

What is Freedom of Information?

The Victorian *Freedom of Information Act 1982* (the Act) gives everyone the right to request access to documents held by Victorian public sector agencies. The Act applies to State Government departments and Ministers, local councils, most semi-government agencies and statutory authorities, public hospitals and community health centers, universities, TAFE colleges and schools. The Act also gives individuals the right to ask a Victorian public sector agency to amend incorrect personal information they hold about them when it is contained in a document.

The term 'agency' is used throughout the Act but for the purpose of this document the term Council is used to mean Colac Otway Shire.

What information is available?

You have a right to apply for access to documents that are held by an agency which is covered by the Act. This includes:

- Documents created by the agency; and
- Documents supplied to the agency by an external organisation or individual.

You can apply for access to:

- Documents relating to your personal affairs, regardless of the age of the documents.
- Documents held by a Council, not older than 1 January 1989.

It is not only documents in paper form that are accessible. The word 'documents' covers a broad range of media including maps, films, microfiche, photographs, computer printouts, emails, computer discs, tape recordings and videotapes.

You may ask for a copy of the document, or you may request access to the document, for example, to see a film or to get a transcript of a tape recording.

What information is not available?

Not all information is automatically made available in response to a request for it. The Act allows an agency to refuse access to certain documents or information. These documents or information are often called 'exempt' documents or information.

In some cases, you may be refused access to an entire document. Alternatively, you may be given access to a document with exempt information deleted.

Some documents that you may not be able to access include:

- some internal working documents
- law enforcement documents
- documents covered by legal professional privilege, such as legal advice
- documents containing personal information about other people
- documents containing information provided to an agency in confidence
- documents containing information provided to an agency by a business
- documents which are covered by secrecy provisions in other legislation.

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.

This should not deter you from asking for access as each document is assessed on its merits before a decision is made.

How long does it take?

Once Council has received your application for access to documents it holds and the fee is paid (or waived), it must respond in writing within 30 days outlining its decision, if possible.

If the Council determines to refuse access to the documents sought, you can appeal to the Office of the Victorian Information Commissioner (OVIC) for a review within 28 days of the date of receiving the FOI officer's decision. Contact details are:

Phone: 1300 006 842

Email: enquiries@ovic.vic.gov.au

Web: ovic.vic.gov.au

Mail: PO Box 24274 Melbourne VIC 3001

Freedom of Information - Information Sheet

What do I need to do prior to making a request?

Before lodging your request, it is recommended you contact Council's FOI Officer on 03 5232 9400 and discuss what you are asking for.

Some information is available for public inspection and can be supplied without the need for an FOI request. An example of the types of documents that do not require an FOI request include:

- Council Minutes and Agendas (open Council)
- Councillor allowances
- Senior officer remuneration by range
- Conflict of interest
- Council leases
- Planning and Building permits (for limited periods)
- Planning Scheme amendments
- Dog and cat registrations

Council also provides search services for a fee upon request and can be supplied without the need for an FOI request.

- Historical health documents, with majority being for septic system records.
- Australian Immunisation Register History Statements.
- Land Information Certificates.

For more information regarding these search services and applicable fees please contact Council on 03 5232 9400.

Applications must:

1. **Be in writing.**
2. **Clearly describe the documents you are requesting access to and provide as much detail to allow the agency to reasonably identify the relevant documentation.**
3. **Include the \$30.60 application fee (or request the agency waive the fee due to hardship).**
4. **Be made to the agency that holds the documents you are seeking.**

If the documents are about your personal affairs, you should provide evidence of your identity, for example, a photocopy of your current driver's licence. If you are unsure about what ID to provide, please contact us.

Note: processing of your request cannot begin if any of the required information above and payment is not supplied. If you are unsure about what to include with the request, contact the FOI Officer at Council.

Charges

There is a fee of \$30.60 for the FOI Request/Application.

The Act also provides that Council may charge \$22.50 per hour for 'search time' taken to locate the documents, as some requests involve a considerable amount of material, particularly where some of the documents go back to 1989, as these are not held within the office and must be retrieved from off-site storage.

If it is estimated that the search time will exceed \$50, you will be contacted and a deposit may be required. Once payment of the deposit is received, the 30-day response period will commence.

These charges are another reason why applicants should think carefully before completing the form to specify precisely what they are seeking access to, particularly with regard to timeframes. This prevents charges being incurred for search time and photocopying of documents (particularly old documents which may not be of interest), but because of the wording of the request have been located, copied and charged for.

Photocopying of documents costs 20 cents per A4 copy in black and white. Other documents (such as large maps, photographs, etc) will be charged at cost. Copies of plans may not be able to be provided due to copyright restrictions.

Other charges may occur accordingly with Council fees and charges, for example, for colour copies or transcripts.

Inspection time is charged at \$5.60 per quarter hour or part thereof. Applicants may inspect original documents under supervision of Council staff.

How do I make a request?

You can make a request yourself, or you can authorise another person (for example, a solicitor) to make a request on your behalf. If you want someone to make a request on your behalf for your personal information, you must give them your written authorisation.

Lodging a FOI request

To lodge a FOI request, email your completed form to inq@colacotway.vic.gov.au or physically deliver to 2-6 Rae Street COLAC or mail to PO Box 283 COLAC VIC 3250 and make payment of the \$30.60 fee by credit card payment form, by cheque or in cash over the counter. (Please refrain from sending cash via mail.)

Further information can be obtained by contacting Council's FOI Officer on 03 5232 9400.

Return your completed forms by post: PO Box 283, Colac, 3250, email: inq@colacotway.vic.gov.au or call into one of our service centres.

Colac Shire Offices, 2-6 Rae St, Colac | GORVIC 100 Great Ocean Rd, Apollo Bay | Colac VIC Crn Queen & Murray Sts, Colac (Mon & Fri)