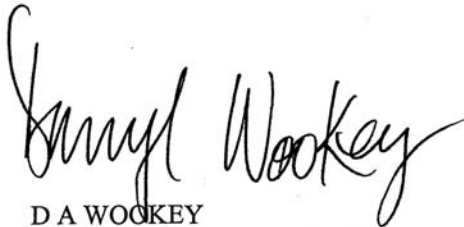


PERFORMANCE INDICATORS

OFFICE OF THE INFORMATION COMMISSIONER

CERTIFICATION OF PERFORMANCE INDICATORS

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Office of the Information Commissioner and fairly represent the performance of the Office of the Information Commissioner for the financial year ended 30 June 2005.



D A WOCKEY
A/INFORMATION COMMISSIONER

15th August 2005

PERFORMANCE INDICATORS 2004/2005

DESIRED OUTCOME

Access to documents and observance of processes in accordance with the *Freedom of Information Act 1992* ('the FOI Act').

DESCRIPTION

Under the FOI Act, the main function of the Information Commissioner is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The Information Commissioner's other responsibilities under the FOI Act include:

- ensuring that agencies are aware of their responsibilities under the FOI Act;
- ensuring members of the public are aware of the FOI Act and their rights under it;
- providing assistance to members of the public and agencies on matters relevant to the FOI Act; and
- recommending to Parliament legislative or administrative changes that could be made to help the objects of the FOI Act be achieved.

The Office of the Information Commissioner ('the Office'), which is made up of the Information Commissioner and the staff appointed to assist the Information Commissioner under delegated authority, undertakes these functions with two outputs.

Output 1: Resolution of Complaints.

Output 2: Advice and Awareness.

The intent of the FOI Act is to ensure that proceedings on external review are conducted with as little formality and technicality as the requirements of the FOI Act and proper consideration of the matters before the Information Commissioner permit. Therefore, when dealing with complaints, the policy of the Office is to ensure that wherever possible the conduct of proceedings are not unduly legalistic or formal. Accordingly, the preferred method of resolving complaints is by negotiating a conciliated outcome between the parties. However, where a conciliated outcome cannot reasonably be achieved, the Information Commissioner is required to make a determination by publishing a written decision with reasons.

Officers delivering the Advice and Awareness output also emphasise the spirit of the FOI Act when delivering advisory services. Wherever possible, agencies are either encouraged to release information outside the FOI process where it is reasonable to do so or, where necessary, to follow the correct processes for dealing with an access application or application for amendment of personal information under the FOI Act. Policy development within agencies is encouraged so that the impact of the obligations placed on agencies by the FOI Act on the day-to-day operations of those agencies is minimised. Many potential disputes are also resolved informally with assistance from the Office.

The Performance Indicators ('the PIs') of the Office detailed below have been designed to reflect the satisfaction of parties who utilise the services of the Office, show the extent to which conciliation is achieved and measure efficiency by relating workload to costs. There are three Effectiveness PIs and two Efficiency PIs, which are summarised below:

Effectiveness performance indicators

1. Satisfaction of parties with external review process.
2. Satisfaction of agencies with advice and guidance provided.
3. The extent to which complaints were resolved by conciliation.

Efficiency performance indicators

4. Average cost of external reviews finalised
5. Average cost of advisory services delivered per recipient

REVIEW

In the Foreword to 2004 Annual Report it was stated that “[a]fter the first decade of operation of the legislation and the office, I consider it timely to review the measures by which we assess our performance and the recording and reporting of our work. I propose to do that in the forthcoming year. For consistency with previous reporting, this year I have reported on complaints received and dealt with by my office, classified as they have been in recent years. In the future I would propose to review the classification of some matters and report in more detail as to the nature of the matters received and dealt with.”

Having completed a review of the PIs, it has been decided to retain all five PIs. However, it has been decided to change the method of calculation for each of the two Efficiency PIs so that the average cost for each output more accurately reflects the current operations of each output in the Office. It has also been decided to change the method of calculating the third of the Effectiveness PIs, which relates to the conciliation rate of complaints. The calculation method for each of those PIs is consistent with the comments in last year’s Annual Report, as cited above.

As 2005 will be the transition year for the reporting of the PIs, the three PIs the subject of a revised calculation method will be reported on using both the new and the old calculation methods. From next year figures arrived at by using the old calculation method will no longer be reported.

