| Policy | **PIRSA** |
| --- | --- |

**IM P 031**

pirsa administrative release of information policy

This policy identifies the type of SA Government information most suited for administrative release by PIRSA, and seeks to ensure consistency is maintained in the processing and approval of administrative release of information requests, on a case-by-case basis.

|  |
| --- |
| Document Control |
| **PPGS Owner Workgroup:** | Corporate, Business Operations  | **PPGS Owner:** | Manager, Business Operations | **PPGS Risk Rating****& Review Cycle:** | Low5 Years  |
| **PPGS Contact Name:** | Lisa Farley | **PPGS Approver:** | Executive Director, Corporate Services | **Objective File & Document No.:** | CORP F2018/000260A5155129 |
| **PPGS Contact Title:** | Freedom of Information and Privacy Officer | **Date Approved:** | 10 December 2021 | **Status:** | Approved |
| **PPGS Contact Number:** | (08) 8429 0422 | **Next Review Date:** | 10 December 2026 | **Security Classification:** | 02 Official |

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| **REVISION RECORD** |
| --- |
| **Date** | **Version** | **Revision description** |
| 04/09/2018 | 0.1 | Draft version of new policy developed |
| 08/01/2019 | 1.0 | New policy approved by the Chief Executive |
| 10/12/2021 | 1.1 | Scheduled review, updated template and links, and minor amendments |

| **RISK ASSESSMENT** |
| --- |
| **Date** | **Risk Rating** | **Risk Assessment Evaluation** |
| 02/12/2021 | Low | It is considered that not meeting the requirements of the [*State Records of SA Administrative Release of Information Guideline*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20150921_administrative_release_of_information_final_v3.pdf) has a minor impact on PIRSA’s reputation |
|  |  |  |

# Purpose

The purpose of this policy is to ensure PIRSA complies with the *SA Government Accountable Government Project and Proactive Disclosure Strategy*, consistent with the requirements described in [*State Records of SA Administrative Release of Information Guideline*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20150921_administrative_release_of_information_final_v3.pdf). This involves agencies releasing appropriate SA Government information, either proactively or as a response to a request for administrative release:

* outside of a formal legislative process such as Freedom of Information (FOI) or other legislative requirements relating to disclosure or release of information (eg publishing of public registers mandated by legislation administered by PIRSA), or
* for information specifically created and published for public disclosure, such as agency annual reports, brochures and open datasets; and agency publications available for purchase.

The aim is to make SA Government information more accessible at minimal or no cost to the public.

# Scope

This policy applies to all PIRSA employees involved in the processing and approval of requests addressed to PIRSA for the administrative release of SA Government information.

# Policy Details

## Information appropriate for administrative release

The types of SA Government documents held by PIRSA generally suitable for administrative release may include:

* **Personal information of the requestor**

Personal information of the requestor that does **not** contain any information relating to a third party, or information that is sensitive or otherwise inappropriate to release, eg:

* + correspondence sent by the requestor to PIRSA
	+ correspondence sent by PIRSA to the requestor
	+ employment information of the requestor, who is a current or former employee of PIRSA, that does not contain particularly sensitive information or information relating to a third party (eg performance development plans, remuneration information, or incident reports involving the employee).
* **Documents which are routinely made available by PIRSA**

Documents routinely made available by PIRSA including administrative instructions, brochures, information packs, pamphlets, policy documents and posters.

The PIRSA FOI Statement published on the [PIRSA Freedom of Information website](http://www.pir.sa.gov.au/top_menu/about_us/freedom_of_information) lists examples of additional documents available for purchase from the agency. These include books and thesis, conference and seminar proceedings, publications, research reports and papers, scientific publications and technical reports.

* **Non-personal information that can be easily obtained and summarised**

A summary of non-personal information that can easily and quickly be prepared by PIRSA that does not contain confidential or sensitive information (eg a summary of costs associated with a particular activity undertaken by PIRSA).

* **Non-personal information in the public interest**

Non-personal information that is in the public interest to release to the general public or to a specific person that does not contain confidential or sensitive information.

* **Non-personal information otherwise available**

Non-personal information that is already available to the public in some way but may not be easily accessible by everyone (eg open datasets published on [Data.SA](https://data.sa.gov.au/); or information already published on the [PIRSA website](http://www.pir.sa.gov.au/home) where the person requesting the information does not have Internet access).

