



**Office of the
Information Commissioner**

Freedom of information for Western Australia

**ANNUAL REPORT
2014/2015**

13. Government Goal

Results-based service delivery

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

14. Desired outcome

Access to documents and observance of processes in accordance with the FOI Act.

15. Description

Under the FOI Act, the main function of the Commissioner is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The Commissioner's other responsibilities 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 OIC is made up of the Commissioner and the staff appointed by the Governor to assist the Commissioner to discharge those functions and responsibilities under delegated authority. These functions take the form of two outputs.

Service 1: Resolution of Complaints.

Service 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 a proper consideration of the matters before the Commissioner permit. Therefore, when dealing with complaints, the policy of the 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 Commissioner is required to make a determination and will either publish a written decision with reasons or decide to stop dealing with a matter which is lacking in substance under section 67 of the FOI Act.

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 outside formal FOI processes 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 OIC.

The Performance Indicators (**the PIs**) of the OIC detailed below have been designed to reflect the satisfaction of parties who utilise the services of the OIC, 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.

16. Effectiveness performance indicators

Satisfaction of parties with external review process

	2010	2011	2012	2013	2014	2015
Target	90%	85%	80%	80%	80%	80%
Outcome	84%	77%	81%	86%	85%	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 process with an emphasis on user-friendly processes which met their needs. Four key questions are asked:

- Were you satisfied with the outcome of the external review?
- Regardless of the outcome, were you satisfied with the manner in which the external review was conducted by the Office of the Information Commissioner?
- Do you consider that you were kept adequately informed regarding the progress of the external review?

KEY PERFORMANCE INDICATORS

- Was the officer assigned to the external review professional in his or her dealings with you?

A PRQ was sent to each of 272 parties who participated in an external review process following finalisation of the review process. 133 participants returned a completed PRQ. 102 responses were received from agencies and 31 were received from complainants.

The outcome of answers to question 2 above is used to calculate this indicator. The answers to questions 1, 3 and 4 are also used by the OIC, but for internal management purposes. Information in response to all four questions is taken into account when reviewing external review procedures.

Of the 133 respondents, 115 (86%) answered 'yes' to question 2 and confirmed that they were satisfied with the manner in which the external review was conducted by the Office of the Information Commissioner.

Satisfaction of agencies with advice and guidance provided

	2010	2011	2012	2013	2014	2015
Target	98%	98%	98%	98%	98%	98%
Outcome	98%	98%	98%	98%	98%	98%

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

A survey is conducted on an annual basis in conjunction with the annual statistical returns of agencies. The survey was sent to each of 294 State and local government agencies and Ministers. Of the 294 surveys sent, 286 agencies (97%) responded by returning a completed survey. Of the 286 respondent agencies, 218 (76%) confirmed receiving advice and guidance from this office.

Of those 218 agencies that received advice, 214 agencies (98%) expressed satisfaction with the advice and guidance provided to them by this office.

The extent to which complaints were resolved by conciliation

The external review model adopted by the OIC emphasises 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 Commissioner is required to make a formal determination.

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

	2010	2011	2012	2013	2014	2015
Target	65%	55%	60%	60%	60%	60%
Outcome	56%	61%	55%	68%	70%	54%

In total, 401 matters of all types were finalised by the OIC in 2014/15. However, of those 401 matters, only 160 were complaints, as defined in section 65 of the FOI Act. Of the 160 complaints resolved in 2014/15, 86 (54%) were resolved by conciliation. That is, as a result of inquiries conducted by the OIC, no issues remained in dispute which required a decision by the Commissioner.

Note: The variation in the actual outcome from the target and from the outcome for the previous year is primarily due to a greater emphasis on driving matters to a timely conclusion after initial conciliation efforts, rather than making further iterative attempts to resolve all remaining issues by conciliation. This resulted in fewer matters being resolved fully by conciliation.

17. Efficiency performance indicators

The OIC currently operates with 12 FTEs to deliver services under the two main functions prescribed by the FOI Act. As the primary function of the OIC is to deal with complaints received under the FOI Act, approximately 68% of the OIC’s resources are allocated to the complaint resolution (external review) function. The other main function of the OIC is to provide advisory services to agencies and to the public. About 32% of the OIC’s resources are allocated to the delivery of advice and awareness services.

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 OIC in 2014/15 which were technically formal ‘complaints’ (see section 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’ as per the FOI Act. General requests for assistance or for the intervention of the OIC, 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 OIC.

KEY PERFORMANCE INDICATORS

	2010	2011	2012	2013	2014	2015
Budget	\$6,875	\$8,752	\$8,156	\$7,455	\$8,067	\$7,946
Actual	\$7,426	\$8,429	\$8,359	\$9,909	\$8,094	\$8,021

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 OIC in 2014/15 (198) into the 'cost of services' for the Resolution of Complaints output.

Note: The variation in the actual average cost is primarily due to the fluctuations in the number and complexity of matters received and resolved each financial year.

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 OIC in 2014/15 was used. The output units recorded by the OIC 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.

	2010	2011	2012	2013	2014	2015
Budget	\$233	\$184	\$196	\$208	\$240	\$312
Actual	\$176	\$150	\$196	\$294	\$236	\$228

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 OIC in 2014/15 (3275) into 'cost of services' for the Advice and Awareness output.

Note: The variation in the actual average cost is primarily due to the unexpected increase in the number of recipients of advisory services in the last part of the financial year after the budget estimate was calculated.