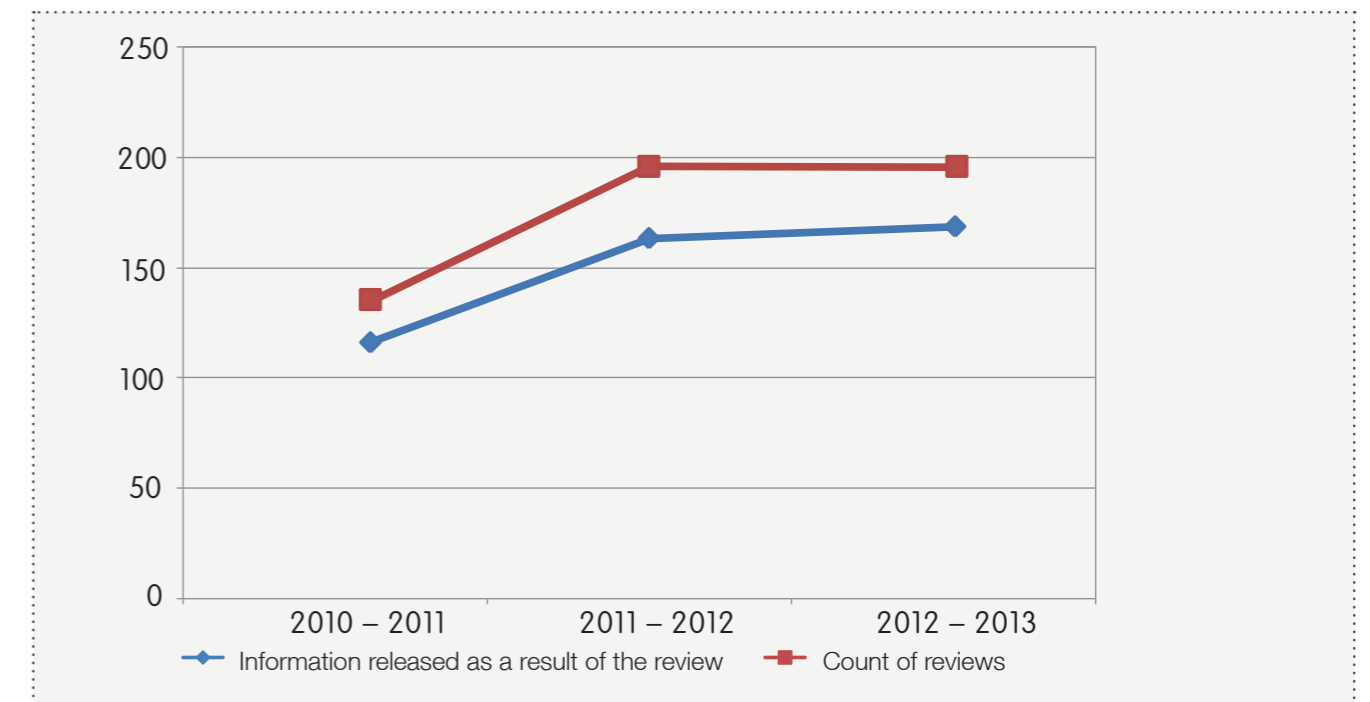
3 year total

- 84% of agency reviews resulted in additional information being released
- 87% of Council reviews resulted in additional information being released
- 85% of Government reviews resulted in additional information being released
- 50% of Universities reviews resulted in additional information being released
- Note: Ministers are not required to report data for this Clause.

3 year trend

- The number of reviews undertaken and additional information released increased over the 3 years.