* **Information that has been security classified as “public”**

This refers to information that has a security classification of “public” in accordance with the [*PIRSA Document and Records Management Information Security and Access Guideline IM G 007*](https://objectivesag.pirsa.sa.gov.au/id%3AA2544/document/versions/published) (this PIRSA hyperlink is accessible by SA Government and PIRSA employees via the StateNet or PIRSA networks only)

**Note**: information security classified above “public” level (eg “Official”/“For Official Use Only”, “Official Sensitive”/”Sensitive” and above) may be authorised for public release by the Chief Executive where appropriate.

* **Archived information held in State Records of SA’s archives**

Archived SA Government information that has been transferred to State Records of SA with a public access determination of “open” can be accessed by contacting or visiting the [State Records of SA Research Centre](https://archives.sa.gov.au/content/research-centre).

Archived information with a public access determination of “closed” can be accessed via State Records subject to PIRSA providing written authority to State Records to allow the requestor access to the information where appropriate. Refer to the *[State Records of SA Public Access Determinations Guideline](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20140529_public_access_determinations_final_v24.pdf)* for more information.

## Information not appropriate for administrative release

Where information is deemed inappropriate for administrative release, PIRSA will advise if an FOI application is required to be made so that the request can be formally assessed. Examples of when an FOI application may be required include:

* the information is considered sensitive and disclosure will require careful balancing of public interest factors
* releasing the information may constitute a breach of legislative or secrecy provisions; confidentiality; legal professional or parliamentary privilege; or Cabinet confidentiality
* releasing the information may affect law enforcement, public safety, the State economy, financial or property interests, or the operation of agencies
* releasing the information may affect inter-governmental or local government relations, personal affairs, business affairs or the conduct of research
* the information contains information about a third party that cannot be redacted easily and/or would require consultation with a third party
* searching for and retrieving the information would require significant agency resources and PIRSA may need to consider recovering some of the costs from the requestor
* the requestor has indicated they wish to have the opportunity, if refused access to the information, to seek a review of PIRSA’s decision
* the information has been security classified as “Official Sensitive”/”Sensitive” or above, and the security classification is still relevant
* the information relates to national security and has been security classified as “Protected” level or above.

Refer to section 3.3 for more information on considerations affecting the administrative release of information.

For information about processing of PIRSA FOI applications, including how to apply and submit applications, refer to the [*PIRSA Freedom of Information website*](http://www.pir.sa.gov.au/top_menu/about_us/freedom_of_information).

## Legislative provisions that may prevent administrative release of information

Legislative provisions, policies and principles which may prevent the release of information include:

* confidentiality or secrecy clauses in legislation administered by PIRSA (refer to the list of legislation in the [*PIRSA Annual Report*](http://pir.sa.gov.au/top_menu/about_us/annual_reports))
* [*Copyright Act 1968*](https://www.legislation.gov.au/Details/C2017C00414)
* [*Freedom of Information Act 1991*](http://www.legislation.sa.gov.au/lz/c/a/freedom%20of%20information%20act%201991.aspx) *- Schedule 1 Exemption clauses*
* [*Public Sector (Data Sharing) Act 2016*](https://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20%28DATA%20SHARING%29%20ACT%202016.aspx)
* [*SA Department of the Premier and Cabinet Circular PC012 - Information Privacy Principles Instruction*](https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/DPC-Circular-Information-Privacy-Principles-IPPS-Instruction.pdf)
* [*SA Government Information Security Management Framework Standard 19: Classification*](http://digital.sa.gov.au/resources/topic/policies-guidelines-and-standards/security/information-security-management-framework)
* [*State Records Act 1997*](https://www.legislation.sa.gov.au/lz?path=/c/a/state%20records%20act%201997)
* [*State Records of SA Public Access Determinations Guideline*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20140529_public_access_determinations_final_v24.pdf)
* [*Public Interest Disclosure Act 2018 - Section 8 - Identity of informant to be kept confidential*](https://www.legislation.sa.gov.au/lz?path=%2FC%2FA%2FPublic%20Interest%20Disclosure%20Act%202018)

## Legislative provisions that may prevent administrative release of information

### Requesting access to information from PIRSA

The requestor seeking access to SA Government information held by PIRSA for administrative release is required to forward an email or letter requesting access to the PIRSA FOI and Privacy Officer via email: PIRSA.FOI@sa.gov.au or post to: GPO Box 1671, Adelaide SA 5001. The requestor can contact the PIRSA FOI and Privacy Officer via email or phone: (08) 8429 0422 for any queries.