The amendments to the PIs were effected with advice from, and in consultation with, the Office of the Auditor General. I have also taken into consideration the provisions of Amended Treasury Instruction 904 when undertaking the review of the PIs.

1. EFFECTIVENESS PERFORMANCE INDICATORS

1.1 Satisfaction of parties with external review process

	2001	2002	2003	2004	2005
Target	87%	90%	90%	90%	90%
Outcome	92%	86%	85%	86%	86%

The above indicator shows the level of satisfaction with the external review process by the parties to each of the complaints finalised during the year.

A Post Review Questionnaire (PRQ) is sent to the parties to an external review to seek their views on whether there was an independent, objective and fair hearing with an emphasis on user-friendly processes which met their needs. Three key questions are asked:

1. Were you satisfied with the external review process?
2. Do you consider that you were kept adequately informed regarding the progress of your case?
3. Was the officer assigned to your case professional in his or her dealings with you?

A PRQ was sent to each of 171 parties who participated in an external review process following finalisation of the review process. Of the 171 PRQs sent, 98 participants (57%) responded by returning a completed PRQ. 58 responses were received from agencies and 40 were received from complainants. This represents a standard error of 6.47% at the 95% confidence level.

The outcome of answers to question 1 above is used to calculate this indicator. The answers to questions 2 and 3 are also used by the Office, but for internal performance management of complaints officers. Information in response to all three questions is taken into account when reviewing external review procedures.

Of the 98 respondees, 84 (86%) answered 'yes' to question 1 and confirmed that they were satisfied with the external review process.

1.2 Satisfaction of agencies with advice and guidance provided

	2001	2002	2003	2004	2005
Target	98%	98%	(a)	98%	(a)
Outcome	(a)	98.5%	(a)	100%	(a)

The Advice and Awareness section of the Office provides a range of advisory services. Those services are provided indirectly through published information material and the internet website of the Office. Advice is also given in person by telephone, email, counter inquiries and through group training presentations and briefings.

(a) *Until 2000, surveys of agencies were undertaken annually. At that time the results indicated a consistently high level of satisfaction. Therefore, in order to reduce the burden on agencies the survey has since been conducted biennially. In 2004 the survey was sent to 284 agencies and 170 (60%) responded. This represents a standard error of 4.76% at the 95% confidence level. A survey was not conducted this year.*

Note: A survey of all designated FOI Contact Officers at agencies will be conducted at the end of 2005/06 and the practice of biennial surveys will be reviewed. Depending on the outcome of that review, the survey may again be conducted on an annual basis thereafter.

1.3 The extent to which complaints were resolved by conciliation

The external review model adopted by the Office emphasizes informal resolution processes such as negotiation and conciliation, wherever possible. If a complaint cannot be resolved by conciliation between the parties to the complaint, the Information Commissioner is required to make a decision.

The PI set out in 1.3 is designed to represent the success rate of the preferred resolution method. Therefore, the PI shows, as a percentage, those complaints finalized by conciliation as opposed to those complaints that required a decision by the Information Commissioner.

In the past, this PI was calculated by identifying all complaints where the outcome was recorded as

PERFORMANCE INDICATORS continued

conciliated – adding all informal matters resolved – then dividing by the total number of matters (of all types) resolved.

It has been decided that this method of calculating the PI does not accurately reflect the current operations of the Office. Therefore, it is proposed to only show the conciliation rate of “complaints” and exclude other matters dealt with by the Office from the calculation of the PI.

New Calculation method

	2005				
Target	n/a				
Outcome	66%				

In total, 249 matters of all types were finalised by the Office in 2004/05. However, of those 249 matters, only 96 of those matters were complaints, as defined in s.65 of the FOI Act. 63 of the 96 complaints resolved in 2004/05 were resolved by conciliation. That is, as a result of the negotiations conducted by the Office the parties agreed that no issues remained in dispute that required a decision by the Information Commissioner. This method will be used again next year and a comparison to this year will be reported.

Old Calculation method

	2001	2002	2003	2004	2005
Target	70%	70%	70%	70%	65%
Outcome	61%	60%	61.5%	71.7%	78%

Using the old method, this PI would have been calculated by dividing the number of all matters resolved by the office in 2004/05, where a determination was not made (194) as a percentage of all matters resolved (249). This method will no longer be used.