Number of reviews vs. information released – 3 year trend



Appendices

3 year trend and sector analysis

Clause 7(a) Agency Reviews	2010 – 2011	2011 – 2012	2012 – 2013	Grand Total
Government				
Agency review conducted	69	85	81	235
Information made available	63	68	67	198
Percentage where additional information released	91%	80%	83%	84%
Councils				
Agency review conducted	65	104	106	275
Information made available	53	91	96	240
Percentage where additional information released	82%	88%	91%	87%
Universities				
Agency review conducted	6	9	11	26
Information made available	4	5	4	13
Percentage where additional information released	67%	56%	36%	50%
All agencies				
Agency review conducted	140	198	198	536
Information made available	120	164	167	451
Percentage where additional information released	86%	83%	84%	84%

Appendix 1

Financial Years 2010 – 2013 Total aggregation of all sectors

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	383	327

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	50,318

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	1,255	1,962	3,217
% of Total	39%	61%	

Table A: number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	508	252	177	149	29	54	8	101	1,278	3%
Members of Parliament	352	214	97	96	36	95	31	61	982	3%
Private sector business	4,503	2,024	505	496	66	83	22	207	7,906	22%
Not for profit organisations or community groups	939	1,882	693	225	10	141	78	141	4,109	11%
Members of the public (application by legal representative)	2,543	3,992	794	1,175	150	211	140	416	9,421	26%
Members of the public (other)	5,940	4,271	786	862	257	232	89	545	12,982	35%
Total	14,785	12,635	3,052	3,003	548	816	368	1,471	36,678	
% of Total	40%	34%	8%	8%	1%	2%	1%	4%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	3,897	8,807	2,361	1,120	286	107	68	388	17,034	38%
Access application (other than personal information applications)	11,113	4,549	1,607	1,724	293	372	51	750	20,459	45%
Access applications that are partly personal information applications and partly other	1,193	4,123	1,415	641	81	29	10	229	7,721	17%
Total	16,203	17,479	5,383	3,485	660	508	129	1,367	45,214	
% of Total	36%	39%	12%	8%	1%	1%	0%	3%		

Table C: invalid applications

	Number of Applications	% of Total
Application does not comply with formal requirements (s.41)	4,854	43%
Application is for excluded information of the agency (s.43)	216	2%
Application contravenes restraint order (s.110)	9	0%
Total number of invalid applications received	5,028	44%
Invalid applications that subsequently become valid applications	1,287	11%
Total	11,394	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	348	14%
Cabinet information	196	8%
Executive council information	15	1%
Contempt	42	2%
Legal professional privilege	802	32%
Excluded information	238	9%
Documents affecting law enforcement and public safety	138	5%
Transport safety	1	0%
Adoption	5	0%
Care and protection of children	751	30%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	1	0%
Total	2,537	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	3,361	12%
Law enforcement and security	4,689	17%
Individual rights, judicial processes and natural justice	18,167	65%
Business interests of agencies and other persons	1,230	4%
Environment, culture, economy and general matters	20	0%
Secrecy provisions	536	2%
Exempt documents under interstate Freedom of Information legislation	7	0%
Total	28,010	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	40,543	87%
Decided after 35 days (by agreement with applicant)	1,232	3%
Not decided within time (deemed refusal)	4,914	11%
Total	46,689	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	741	338	1,079	73%
Review by Information Commissioner	106	140	246	17%
Internal review following recommendation under section 93 of Act	48	13	61	4%
Review by ADT	48	42	90	6%
Total	943	533	1,476	
% of Total	64%	36%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	1,410	93%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	110	7%
Total	1,520	

Appendix 2

Financial Year 2010 – 2011 Total aggregation of all sectors

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	90	327

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	17,796

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	880	988	1,868
% of Total	47%	53%	

