


PERFORMANCE INDICATORS

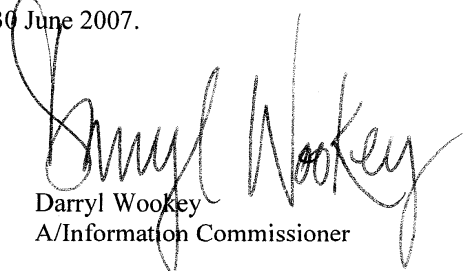
Performance Indicator Certification

We 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 2007.



Tony Pruyn
Senior Investigations Officer

20 September 2007



Darryl Wookey
A/Information Commissioner

20 September 2007

PERFORMANCE INDICATORS 2006/2007

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 to be achieved.

The Office of the Information Commissioner ('the Office') is made up of the Information Commissioner and the staff appointed to assist the Information Commissioner to discharge those functions and responsibilities under delegated authority. These functions take the form of 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 Information Commissioner is to ensure that wherever possible the conduct of external review proceedings is 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 making and 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 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 an application for amendment of personal information under the FOI Act. Policy development within agencies which establishes routine information disclosure 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 and TRANSITION

In the 2005 Annual Report it was stated that:

“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...”

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.”

In light of the above, PIs 1.1 and 1.2 will be unaffected by the review completed in 2005 and, therefore, each of those PIs will have a five-year comparative table, whereas the method of calculating PIs 1.3, 2.1 and 2.2 changed in 2005 and, therefore, each of those PIs has only the new base year of 2005 to compare against.

1. EFFECTIVENESS PERFORMANCE INDICATORS

	2003	2004	2005	2006	2007
Target	90%	90%	90%	86%	80%
Outcome	85%	86%	86%	85%	75%

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 process 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 183 parties who participated in an external review process following finalisation of the review process. Of the 183 PRQs sent, 137 participants (74.9%) responded by returning a completed PRQ. 76 responses were received from agencies; 59 were received from complainants; and 2 were received from third parties. This represents a standard error of 4.2% 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 137 responders, 103 (75%) 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

	2003	2004	2005	2006	2007
Target	(a)	98%	(a)		
Outcome	(a)	100%	(a)	98%	97%

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

A survey was sent to each of 291 State and local government agencies and Ministers. Of the 291 surveys sent, 275 agencies (94%) responded by returning a completed survey. This represents a standard error of 1.39% at the 95% confidence level.

Of the 275 respondent agencies, 195 confirmed receiving advice and guidance from this office.

Of those 195 agencies that received advice, 190 agencies (97%) expressed satisfaction with the advice and guidance provided to them by this office.

- (a) *Until 2000, surveys of agencies were undertaken annually. At that time the results indicated a consistently high level of satisfaction. In order to reduce the burden on agencies the survey was then conducted biennially. Therefore, a survey was not conducted in 2001, 2003 and 2005.*

Having reviewed the practice of biennial surveys in 2006, a survey is now conducted on an annual basis in conjunction with the annual statistical returns of agencies.

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.

PERFORMANCE INDICATORS continued

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.

	2005	2006	2007		
Target	n/a	70%	74%		
Outcome	66%	72%	74%		

In total, 418 matters of all types were finalised by the Office in 2006/07. However, of those 418 matters, only 95 were complaints, as defined in s.65 of the FOI Act. Of the 95 complaints resolved in 2006/07, 70 (74%) were resolved by conciliation. That is, as a result of negotiations conducted by the Office the parties agreed that no issues remained in dispute which required a decision by the Information Commissioner.

2. EFFICIENCY PERFORMANCE INDICATORS

The Office currently operates with 10 FTEs to deliver services under the two main functions prescribed by 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's 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's resources are allocated to the delivery of advice and awareness services.

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

Included in calculating this PI are only those matters dealt with by the Resolution of Complaints section of the Office in 2006/07 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 that are not technically "complaints". General requests for assistance or the intervention of the Office, including misdirected applications, are 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.

	2005	2006	2007		
Budget	n/a	\$4166	\$5548		
Actual	\$5413	\$5270	\$6456		

The table above 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 2006/07 (140) into the net accrual cost for the Resolution of Complaints output (\$903,788 - as advised by DoTAG).

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.

2.2 Output 2 – Advice and Awareness Services

Average cost of advisory services delivered per recipient

In calculating this PI the total output units delivered by the Advice and Awareness section of the Office in 2006/07 was used. The output units recorded by the Office relate to where direct advisory services were provided. Those units will consist of a total of all telephone calls attended, written advice given by email and letter, counter inquiries attended and recipients of training and briefings.

	2005	2006	2007		
Budget	n/a	\$55	\$120		
Actual	\$184	\$105	\$92		

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 provided by the Office in 2006/07 (2951) into the net accrual cost for the Advice and Awareness output (\$270,507 - as advised by DoTAG).

Note: The net accrual cost for 2005 was significantly higher than 2006 and 2007 because of a one-off redundancy payment made to a former senior officer.

In past financial years, the Independent Audit Opinion of the Auditor General has been provided in two separate certifications, one for the Performance Indicators and one for the Financial Statements. This year both certifications are again provided within the one document, a copy of which can be found on page 54.