### Information required in order to request access

The requestor is required to provide the following information in their request for administrative release of information:

* their name
* their contact phone number(s)
* the address to which the information requested is to be sent, ie their email address, and/or home or postal address
* a specific request that access to information is being sought through administrative release
* the details of the specific SA Government information being requested for administrative release to identify the documents being sought.

### Process if requestor is dissatisfied with PIRSA’s decision or response

If the requestor is dissatisfied with PIRSA’s decision or response regarding their request for administrative release of information, they should contact the PIRSA Freedom of Information and Privacy Officer via email: PIRSA.FOI@sa.gov.au or phone (08) 8429 0422.

On occasions, it may be more appropriate that an application be made under the [Freedom of Information Act](http://www.legislation.sa.gov.au/lz/c/a/freedom%20of%20information%20act%201991.aspx). This process provides a legislative process in which to make an access determination on the documents being sought by the applicant, and entitles an applicant with rights of review and appeal of a decision made.

For information about processing of PIRSA FOI applications, including how to apply and submit applications, refer to the [PIRSA Freedom of Information website](http://www.pir.sa.gov.au/top_menu/about_us/freedom_of_information).

## Redaction (removal) of information not authorised for administrative release

For documents containing information that is **not** appropriate to authorise for administrative release, where applicable PIRSA will redact the relevant details from the documents concerned prior to its release to the requestor. The types of information that generally would be not authorised for administrative release include:

* personal affairs of another individual
* business, professional, commercial or financial affairs of another individual, organisation or agency
* information that may constitute a breach of legislative or secrecy provisions, confidentiality, legal professional or parliamentary privilege, or Cabinet confidentiality
* information that may affect law enforcement, public safety, the State economy, financial or property interests, or the operation of agencies
* the information contains information about a third party that cannot be redacted easily and/or would require consultation with a third party.

Refer to sections 3.2 and 3.3 for more examples.

## Approval for administrative release of information

Discretion will be exercised by PIRSA on a case-by-case basis when assessing the suitability of SA Government information held by PIRSA for administrative release.

PIRSA will seek the approval of the Chief Executive prior to the administrative release of any documents to a requestor.

## Timeframes for responding to a request for administrative release of information

Following the receipt of a request for access to information under administrative release, where relevant, PIRSA will locate the information being sought, prepare a response letter to the requestor, and then seek approval from the Chief Executive for the administrative release of the information requested.

PIRSA will respond as soon as practicable; and no later than 30 calendar days following receipt of the request. If there is a delay in providing the information, PIRSA will contact the requestor accordingly.

## Proof of identity required for administrative release of personal information

When requesting access to personal information under administrative release, proof of identity is required. Acceptable proof of identity includes a scanned copy, hard copy or photograph of the requestor’s driver’s licence, Medicare card, Centrelink card or passport.

## Fees and charges for administrative release of information

Information requested under an administrative release request is provided to the requestor free of charge, unless charges are required where PIRSA is repeatedly requested to provide access to information to the same person in other ways, eg by providing photocopies, or a copy of the information in other ways.

If charges are required, PIRSA will forward a letter to the requestor providing a calculation of the fees and charges. Any fees and charges must be reasonable and justifiable in the circumstances, and should be applied consistently. If the requestor feels aggrieved by PIRSA’s decision to charge and/or by the amount of the fee or charge, they may complain to the Ombudsman under the [*Ombudsman Act 1972*](https://www.legislation.sa.gov.au/LZ/C/A/OMBUDSMAN%20ACT%201972.aspx).

##  Records management requirements

All documents and records relating to the administrative release of information requests, letters, email communications, discovery request forms, fees and charges are to be captured in a PIRSA Objective EDRMS file located under the relevant business division function and Freedom of Information activity folder combination.