Table A: number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	158	87	65	50	6	19	0	29	414	4%
Members of Parliament	211	104	25	29	13	29	0	33	444	4%
Private sector business	1,767	562	198	161	17	29	0	83	2,817	26%
Not for profit organisations or community groups	127	57	49	118	1	11	0	15	378	3%
Members of the public (application by legal representative)	913	1,051	217	302	22	30	2	104	2,641	24%
Members of the public (other)	2,456	1,094	178	217	55	56	5	127	4,188	38%
Total	5,632	2,955	732	877	114	174	7	391	10,882	
% of Total	52%	27%	7%	8%	1%	2%	0%	4%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	1,027	1,792	209	458	76	14	5	119	3,700	22%
Access application (other than personal information applications)	4,823	1,912	703	695	96	158	4	256	8,647	51%
Access applications that are partly personal information applications and partly other	584	2,616	1,224	97	57	4	5	9	4,596	27%
Total	6,434	6,320	2,136	1,250	229	176	14	384	16,943	
% of Total	38%	37%	13%	7%	1%	1%	0%	2%		

Table C: invalid applications

	Number of applications	% of Total
Application does not comply with formal requirements (s.41)	1,958	46%
Application is for excluded information of the agency (s.43)	48	1%
Application contravenes restraint order (s.110)	0	0%
Total number of invalid applications received	1,992	46%
Invalid applications that subsequently become valid applications	291	7%
Total	4,289	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	260	26%
Cabinet information	99	10%
Executive council information	1	0%
Contempt	2	0%
Legal professional privilege	296	29%
Excluded information	25	2%
Documents affecting law enforcement and public safety	62	6%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	272	27%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	1	0%
Total	1,018	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	1,301	10%
Law enforcement and security	3,096	25%
Individual rights, judicial processes and natural justice	7,525	60%
Business interests of agencies and other persons	330	3%
Environment, culture, economy and general matters	7	0%
Secrecy provisions	304	2%
Exempt documents under interstate Freedom of Information legislation	2	0%
Total	12,565	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	16,426	93%
Decided after 35 days (by agreement with applicant)	480	3%
Not decided within time (deemed refusal)	851	5%
Total	17,757	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	59	152	211	70%
Review by Information Commissioner	27	44	71	24%
Internal review following recommendation under section 93 of Act	9	2	11	4%
Review by ADT	3	6	9	3%
Total	98	204	302	
% of Total	32%	68%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	353	92%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	29	8%
Total	382	

Appendix 3

Financial Year 2011 – 2012 Total aggregation of all sectors

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	144	119

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	14,980

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	128	513	641
% of Total	20%	80%	

Table A: number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	184	80	60	48	14	25	0	35	446	4%
Members of Parliament	80	65	59	40	19	55	24	16	358	3%
Private sector business	933	607	184	183	34	39	11	48	2,039	18%
Not for profit organisations or community groups	197	160	172	49	3	108	75	69	833	7%
Members of the public (application by legal representative)	821	1,404	477	508	101	146	107	135	3,699	33%
Members of the public (other)	1,561	1,181	235	407	155	87	50	177	3,853	34%
Total	3,776	3,497	1,187	1,235	326	460	267	480	11,228	
% of Total	34%	31%	11%	11%	3%	4%	2%	4%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	1,024	2,949	1,367	543	192	61	11	119	6,266	49%
Access application (other than personal information applications)	2,391	1,154	455	493	118	95	7	199	4,912	39%
Access applications that are partly personal information applications and partly other	300	689	150	309	13	14	0	71	1,546	12%
Total	3,715	4,792	1,972	1,345	323	170	18	389	12,724	
% of Total	29%	38%	15%	11%	3%	1%	0%	3%		

