



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 interest 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*)

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 24279, Melbourne VIC 3001
Phone: 1300 006 842
Email: enquiries@ovic.vic.gov.au

How do I request information from the City of Darebin?

These are the steps you need to take:

- 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 lodge your application.
- 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.
- If your request relates to your personal information, you may be required to provide identification for verification.
- After completing your application it can be sent to Council with the application fee.



Effective 1 July 2025, the standard FOI application fee is \$33.60. This fee may be waived or reduced if payment will cause hardship.

Where an application for access is granted, there will be costs in addition to the application fee.

These charges are levied under the Freedom of Information (Access Charges) Regulations 2004 and relate to:

search charges - \$24.49 per hour or part of an hour

inspection supervision charges - \$24.29 per hour

Where we anticipate that the costs will exceed \$70, we'll advise you and request that you pay a deposit. You will be asked whether you want to continue with the request, or whether you wish to narrow the terms of your request to reduce costs.