# Roles and Responsibilities

| **Role** | **Responsibilities** |
| --- | --- |
| Chief Executive | * Approving the policy.
* Noting and endorsing proposed [*PIRSA Administrative Release of Information Response Letters*](https://objectivep.pirsa.sa.gov.au/id%3AA3703316/document/versions/published), prior to signing by the PIRSA Accredited FOI Officer for release to requestors.
* Noting *PIRSA Freedom of Information Activity Reports* received.
 |
| Deputy Chief Executive | * Noting and endorsing proposed [*PIRSA Administrative Release of Information Response Letters*](https://objectivep.pirsa.sa.gov.au/id%3AA3703316/document/versions/published), prior to them being forwarded to the Chief Executive for noting.
* Noting *PIRSA Freedom of Information Activity Reports* received.
 |
| Executive Director, Corporate Services | * Noting *PIRSA Freedom of Information Activity Reports* received.
 |
| Executive Directors | * Noting and endorsing proposed [*PIRSA Administrative Release of Information Response Letters*](https://objectivep.pirsa.sa.gov.au/id%3AA3703316/document/versions/published)prior to them being forwarded to the Deputy Chief Executive/Chief Executive for noting and endorsement.
 |
| PIRSA Accredited FOI Officer | * Implementing the policy (including communication, awareness and training).
* Reviewing and endorsing proposed [*PIRSA AROI Response Letters*](https://objectivep.pirsa.sa.gov.au/id%3AA5139731/document/versions/published) and signing covering minutes, prior to the documents being forwarded to the Deputy Chief Executive, Chief Executive and the Minister’s Office for endorsement and noting.
* Approving and signing final [*PIRSA Administrative Release of Information Response Letters*](https://objectivep.pirsa.sa.gov.au/id%3AA3703316/document/versions/published), after being noted and endorsed by the Deputy Chief Executive, Chief Executive and the Minister’s Office.
* Noting *PIRSA Freedom of Information Activity Reports* received.
* Complying with the policy and ensuring PIRSA meets its obligations under the [*State Records of SA Administrative Release of Information Guideline*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20150921_administrative_release_of_information_final_v3.pdf)*.*
 |
| FOI and Privacy Officer | * Complying with the policy and ensuring PIRSA meets its requirements described in [*State Records of SA Administrative Release of Information Guideline*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20150921_administrative_release_of_information_final_v3.pdf).
* Ongoing management of the policy, including updating procedure versions.
* Providing policy advice and assistance, including interpreting policy requirements.
* Evaluating, monitoring and reviewing the policy.
 |
| Employees | * Complying with the policy and performing any particular policy actions or steps.
 |

# Definitions

| **Term** | **Meaning** |
| --- | --- |
| Accredited FOI Officer | An agency officer who:* has completed [SA Government Accredited FOI Officer training](https://archives.sa.gov.au/managing-information/education-and-training/accredited-and-non-accredited-foi-officer-online-training)
* has been designated by the Principal Officer (agency chief executive) as an agency Accredited FOI Officer
* is an executive employee, or an employee who usually reports to an executive employee

(Refer to the [*Public Sector Act 2009*](https://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009.aspx)for the definition of an executive employee).For a list of the PIRSA Accredited FOI Officers and Non-Accredited FOI Officers, refer to the [*PIRSA intranet Freedom of Information (FOI)*](http://intranet.pirsa.sa.gov.au/work_tools/freedom_of_information)\*page. |
| Administrative release of information | Release of SA Government information by an agency, either proactively or as a response to a request from a requestor:* outside of a formal legislative process such as Freedom of Information or other legislative requirements relating to disclosure or release of information (eg publishing of public registers mandated by legislation administered by PIRSA), or
* for information specifically created and published for public disclosure (such as agency annual reports, brochures and open datasets; and agency publications available for purchase).
 |
| Exempt document | Refer to section 4 of the [Freedom of Information Act](http://www.legislation.sa.gov.au/lz/c/a/freedom%20of%20information%20act%201991.aspx). |
| Personal affairs | Refer to clause 6 in Schedule 1 of the [Freedom of Information Act](http://www.legislation.sa.gov.au/lz/c/a/freedom%20of%20information%20act%201991.aspx). |
| Personal information | Information or opinion, whether true or not relating to a natural person or the affairs of a natural person whose identity is apparent, or can be reasonably ascertained, from the information or opinion (source: [*SA Department of the Premier and Cabinet Circular PC012 - Information Privacy Principles Instruction*](https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/DPC-Circular-Information-Privacy-Principles-IPPS-Instruction.pdf)*).*This includes combinations of name, address, date of birth, financial or health details or status, ethnicity, gender, religion, witness statements, alleged behaviours, licensing details, photographs or video footage of individuals or information subjects. Such information may be collected in paper form, verbally or through electronic means. |

