

TOP TIPS FOR SENIOR MANAGERS

Seven ways you can support FOI principles

Senior managers have an important role in fostering an organisational culture that advances the fundamental principles of the FOI Act.

Principal officers of agencies have several obligations, to ensure that FOI principles are upheld. These principles include:

- The legally enforceable right of individuals to access government information, which should be extended as far as possible
- Exemptions should be limited and specific, and only claimed to protect essential public and private interests
- Discretions under the FOI Act should be exercised so as to promote the disclosure of information

- The public should have ready access to agency rules, policies and procedures that affect them.

Senior managers should ensure that the message filters down to line areas, and that all staff are aware that meeting FOI obligations is the responsibility of the whole agency.

To do their jobs effectively, FOI officers rely on the assistance of staff in operational areas to provide relevant documents and expert assistance promptly.

How senior managers can assist

1 Promote a pro-disclosure culture – rather than proposing an exemption for certain information in documents, consider carefully if the information needs to be withheld, including by checking whether the information is already in the public domain.

2 Raise awareness of FOI issues on a regular and proactive basis. Strategies can include inviting agency FOI officers to address staff, facilitating discussion of FOI principles and processes in staff meetings, passing on updates about FOI, privacy and recordkeeping issues, and encouraging relevant training

opportunities. The Professional Standards require principal officers to ensure that agency staff receive the necessary training, education and support in relation to the FOI Act (Standard B and Principle 6). Making FOI a standing item in leadership meetings is also useful.

3 Where information is frequently requested (such as agency statistics), **consider publishing the information on-line or making it available in other ways** outside the formal FOI Act processes. Not only is this in keeping with the objects of the FOI Act, but it is more efficient than requiring formal processes to be followed.

In particular, senior managers should ensure that information that must be made available under Part II of the FOI Act (rules and practices that affect members of the public in their dealings with agencies) is easily accessible. Transparent government is good government.

- 4 Ensure that staff observe sound recordkeeping practices.** Searches for documents will be much easier if staff keep good records and use consistent naming conventions and search terms. Agencies can charge FOI applicants for time spent on routine searches but not for lengthy searches for lost or misplaced documents. The Professional Standards require principal officers to ensure that agency record management systems and practices facilitate the timely and accurate processing of FOI requests (Standard L).
- 5 Ensure that staff give priority to responding to requests from agency FOI officers.** Staff in operational areas will not necessarily deal with FOI requests very often and their focus may be on other business priorities. The statutory processing period of 45 calendar days provides limited time to locate and examine documents, liaise with the applicant, business areas and third parties, advise senior management about

sensitive issues that could arise on release of certain documents and notify the applicant of the decision. Time is particularly critical during public holiday periods, as the clock does not stop. Senior managers can do much to ensure that FOI is rightly seen as an integral part of an agency's business and that all staff have a duty to assist in facilitating timely access to documents.

- 6 Designate one or two contact officers for FOI matters** (depending on the size of the business area and the frequency of FOI requests) to coordinate record retrieval and provide advice on behalf of the business area to the FOI decision maker. Ensure there is sound understanding amongst staff that while decision makers may consult a wide range of people including experts in business areas, ultimately the decisions are theirs. A decision maker must not be directed in how to exercise their discretion.
- 7 Ensure that FOI officers are given adequate resources to process requests** (Professional Standards, Standard B and Standard O). This may involve offering extra administrative assistance during particularly busy periods.

Further Information

Visit our website, call or email us:

- > www.foicommissioner.vic.gov.au
- > 1300 842 364 (1300 VIC FOI)
- > enquiries@foicommissioner.vic.gov.au

Other related fact sheets include:

- > The FOI access process
- > Assisting our office

Disclaimer: This fact sheet does not constitute legal advice and should not be used as a substitute for applying the provisions of the Freedom of Information Act 1982, or any other legal requirement, to individual cases.