Table C: invalid applications

	Number of applications	% of Total
Application does not comply with formal requirements (s.41)	1,555	42%
Application is for excluded information of the agency (s.43)	78	2%
Application contravenes restraint order (s.110)	0	0%
Total number of invalid applications received	1,620	44%
Invalid applications that subsequently become valid applications	461	12%
Total	3,714	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	44	6%
Cabinet information	52	7%
Executive council information	6	1%
Contempt	13	2%
Legal professional privilege	256	37%
Excluded information	48	7%
Documents affecting law enforcement and public safety	47	7%
Transport safety	0	0%
Adoption	4	1%
Care and protection of children	229	33%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	699	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	1,052	15%
Law enforcement and security	976	13%
Individual rights, judicial processes and natural justice	4,452	62%
Business interests of agencies and other persons	549	8%
Environment, culture, economy and general matters	5	0%
Secrecy provisions	201	3%
Exempt documents under interstate Freedom of Information legislation	3	0%
Total	7,238	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	10,642	82%
Decided after 35 days (by agreement with applicant)	355	3%
Not decided within time (deemed refusal)	2,039	16%
Total	13,036	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	363	88	451	71%
Review by Information Commissioner	56	59	115	18%
Internal review following recommendation under section 93 of Act	15	5	20	3%
Review by ADT	31	14	45	7%
Total	465	166	631	
% of Total	74%	26%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	571	94%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	36	6%
Total	607	

Appendix 4

Financial Year 2012 – 2013 Total aggregation of all sectors

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	149	129

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	17,542

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	247	461	708
% of Total	35%	65%	

Table A: Number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	166	85	52	51	9	10	8	37	418	3%
Members of Parliament	61	45	13	27	4	11	7	12	180	1%
Private sector business	1,803	855	123	152	15	15	11	76	3,050	21%
Not for profit organisations or community groups	615	1,665	472	58	6	22	3	57	2,898	20%
Members of the public (application by legal representative)	809	1,537	100	365	27	35	31	177	3,081	21%
Members of the public (other)	1,923	1,996	373	238	47	89	34	241	4,941	34%
Total	5,377	6,183	1,133	891	108	182	94	600	14,568	
% of Total	37%	42%	8%	6%	1%	1%	1%	4%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	1,846	4,066	785	119	18	32	52	150	7,068	45%
Access application (other than personal information applications)	3,899	1,483	449	536	79	119	40	295	6,900	44%
Access applications that are partly personal information applications and partly other	309	818	41	235	11	11	5	149	1,579	10%
Total	6,054	6,367	1,275	890	108	162	97	594	15,547	
% of Total	39%	41%	8%	6%	1%	1%	1%	4%		

Table C: invalid applications

	Number of applications	% of Total
Application does not comply with formal requirements (s.41)	1,341	40%
Application is for excluded information of the agency (s.43)	90	3%
Application contravenes restraint order (s.110)	9	0%
Total number of invalid applications received	1,416	42%
Invalid applications that subsequently become valid applications	535	16%
Total	3,391	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	44	5%
Cabinet information	45	5%
Executive council information	8	1%
Contempt	27	3%
Legal professional privilege	250	30%
Excluded information	165	20%
Documents affecting law enforcement and public safety	29	4%
Transport safety	1	0%
Adoption	1	0%
Care and protection of children	250	30%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	820	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	1,008	12%
Law enforcement and security	617	8%
Individual rights, judicial processes and natural justice	6,190	75%
Business interests of agencies and other persons	351	4%
Environment, culture, economy and general matters	8	0%
Secrecy provisions	31	0%
Exempt documents under interstate Freedom of Information legislation	2	0%
Total	8,207	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	13,475	85%
Decided after 35 days (by agreement with applicant)	397	2%
Not decided within time (deemed refusal)	2,024	13%
Total	15,896	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	319	98	417	77%
Review by Information Commissioner	23	37	60	11%
Internal review following recommendation under section 93 of Act	24	6	30	6%
Review by ADT	14	22	36	7%
Total	380	163	543	
% of Total	70%	30%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	486	92%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	45	8%
Total	531	

Appendix 5

Financial Years 2010 – 2013

Total aggregation of Government sector

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	148	123

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	41,482

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	1,246	1,932	3,178
% of Total	39%	61%	

