



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Ms Chiaka Barry MLA

Addressed to: Michael Pettersson MLA

Redirected to: Yvette Berry MLA

Reference: Freedom of information requests/Community Services Directorate

Hearing: 18 February 2025

In relation to: Freedom of information requests

Question received: 18 February 2025

Answer Due: 25 February 2025

I note the ACT Ombudsmans – FOI report (page 19) advises that CSD was the only ACT Directorate that did not report the average processing times for FOI requests, despite significant additional funds being provided in the last budget?

1. What was the average processing time for FOI requests by CSD in 2023/24?
2. Will you commit to publishing this data for 2024/25?
3. Why is it that CSD is consistently the slowest Directorate to respond to FOI requests, despite receiving additional funds to progress these requests?
4. Why is it that CSD had to make 18 requests to the Ombudsman for extensions of time to respond to an FOI request (noting that only two such requests were made by all other Directorates combined)? (p20)
5. Why is it that CSD was responsible for 70% (7 of 10) of all decisions to refuse to deal with an FOI request (under s43 of the FOI Act)? (p23)
6. Noting the importance of vulnerable clients getting access to their data, why is it that you continue to force clients to use FOI processes to access their own personal information? Surely clients have a right to see information that CSD holds about them?

Yvette Berry MLA: The answer to the Member's questions are as follows:

1. The Community Services Directorate (CSD) receives the largest (in size), and most complex applications under the *Freedom of Information Act 2016* (FOI Act) of any ACT Government agency.

Many of the applications received by CSD are from members of the community seeking to access their own, or a family member's, client files about engagement with the Child Protection and Youth Justice systems. Responding to these requests can, in some cases, require the identification and review of over 20,000 pages of information. Each page of information must be carefully considered against the FOI Act's provisions including considerations about third parties and application of the public interest test.

CSD's average processing time for FOI requests in 2023-24 was 142 working days.

2. Yes.
3. The length of time it takes for CSD to respond to an FOI application reflects the size, nature and complexity of the applications received. The majority of FOI applications received by CSD seek personal information related to Child Protection or Youth Justice which can be historic matters and often includes large volumes of records spanning decades and involving multiple third parties (and the third parties' personal information).

The 2023-24 Budget initiative, *Supporting Public Access to Government Information*, provided funding to convert 7 existing temporary positions within the CSD FOI team into ongoing positions. This strengthened CSD's capability to respond to FOIs, by providing long term stability and opportunities to develop and retain staff members over the long term.

4. In 2023-24, most of the new FOI applications received by CSD were requests for information regarding the Child Protection and Youth Justice systems. These requests contain significant volumes of information, and the directorate will work within the parameters of the FOI Act and with applicants to negotiate further time to decide an application.
5. CSD finalised 87 applications in 2023-24. Seven of these applications (8% of applications finalised by CSD in 2023-24) were refused, on grounds available under the FOI Act, including that:
 - a. dealing with the application would require an unreasonable and substantial diversion of the directorate's resources (s43(1)(a))
 - b. the application was frivolous or vexatious (s43(1)(b))

- c. the information was already available to the applicant (s43(1)(d)), and
 - d. the application related to government information of a kind that was taken to be contrary to the public interest to disclose under schedule 1 (s43(1)(f)).
6. CSD has adopted a pro-disclosure, client-centred approach to managing FOI applications which recognises the disclosure of personal information to the individual it relates to is in the public interest. This has meant that, with support from the Ombudsman, CSD has historically continued to progress FOI applications for personal information when there was no statutory requirement to do so.

CSD has been working to implement ways to support applicants to access their personal information through informal release mechanisms outside of the *Freedom of Information Act 2016* where this is possible and appropriate. This includes through working with applicants to support them to gain access to personal information through pathways under the *Children and Young People Act 2008* which may provide them with more information than their FOI and developing a filter form to promote access to information through pathways outside of the *Freedom of Information Act 2016*.

Approved for circulation to the Standing Committee on Social Policy

Signature:

Deputy Chief Minister, Yvette Berry MLA

Date:

06/03/25