

DEPARTMENT OF THE PREMIER AND CABINET — FREEDOM OF INFORMATION UNIT

1400. Hon Rick Mazza to the Leader of the House representing the Premier:

I refer to the Department of Premier and Cabinet's (DPC) Freedom of Information Unit, and I ask:

- (a) are applicants under the Freedom of Information (FOI) Act advised that their application will be "dealt with as soon as practicable and within the time specified in the FOI Act (45 days after a valid application is received)";
- (b) are there instances where applications have not been processed by more than twenty five days past the specified forty five days and, if so, how many applications are outstanding by:
  - (i) twenty five days;
  - (ii) thirty five days; and
  - (iii) forty five days or more;
- (c) which Government Ministerial offices have applications that are overdue by:
  - (i) twenty five days;
  - (ii) thirty five days; and
  - (iii) forty five days or more; and
- (d) are there instances where the DPC FOI Unit is unable to provide any estimation of when overdue applications might be finalised and how many?

**Hon Sue Ellery replied:**

- (a) All applicants are advised of the FOI application's due date in the acknowledgement letter sent after the receipt of each FOI application.
- (b)–(c) In accordance with Section 13(3) of the FOI Act, the permitted period is 45 days after the access application is received, or such other period as is agreed between the agency and the applicant, or allowed by the Information Commissioner.

The statistical returns of all agencies for the 2017/18 financial year were required to be produced to the Information Commissioner by close of business on Friday 20 July 2018. The Information Commissioner is now required to submit a report to the Parliament of Western Australia on the operation of the FOI Act as soon as practicable.

The statistics for the 2017/18 financial year that have been provided to the Information Commissioner by the Department of the Premier and Cabinet for the Department and each ministerial office include the number of FOI applications received and the number of applications not completed within the permitted period.

- (d) Applications are often subject to processes that are outside the control of the Department, including when unusually large numbers of applications are received or consultations with third parties are required, therefore it is not always possible to provide exact dates as to the finalisation of applications.