2. EFFICIENCY PERFORMANCE INDICATORS

The Office operates with 10 FTE’s to deliver services under the two main functions described in the FOI Act. As the primary function of the Office is to deal with complaints received under the FOI Act, approximately 70% of the Office resources are allocated to the complaint resolution (external review) function. The other main function of the Office is to provide advisory services to agencies and to the public. About 30% of the Office resources are allocated to the delivery of advice and awareness services.

Output 1 – Resolution of Complaints
Average cost of external reviews finalised

New Calculation method

Included in calculating this PI are only those matters dealt with by the Resolution of Complaints section of the Office in 2004/05 which were technically formal “complaints” (see s.65 of the FOI Act) and applications that required a determination under the FOI Act rather than general complaints or requests for assistance. In previous years, all matters that were dealt with by the Office, including matters that were not technically “complaints”, were also included as part of the total output. General

requests for assistance or the intervention of the Office, including misdirected applications, will now be reported on as part of the output of the Advice and Awareness Services. Most of those kinds of matters are dealt with by officers in the Advice and Awareness section of the Office. By including only those matters that are technically complaints and applications that may require a determination and excluding those other matters dealt with by the Office, the unit cost per matter dealt with by the Office under the Resolution of Complaints output will necessarily increase.

	2005				
Budget	n/a				
Actual	\$5413				

The above table reflects the costs incurred in resolving complaints and applications (eg. To lodge a complaint out of time; permission not to consult; etc.) that may require a determination. It is calculated by dividing the number of complaints and applications resolved by the office in 2004/05 (155) into the net accrual cost for the Resolution of Complaints output (\$838,940 - as advised by DOJ). This method will be used again next year and a comparison to this year will be reported.

	2001	2002	2003	2004	2005
Budget	\$3552	\$4779	\$4642	\$4325	\$4360
Actual	\$5321	\$4206	\$4645	\$4812	\$3369

Using the old method, this PI would have been calculated by dividing the number of all matters resolved by the Office in 2004/05 (249) into the net accrual cost for the Resolution of Complaints output (\$838,940 - as advised by DoJ). This method will no longer be used.

Variations in the actual and budget average cost are due primarily to fluctuations in the number of matters received and resolved in particular financial years.

Output 2 – Advice and Awareness Services
Average cost of advisory services delivered per recipient

New Calculation method

In previous years, the total output cost for delivering the advice and awareness service of the Office was divided by the number of applications lodged at agencies (ie. not applications to, or matters dealt with by, the Office).

This year the output units will be a total of those recorded by the Office where direct advisory services were provided. Those units will consist of a total of all telephone calls attended, email advice given, counter inquiries attended, recipients of training and briefings and those other matters dealt with and previously reported as part of the resolution of complaints output.

	2005				
Budget	n/a				
Actual	\$184				

The table above reflects the average cost of providing advice and awareness services to recipients. It is calculated by dividing the total number of recipients of advice and awareness services by the Office in 2004/05 (2367) into the net accrual cost for the Advice and Awareness output (\$434,623 - as

PERFORMANCE INDICATORS continued

advised by DOJ). This method will be used again next year and a comparison to this year will be reported.

Old Calculation method

	2001	2002	2003	2004	2005
Budget	\$75	\$60	\$58	\$54	\$55
Actual	\$68	\$56	\$57	\$57	\$56

Using the old method, this PI would have been calculated by dividing the number of all applications received by agencies (7823) into the net accrual cost for the Advice and Awareness output (\$434,623 as advised by DOJ). This method will no longer be used.

**AUDITOR GENERAL****INDEPENDENT AUDIT OPINION****To the Parliament of Western Australia****OFFICE OF THE INFORMATION COMMISSIONER
PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2005****Audit Opinion**

In my opinion, the key effectiveness and efficiency performance indicators of the Office of the Information Commissioner are relevant and appropriate to help users assess the Office's performance and fairly represent the indicated performance for the year ended 30 June 2005.

Scope***The Information Commissioner's Role***

The Information Commissioner is responsible for developing and maintaining proper records and systems for preparing performance indicators.

The performance indicators consist of key indicators of effectiveness and efficiency.

Summary of my Role

As required by the Financial Administration and Audit Act 1985, I have independently audited the performance indicators to express an opinion on them. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the performance indicators is error free, nor does it examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the performance indicators.

A handwritten signature in black ink, appearing to read 'D D R Pearson'.

D D R PEARSON
AUDITOR GENERAL
30 September 2005

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