



GLEN EIRA
CITY COUNCIL

December 2017

FREEDOM OF INFORMATION

Frequently asked questions

Freedom of Information

Under the *Freedom of Information Act 1982 (Vic) (Act)*, members of the public have a right to seek access to all Council documents, subject to a number of exemptions. A request for documents under the Act is called a Freedom of Information (FOI) request. This fact sheet contains frequently asked questions about the FOI process.

Making a valid FOI request

An FOI request must be for documents, not for information. Council can only respond to an FOI request if it is:

- (a) in writing;
- (b) accompanied by an application fee; and
- (c) sufficiently clear to enable the documents to be located.

I. What is a document?

A 'document' includes all documents in writing (eg. emails), photographs, drawings and recordings.

II. How do I know if my request is sufficiently clear?

Your request must be sufficiently clear to enable Council to search for, and locate, the documents requested. The FOI officer can assist you in framing your request.

Access charges

I. What are access charges?

'Access charges' are intended to cover Council's costs in providing a document to an applicant. They are calculated in accordance with the Act and the *Freedom of Information (Access Charges) Regulations 2014*, and may include:

- (a) charges for searching for a document;
- (b) photocopying charges; or
- (c) charges for making arrangements to view a document.

If the FOI officer estimates that the access charges will exceed \$50, you will be informed and asked if you wish to proceed, and for a deposit payment. You are also welcome to work with the FOI officer to reduce the estimated cost (by for example, narrowing your request, or excluding duplicates) .

Council's decision-making process

Council must undertake a thorough and diligent search for the documents requested. Council's FOI officer then reviews the documents and determines whether they can be released, having regard to the exemptions under the Act.

I. What is an exemption?

The Act sets out certain "types" of documents which should not be released under FOI (**exempt documents**). A document may be exempt for a number of reasons, for example, if it is subject to legal professional privilege, or if it contains personal information which is unreasonable to disclose.

II. When will consultation take place?

In some instances (for example, when a document contains another individual's personal information), the Act requires Council to notify third parties and seek their view as to whether a document should be disclosed.

Council's FOI officer must make an independent decision, taking into account that third party's view. If the FOI officer decides to release the document without consent, the third party may appeal to the Victorian Civil and Administrative Tribunal (**VCAT**) within 60 days of the decision. Documents to be released may be withheld pending expiry of the appeal period.

III. What is a decision?

Council must provide a written decision on your request within the timeframes prescribed by the Act. If Council has decided to refuse your request, or provide only some of the documents you seek, the letter will set out Council's reasons and avenues for seeking review for the decision.

What if I'm not happy with the way Council has handled my FOI request?

If you have made an FOI request and are unhappy with Council's decision, you can apply for review to the Information Commissioner. The Commissioner's contact details are below:

Telephone: 1300 842 364
Email: enquiries@foicommisioner.vic.gov.au
Website: www.ovic.vic.gov.au

You can also make a complaint to the Information Commissioner in relation to any act or omission by Council. **Please note:** there are deadlines for seeking review or making a complaint to the Information Commissioner.