Table A: number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	434	222	168	131	24	50	8	95	1,132	4%
Members of Parliament	335	198	89	86	32	85	29	59	913	3%
Private sector business	3,848	1,906	496	460	35	80	21	170	7,016	24%
Not for profit organisations or community groups	889	1,847	654	211	8	137	78	136	3,960	14%
Members of the public (application by legal representative)	1,725	3,717	771	1,100	125	195	137	354	8,124	28%
Members of the public (other)	2,472	3,477	586	669	167	155	82	370	7,978	27%
Total	9,703	11,367	2,764	2,657	391	702	355	1,184	29,123	
% of Total	33%	39%	9%	9%	1%	2%	1%	4%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	3,460	8,609	2,323	1,081	278	93	67	365	16,276	43%
Access application (other than personal information applications)	7,025	3,673	1,374	1,445	165	291	38	515	14,526	38%
Access applications that are partly personal information applications and partly other	653	3,961	1,383	621	77	18	8	210	6,931	18%
Total	11,138	16,243	5,080	3,147	520	402	113	1,090	37,733	
% of Total	30%	43%	13%	8%	1%	1%	0%	3%		

Table C: invalid applications

	Number of applications	% of Total
Application does not comply with formal requirements (s.41)	4,598	43%
Application is for excluded information of the agency (s.43)	210	2%
Application contravenes restraint order (s.110)	9	0%
Total number of invalid applications received	4,779	44%
Invalid applications that subsequently become valid applications	1,187	11%
Total	10,783	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	345	15%
Cabinet information	193	8%
Executive council information	13	1%
Contempt	39	2%
Legal professional privilege	589	26%
Excluded information	220	10%
Documents affecting law enforcement and public safety	123	5%
Transport safety	1	0%
Adoption	5	0%
Care and protection of children	751	33%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	1	0%
Total	2,280	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	3,296	12%
Law enforcement and security	4,683	17%
Individual rights, judicial processes and natural justice	18,085	65%
Business interests of agencies and other persons	1,174	4%
Environment, culture, economy and general matters	19	0%
Secrecy provisions	536	2%
Exempt documents under interstate Freedom of Information legislation	7	0%
Total	27,800	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	33,968	86%
Decided after 35 days (by agreement with applicant)	1,035	3%
Not decided within time (deemed refusal)	4,684	12%
Total	39,687	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	716	281	997	77%
Review by Information Commissioner	79	106	185	14%
Internal review following recommendation under section 93 of Act	30	8	38	3%
Review by ADT	38	29	67	5%
Total	863	424	1,287	
% of Total	67%	33%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	1,292	94%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	79	6%
Total	1,371	

Appendix 6

Financial Years 2010 – 2013

Total aggregation of Council sector

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	209	191

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	8,614

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	9	27	36
% of Total	33%	100%	

Table A: number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	60	20	9	10	3	4	0	4	110	2%
Members of Parliament	6	10	1	1	0	1	0	0	19	0%
Private sector business	655	116	9	35	30	3	1	37	886	13%
Not for profit organisations or community groups	44	17	7	2	0	4	0	2	76	1%
Members of the public (application by legal representative)	755	268	20	72	24	16	3	62	1,220	17%
Members of the public (other)	3,346	741	161	165	85	66	5	168	4,737	67%
Total	4,866	1,172	207	285	142	94	9	273	7,048	
% of Total	69%	17%	3%	4%	2%	1%	0%	4%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	279	173	27	29	8	7	1	19	543	8%
Access application (other than personal information applications)	4,030	817	167	234	117	68	10	228	5,671	81%
Access applications that are partly personal information applications and partly other	537	152	29	14	3	7	2	17	761	11%
Total	4,846	1,142	223	277	128	82	13	264	6,975	
% of Total	69%	16%	3%	4%	2%	1%	0%	4%		

