

CITY OF ALBANY — FREEDOM OF INFORMATION REQUEST

640. Hon SALLY TALBOT to the Attorney General:

I refer to the complaint made to the Information Commissioner by the former chief executive officer of the City of Albany, Ms Faileen James, that the City of Albany has failed to respond to her freedom of information request lodged over 12 months ago.

- (1) What is the reason for this extraordinary delay in getting a response from the City of Albany to Ms James' FOI request?
- (2) When will Ms James get a response to her request?
- (3) What action will the Attorney General take against the City of Albany if it is found to have failed to comply with its obligations under the Freedom of Information Act?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for some notice of this question.

It is not the usual practice of the Information Commissioner to publicly disclose details of matters while they are before him on review. Please also note that the commissioner operates independently of executive government. However, given the commissioner's understanding that the question was asked with the authority of Ms James, the commissioner advises as follows —

- (1) The City of Albany issued a decision in response to Ms James' FOI request on 27 September 2012. Ms James applied to the city for internal review of that decision on 5 October 2012. The city issued a notice of decision on internal review on 2 November 2012 and gave Ms James access to certain documents. Ms James applied to the commissioner for external review of the city's decision on 17 November 2012.
- (2) The matter is currently before the commissioner on external review. On 17 April 2013, the Office of the Information Commissioner provided Ms James and the city with an informal preliminary view of the issues in dispute. As a result, the city disclosed further documents to Ms James. Following further submissions from the parties, the commissioner provided a formal preliminary view to the parties on 13 August this year. He is currently undertaking further inquiries in response to the parties' submissions to his preliminary view.
- (3) This is a matter for the commissioner, who operates independently of executive government. It would be inappropriate of me to comment further while the matter is still before him on review. Should the matter need to be resolved by the commissioner's formal determination, this will be published on the commissioner's website.