

Submission to FOI Independent Review Panel

Ref: "Enhancing Open and Accountable
Government" Discussion Paper

Response by the University of the Sunshine Coast

Director Information Services
7 March 2008

6.2 Open and Shut and 8.1 Public Sector Culture

Refer discussion paper extract *“the default setting when any document is created by agencies is that it be regarded as “confidential”. Is that still appropriate?”*

This is not the default approach of The University of the Sunshine Coast when administering the FOI Act. The approach is that all documents can be accessed by the public unless there are valid reasons not to provide such access.

6.2.6 Publication Schemes

The current requirement that Statement of Affairs must be updated at least annually is reasonable.

6.3.1 Document

Document or Record?

Limiting access to “records” could restrict a person’s right to access information. Limiting access to items held in the records management system could be counter productive and lead to internal departments keeping fewer records under the Public Records Act, not more.

Emails

Strict interpretation of “document” requires production of emails from both the sender and the recipient for what is quite often the same content and a string of duplicated communications. This increases costs and time in processing and duplicates the applicant’s access to information without enhancing it. A single printout of the complete email conversation should suffice for FOI purposes.

7.1 Public Interest Tests

Changes to how the public interest test is currently applied are not recommended, however formal guidelines and clarification of what is “in the public interest” would be beneficial.

7.4, 7.5 and 7.6 Exemptions

Clearer and more specific and detailed definitions within the FOI Act for exemptions (including a list of items that are not exempt) would be welcome in these areas:

- *“Personal Affairs”* (especially documents relating to employee work performance and use of government assets, e.g. mobile phones or vehicles)
- *“Commercial in Confidence”*
- *“Operations of Agencies”*
- *“Communicated in Confidence”*
- *“Matter affecting financial or property interests”*

8.2.3 Disseminating Information, plus FOI

As the University has a low volume of applications, a “push model” would result in a greater workload than responding to individual applications.

8.7.1 Internal Review Process

The University considers the current Internal Review provisions are adequate and work well for applicants, particularly given that the applicant has further rights of review. The University would not support an imposition of fees on applicants seeking internal review, or if imposed recommends provision for waiver of fees by the University.

8.7.2 External Review

The University sees the current arrangement as satisfactory. External review by a tribunal could result in an adversarial approach and become an expensive process requiring additional University resources.

The University supports any independent FOI monitoring system and recommends the Government introduce FOI administrator training program delivery into regional areas.

9.1 Fees and Charges

The costs to the University to search, examine and make decisions on FOI applications greatly exceeds the charges provided for in the FOI regulations. Whilst the University does not recommend increasing the charges, neither does it wish to see the charges removed as they do act as a deterrent to uncommitted, nuisance making or vexatious applicants.

9.2 Time Limits

Given the complex nature and volume of documentation and number of individual internal departments, the University is not supportive of reducing time limits, and recommends the day count should be changed from calendar days to working days to allow adequate processing over public holiday periods.

Chapter 10 - s.108 Reports

The University has no issues with the annual collection of data for the s.108 report but notes that the University general report default is Calendar Year not Financial Year.