Table C: invalid applications

	Number of applications	% of Total
Application does not comply with formal requirements (s.41)	219	42%
Application is for excluded information of the agency (s.43)	5	1%
Application contravenes restraint order (s.110)	0	0%
Total number of invalid applications received	213	41%
Invalid applications that subsequently become valid applications	85	16%
Total	522	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	0	0%
Cabinet information	0	0%
Executive council information	2	1%
Contempt	0	0%
Legal professional privilege	187	84%
Excluded information	18	8%
Documents affecting law enforcement and public safety	15	7%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	222	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	147	11%
Law enforcement and security	170	12%
Individual rights, judicial processes and natural justice	883	63%
Business interests of agencies and other persons	177	13%
Environment, culture, economy and general matters	5	0%
Secrecy provisions	14	1%
Exempt documents under interstate Freedom of Information legislation	0	0%
Total	1,396	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	6,360	95%
Decided after 35 days (by agreement with applicant)	172	3%
Not decided within time (deemed refusal)	198	3%
Total	6,730	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	19	41	60	42%
Review by Information Commissioner	22	26	48	34%
Internal review following recommendation under section 93 of Act	10	3	13	9%
Review by ADT	9	12	21	15%
Total	60	82	142	
% of Total	42%	58%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	91	84%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	17	16%
Total	108	

Appendix 7

Financial Years 2010 – 2013

Total aggregation of Ministerial sector

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	N/A	N/A

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	N/A

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	N/A	N/A	N/A
% of Total	N/A	N/A	

Table A: number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	2	3	0	6	1	0	0	1	13	19%
Members of Parliament	7	5	3	8	0	2	0	2	27	39%
Private sector business	0	2	0	1	0	0	0	0	3	4%
Not for profit organisations or community groups	1	5	1	4	0	0	0	2	13	19%
Members of the public (application by legal representative)	0	0	1	1	0	0	0	0	2	3%
Members of the public (other)	1	2	1	6	0	0	1	0	11	16%
Total	11	17	6	26	1	2	1	5	69	
% of Total	16%	25%	9%	38%	1%	3%	1%	7%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	0	1	0	4	0	1	0	0	6	9%
Access application (other than personal information applications)	11	12	5	19	1	2	0	5	55	83%
Access applications that are partly personal information applications and partly other	0	2	1	2	0	0	0	0	5	8%
Total	11	15	6	25	1	3	0	5	66	
% of Total	17%	23%	9%	38%	2%	5%	0%	8%		

Table C: invalid applications

	Number of applications	% of Total
Application does not comply with formal requirements (s.41)	10	50%
Application is for excluded information of the agency (s.43)	0	0%
Application contravenes restraint order (s.110)	0	0%
Total number of invalid applications received	9	45%
Invalid applications that subsequently become valid applications	1	5%
Total	20	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	0	0%
Cabinet information	3	0%
Executive council information	0	0%
Contempt	3	0%
Legal professional privilege	5	0%
Excluded information	0	0%
Documents affecting law enforcement and public safety	0	0%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	11	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	4	22%
Law enforcement and security	1	6%
Individual rights, judicial processes and natural justice	6	33%
Business interests of agencies and other persons	7	39%
Environment, culture, economy and general matters	0	0%
Secrecy provisions	0	0%
Exempt documents under interstate Freedom of Information legislation	0	0%
Total	18	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	48	73%
Decided after 35 days (by agreement with applicant)	6	9%
Not decided within time (deemed refusal)	12	18%
Total	66	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	0	0	0	0%
Review by Information Commissioner	0	0	0	0%
Internal review following recommendation under section 93 of Act	0	0	0	0%
Review by ADT	0	1	1	0%
Total	0	1	1	
% of Total	0%	0%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	2	0%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	0	0%
Total	2	

Appendix 8

Financial Years 2010 – 2013

Total aggregation of University sector

Clause 7(a): details of the review carried out by the agency under section 7 (3) of the Act during the reporting year and the details of any information made publicly available by the agency as a result of the review

	Reviews carried out by the agency	Information made publicly available by the agency
7(a)	26	13

Clause 7(b): the total number of access applications received by the agency during the reporting year (including withdrawn applications but not including invalid applications)