# Related Documents

**\*Note:** hyperlinks to PIRSA intranet documents and pages in this policy listed below are accessible by SA Government and PIRSA employees and volunteers via the StateNet or PIRSA networks only.

***PIRSA policies and procedures***

* *[PIRSA Administrative Release of Information Procedure IM R 037](https://objectivesag.pirsa.sa.gov.au/id%3AA3707805/document/versions/published)\**
* [*PIRSA Document and Records Management Information Security and Access Guideline IM G 007*](https://objectivesag.pirsa.sa.gov.au/id%3AA2544/document/versions/published)\*
* [*PIRSA Freedom of Information Procedure IM R 028*](https://objectivesag.pirsa.sa.gov.au/id%3AA1811073/document/versions/published)*\* and* [*supporting information intranet page*](http://intranet.pirsa.sa.gov.au/work_tools/freedom_of_information)*\**
* [*PIRSA Information Privacy Policy IM P 011*](https://objectivesag.pirsa.sa.gov.au/id%3AA454682/document/versions/published)*\** *and* [*supporting information intranet page*](http://intranet.pirsa.sa.gov.au/work_tools/information_privacy)\* (the policy is publicly accessible via the PIRSA [Corporate Policies](http://www.pir.sa.gov.au/top_menu/about_us/corporate_policies) website)
* [*PIRSA Protective Security Policy GO P 005*](https://objectivesag.pirsa.sa.gov.au/id%3AA307359/document/versions/published)*\**

***Legislation***

* [*Copyright Act 1968*](https://www.legislation.gov.au/Details/C2017C00414)
* [*Freedom of Information Act 1991*](http://www.legislation.sa.gov.au/lz/c/a/freedom%20of%20information%20act%201991.aspx)
* [*Ombudsman Act 1972*](https://www.legislation.sa.gov.au/LZ/C/A/OMBUDSMAN%20ACT%201972.aspx)
* [*Public Interest Disclosure Act 2018*](https://www.legislation.sa.gov.au/lz?path=%2FC%2FA%2FPublic%20Interest%20Disclosure%20Act%202018)
* [*Public Sector (Data Sharing) Act 2016*](https://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20%28DATA%20SHARING%29%20ACT%202016.aspx)
* [*State Records Act 1997*](https://www.legislation.sa.gov.au/LZ/C/A/STATE%20RECORDS%20ACT%201997.aspx)

***SA Government policies, guidelines and information sheets***

* [*SA Department of the Premier and Cabinet Circular PC012 - Information Privacy Principles Instruction*](https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars/DPC-Circular-Information-Privacy-Principles-IPPS-Instruction.pdf)
* [*SA Government Information Security Management Framework Standard 19: Classification*](http://digital.sa.gov.au/resources/topic/policies-guidelines-and-standards/security/information-security-management-framework)
* [*State Records of SA Administrative Release of Information Guideline*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20150921_administrative_release_of_information_final_v3.pdf)
* [*State Records of SA FOI and Redaction of Documents Information Sheet*](https://archives.sa.gov.au/sites/default/files/public/documents/FOI%20and%20Redaction%20of%20Documents.pdf)
* [*State Records of SA Public Access Determinations Guideline*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Guideline/20140529_public_access_determinations_final_v24.pdf)
* [*State Records of SA Whistleblowers Protection Act 1993: Implications for Records Management Advice Sheet*](https://archives.sa.gov.au/sites/default/files/documentstore/policies-guidelines/Advice%20Sheet/20110830_whistleblowers_protection_act_1993_-_implications_for_records_managem_final_v2_copy.pdf)