

FREEDOM OF INFORMATION

Object of the *Freedom of Information Act 1982*

The object of this Act is to extend as far as possible the right of the community to access to information in the possession of the Government of Victoria and other bodies constituted under the law of Victoria for certain public purposes by –

- (a) making available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available to persons affected by those rules and practices: and
- (b) creating a general right of access to information in documentary form in the possession of Ministers and agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by agencies.

What type of information is available?

You have the right to apply for access to documents which are held by a Council covered by the *Freedom of Information Act 1982*. This applies to both documents created by Council as well as those supplied to the Council by an external organisation or individual. The type of documents which you can apply for access to are:

- Those relating to your own personal affairs, regardless of the age of the documents, and
- Documents held by a Council which were created on or after **1 January 1989**.

(Refer to Division 5 Section 67 (2) (4) of the *Freedom of Information Act 1982*)

It is not only documents in paper form that are accessible. The term 'documents' covers a broad range of media including maps, films, microfiche, photographs, computer printouts, tape recordings and video tapes, electronic media. You may apply to the Council for a copy of the document, or you may request access to the document.

Is there any information held by Council not available?

Not all information is automatically made available in response to a request for it.

The Freedom of Information Act sets out a number of situations in which a Council may refuse a person access to the documents he or she has requested. The main situations are requests for documents which affect the personal affairs of another person; which are commercially confidential; which would undermine law enforcement; or which contain information supplied in confidence. 'Personal; Affairs' also includes the name and/or address of somebody who is not the applicant. For example, where an applicant may wish to know the name and address of a complainant, this may be considered to be exempt material under Section 33 of the Act.

Who makes the decision?

The initial decision on any request is made by Council's Freedom of Information Officer. If you do not agree with a decision made by the officer, a request can be made to the Victorian Information Commissioner to have that decision reviewed.

How long does it take?

Once Council receives a valid request and the fee is paid (or waived), it must respond in writing within 30 days outlining its decision. If the Council refuses you access to the documents you sought, you can appeal to the Victorian Information Commissioner for a review but you must do this within 28 days of receiving the decision, your appeal should be addressed to:

Office of the Victorian Information Commissioner
PO Box 24274, Melbourne Vic 3001
Phone: 1300 842 364
E-mail: enquiries@foicommisioner.vic.gov.au

How do I request information from the City of Darebin?

These are the steps you need to take:

1. Before lodging your request, it is recommended you contact Council's FOI Officer; on 03 8470 8888 and discuss what you are asking for. If after your discussion an FOI request is required, you will be advised as to where on Council's website you can download the application form and information sheet, or Council can email you the application form.
2. The application must be made in writing to allow staff time to process your application, as what you are asking may not be readily available. For this reason, you cannot contact Council and expect to see documents immediately. You must send or deliver an application and wait for Council to write back to you. Your application should state very clearly the specific information that you are requesting.

Some of the material you are asking for may require considerable research, or may be held at a location other than the Civic Centre. This is why it is necessary that you are very specific as staff need to know what you are asking for to ensure they assemble it all. For example, if you ask for A and B and this is found, then you realise you meant to ask for C and D, it will be necessary to start with a new application. Careful consideration needs to be given at the start to ensure that the application you are lodging covers everything that you require.

3. If your request relates to your personal information, you may be required to provide identification for verification. If your request relates to someone else's personal information their signed written consent, and their identification may also be required for verification.
4. After completing your application it can be sent to Council, with the **\$30.10** fee.

Fees and Charges (effective 1 July 2021):

The application fee of **\$30.10** must be enclosed with the completed FOI Application Form. If the fee is not received with the application, the FOI Officer will contact you for payment and the 30 day period will not commence until both the fee and application are received. There is a provision in the Act for waiver of the fee on the grounds of hardship and using this provision, sighting of a Commonwealth Pension or Commonwealth Health Card would be necessary.

The Council may also charge access costs as stipulated below.

Search and retrieval charges - \$22.50 per hour or part of an hour

Supervision charges - \$22.50 per hour (to be calculated per quarter hour or part of a quarter hour)

Photocopying charges -

- A0 = \$3.20 – (per colour or black & white page)
- A1 = \$1.60 – (per colour or black & white page)
- A2 = 80 cents – (per colour or black & white page)
- A3 = 40 cents – (per colour or black & white page)
- A4 = 20 cents – (per colour or black & white page)

(Please note that copies of plans may not be able to be provided due to copyright restrictions).

Where it is anticipated that the costs will exceed \$50.00 you will be advised, and requested to submit a deposit and asked if you wish to continue with the request.