	Total number of applications received
7(b)	222

Clause 7(c): the total number of access applications received by the agency during the reporting year that the agency refused, either wholly or partly, because the application was for the disclosure of information referred to in Schedule 1 to the Act (information for which there is conclusive presumption of overriding public interest against disclosure)

Total number of applications refused	Wholly	Partly	Total
	0	3	3
% of Total	0%	100%	

Table A: number of applications by type of applicant and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Media	12	7	0	2	1	0	0	1	23	5%
Members of Parliament	4	1	4	1	4	7	2	0	23	5%
Private sector business	0	0	0	0	1	0	0	0	1	0%
Not for profit organisations or community groups	5	13	31	8	2	0	0	1	60	14%
Members of the public (application by legal representative)	63	7	2	2	1	0	0	0	75	17%
Members of the public (other)	121	51	38	22	5	11	1	7	256	58%
Total	205	79	75	35	14	18	3	9	438	
% of Total	47%	18%	17%	8%	3%	4%	1%	2%		

Table B: number of applications by type of application and outcome

	Access granted in full	Access granted in part	Access refused in full	Information not held	Information already available	Refuse to deal with application	Refuse to confirm or deny whether information is held	Application withdrawn	Total	% of Total
Personal information applications	158	24	11	6	0	6	0	4	209	48%
Access application (other than personal information applications)	47	47	61	26	10	11	3	2	207	47%
Access applications that are partly personal information applications and partly other	3	8	2	4	1	4	0	2	24	5%
Total	208	79	74	36	11	21	3	8	440	
% of Total	47%	18%	17%	8%	3%	5%	1%	2%		

Table C: invalid applications

	Number of applications	% of Total
Application does not comply with formal requirements (s.41)	27	39%
Application is for excluded information of the agency (s.43)	1	1%
Application contravenes restraint order (s.110)	0	0%
Total number of invalid applications received	27	39%
Invalid applications that subsequently become valid applications	14	20%
Total	69	

Table D: conclusive presumption of overriding public interest against disclosure: matters listed in Schedule 1 to Act

	Number of times consideration used	% of Total
Overriding secrecy laws	3	13%
Cabinet information	0	0%
Executive council information	0	0%
Contempt	0	0%
Legal professional privilege	21	88%
Excluded information	0	0%
Documents affecting law enforcement and public safety	0	0%
Transport safety	0	0%
Adoption	0	0%
Care and protection of children	0	0%
Ministerial code of conduct	0	0%
Aboriginal and environmental heritage	0	0%
Total	24	

Table E: other public interest considerations against disclosure: matters listed in table to section 14 of Act

	Number of occasions when application not successful	% of Total
Responsible and effective government	61	32%
Law enforcement and security	5	3%
Individual rights, judicial processes and natural justice	76	40%
Business interests of agencies and other persons	49	26%
Environment, culture, economy and general matters	1	1%
Secrecy provisions	0	0%
Exempt documents under interstate Freedom of Information legislation	0	0%
Total	192	

Table F: timeliness

	Number of applications	% of Total
Decided within the statutory time frame (20 days plus any extensions)	167	81%
Decided after 35 days (by agreement with applicant)	19	9%
Not decided within time (deemed refusal)	20	10%
Total	206	

Table G: number of applications reviewed under Part 5 of the Act (by type of review and outcome)

	Decision varied	Decision upheld	Total	% of Total
Internal review	6	16	22	48%
Review by Information Commissioner	5	8	13	28%
Internal review following recommendation under section 93 of Act	8	2	10	22%
Review by ADT	1	0	1	2%
Total	20	26	46	
% of Total	43%	57%		

Table H: applications for review under Part 5 of the Act (by type of applicant)

	Number of applications	% of Total
Applications by access applicants	25	64%
Applications by persons to whom information the subject of access application relates (see section 54 of the Act)	14	36%
Total	39	



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