



# Department of Education

Secretary

2 Treasury Place  
East Melbourne Victoria 3002  
Telephone +61 3 9637 2000

COR24137781

Dr Tim Read MP  
Chair  
Integrity and Oversight Committee

Dear Dr Read

Thank you for your correspondence of 9 April 2024 requesting responses to questions on notice regarding the Integrity and Oversight Committee's Inquiry into the Operation of the *Freedom of Information Act 1982*.

The Department of Education (the department) welcomes the opportunity to contribute to the Inquiry and sets out responses to the Committee's questions as follows.

**1) Please provide an overview of the type of FOI requests that the DoE receives and the reasons for these requests.**

The department's Freedom of Information (FOI) function manages a large volume of requests under the *Freedom of Information Act 1982* (the Act) from a broad range of individuals and organisations, including school staff, parents, and students (current and previous), members of the community and other third parties, media organisations and members of Parliament.

Most requests received by the department are from individuals or their representatives seeking access to personal information, particularly school records such as enrolment forms, academic records, and attendance records. The department also receives requests from media organisations, members of Parliament, and other interested third parties, seeking corporate information such as data, briefings, and reports.

Under the Act, applicants are not required to explain why they are requesting information when making an FOI application. The department is not empowered to enquire into the reason for a particular request and applicants generally do not disclose their reasons.

**2) Please provide an overview of DoE's current policies and procedures for handling Freedom of Information (FOI) requests.**

When processing FOI requests, the department is guided by the requirements of the Act; the Office of the Victorian Information Commissioner's (OVIC) resources for departments and agencies, including its FOI guidelines, practice notes and professional standards; and the department's established internal procedures for managing FOI requests.

The department's internal procedural guidance and templates for FOI officers support a consistent and compliant approach to administering the Act. The department also has an FOI policy for schools, and

program area guides for school and corporate staff to explain the FOI process and support compliance with the department's obligations under the Act.

**3) Please provide data on the number of FOI requests typically received annually by DoE, and the time and resources taken to process these requests.**

During 2022–23, the department received 954 FOI requests, which is an increase of 25% on 2021-22. Of the requests received in 2022-23:

- 890 were from individuals seeking access to their own records
- 8 were from members of Parliament
- 31 were from media organisations
- 25 were from members of the public/other organisations seeking policy-related and other miscellaneous documents.

The time and resources required to process an FOI request depend on complexity, which varies from simple requests from individuals seeking access to their own information, to very complex requests requiring extensive consultation.

In 2022-23, there were 922 decisions made within the statutory time periods. Of the decisions made outside the statutory time period, 17 were made within a further 45 days and no decisions were made that were greater than 45 days. 174 decisions were made after mandatory extensions had been applied or extensions were agreed upon by the applicant. Of requests finalised, the average number of days under the statutory time (including extended timeframes) to decide the request was 4 days<sup>1</sup>.

**4) What measures does DoE have in place to ensure timely processing of FOI requests.**

When processing FOI requests, the department is guided by the statutory time periods under the Act. Standard time frames are in place for each stage of the FOI request process to support timely processing and the department undertakes regular monitoring of the FOI Unit's workload and the progress of requests.

**5) What challenges or barriers does DoE face in administering the Freedom of Information Act 1982 (Vic), and how are they addressed?**

A key challenge is the complexity of administering an older Act that could not have foreseen the developments in technology, and the increase in the volume of information created and stored by agencies since it was enacted in 1982.

Government schools are responsible for the creation and management of school administration and student records. The department's FOI Unit manages all FOI requests on behalf of government schools and the department, conducting document searches and consultation internally and with more than 1500 schools.

Requests received by the department are often complex to process given the department's broad range of stakeholders; its child safety obligations; whether documents are stored in schools, regions

---

<sup>1</sup> Data sourced from the Department of Education Annual Report 2022-23 (<https://www.vic.gov.au/department-education-annual-reports>)

or centrally; and the complexities associated with assessing and releasing documents containing information about children and families.

The department has well-established processes in place with regional department offices to support schools to locate documents in response to FOI requests, and works closely with schools and regional offices to ensure that requests are assessed and managed appropriately.

The department is guided by OVIC and VCAT decisions when assessing whether a request requires clarification or might represent a substantial and unreasonable diversion of resources, and it works with applicants to support them to scope their requests in a way that the department can process.

#### **6) How does DoE handle sensitive or confidential information requested by FOI applicants?**

The department's FOI Unit handles information requested by applicants in accordance with relevant legislation, including the *Privacy and Data Protection Act 2014*, the *Health Records Act 2001*, and the *Public Records Act 1973*.

Department employees are subject to the Code of Conduct for Victorian public sector employees (the Code), which outlines expected standards of behaviour in the management of official information. To support appropriate information management practices in line with the Code, department employees are provided with training in information security, privacy, records management, and integrity obligations.

The FOI Unit has rigorous systems and processes in place to support the appropriate management of sensitive and confidential information, including a secure system for managing requests and processes for obtaining consent where requests are made by a third party on an applicant's behalf.

#### **7) Does DoE have any concerns about a possible transition to a 'push' FOI system in Victoria?**

The department makes a range of information publicly available on its website and through the Australian Curriculum, Assessment and Reporting Authority's My School website. The department also publishes a large number of open access datasets on DataVic, the Victorian Government's open data directory, under the Whole of Victorian Government DataVic Access Policy.

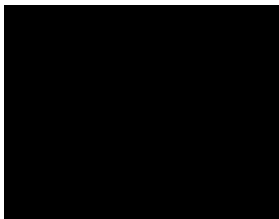
Information proactively released by the department includes:

- Statistics on Victorian schools and teaching (<https://www.vic.gov.au/statistics-victorian-schools-and-teaching>)
- Operational policies and guidance for schools (<https://www2.education.vic.gov.au/pal>)
- School funding (<https://www.vic.gov.au/find-your-schools-funding>)
- A range of research and reports (<https://www.vic.gov.au/research-department-education>)
- School level data (<https://www.myschool.edu.au/>)
- Over 300 open access datasets (<https://discover.data.vic.gov.au/organization/departement-of-education>)

The department considers that there is benefit to proactively releasing information where appropriate. Given the nature of the information the department holds, not everything is suitable for proactive release due to privacy considerations or other sensitivities. The department is continually evaluating where information may be suitable for proactive or informal release.

If the Committee would like further information, please contact Shamiso Mtenje, Acting Executive Director, Assurance and Knowledge Services, Department of Education, on [REDACTED] or by email:

Yours sincerely



**Jenny Atta**  
Secretary  
13/05/2024

*Cc: [inquiryfoi@parliament.vic.gov.au](mailto:inquiryfoi@parliament.vic.gov.au)*