

FREEDOM OF INFORMATION – Frequently Asked Questions



1. WHAT IS FREEDOM OF INFORMATION?

The *Freedom of Information Act 1982* (FOI Act) gives you the right to request information held by:

- Ministers
- State government departments
- Local Councils
- Most semi-government organisations and statutory authorities
- Public hospitals and community health centres
- Universities, TAFE colleges and schools.

The Act gives you the right to:

- access documents about your personal affairs and the activities of government organisations; and
- request that incorrect or misleading information held by an organisation about you be amended or removed.

The Act does not apply to privately owned businesses.

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

- Documents created by the organisation
- Documents supplied to the organisation by an external organisation or individual
- Documents about your personal affairs, regardless of the age of the documents
- Documents of a non-personal nature, not older than 5 July 1978
- 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 or inspection of the document.

2. HOW DO I MAKE AN FOI REQUEST TO COUNCIL?

A valid request must be:

- in writing or you can complete the form available at Council on www.greaterdandenong.com
- accompanied by an application fee or an application for the fee to be waived due to financial hardship
- sufficiently clear to enable the Council to conduct a thorough and constructive search for the documents sought.

3. HOW MUCH WILL MY FOI APPLICATION COST?

There are two costs associated with making a FOI request:

- An application fee \$30.60 (from 1 July 2022 to 30 June 2023)
- Access charges.

The application fee is a non-refundable, fixed cost required under legislation. The only exception applies to applicants suffering hardship who can ask Council to consider waiving the application fee.

Access charges relate to the costs incurred in granting access to the documents that have been requested, which may include search time and copying charges.

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These costs may or may not apply depending on the nature of the request. All fees and charges are exempt from GST and are set by the FOI Act. Access charges may include:

- Search charges - \$22.90 per hour or part of an hour.
- Supervision charges – \$22.90 per hour to be calculated per quarter hour or part of a quarter hour. (eg Up to 15 minutes = \$5.70; 15-30 minutes = \$11.50; 30-45 minutes = \$17.20; 45 minutes - 1 hour = 22.90)
- Photocopying charges - 20c per black and white A4 page.
- Providing access in a form other than photocopying - the reasonable costs incurred by the organisation in providing that access and supervision if it is required.

4. WHERE CAN I PAY THE APPLICATION FEE?

The application fee can be paid at all Council's Customer Service Centres, by credit card payment over the phone or sent by cheque or money order.

5. WHAT HAPPENS WHEN COUNCIL RECEIVES AN FOI APPLICATION?

Once Council receives an FOI request, an FOI Officer will review it to make sure that all the necessary information has been included and the documents being requested have been clearly identified.

Council will write to the applicant if any further clarification is required. When the request has been processed, a letter will be sent with the decision. Council will decide to either:

- Release all the documents you requested
- Release part of the documents you requested
- Release none of the documents you requested.

In some circumstances, Council may not find any relevant documents but we must still notify the applicant of this within 45 days of the date we receive the request.

6. HOW CAN I CLARIFY WHAT I NEED FROM MY FOI APPLICATION?

An applicant is required to define the documents sought with as much precision as possible. There should be sufficient information provided by the applicant about the documents sought to enable thorough and constructive searches to be made, ie: detailing of requirements in terms of record types, providing keywords and date ranges of required records will greatly assist the discovery process. Reasonable assistance will be provided where required to enable an applicant, acting reasonably, to make a valid request.

7. HOW LONG WILL MY APPLICATION TAKE?

The FOI Act requires Council to complete a request within 30 days from the date that it was received. This time limit only applies if the request is sufficiently clear for the officer to process it and the application fee has been paid or waived. If third party consultation is required under section 29, 29A, 31, 31A, 33, 34 or 35 of the FOI Act, Council may extend the period for deciding a request by 15 days.

The 30 days refer to calendar days including week-ends and public holidays. The time period commences when a valid and clarified request is received by the Council.

8. WHAT INFORMATION CAN I ACCESS WITHOUT AN FOI APPLICATION?

Information which you might be able to obtain without an FOI application include:

- Your own personal information, such as personnel records
- Information which is available publicly, such as information placed on a public register
- Information which is available for purchase from Council.

9. FURTHER INFORMATION CAN BE OBTAINED FROM:

- Freedom of Information - www.foi.vic.gov.au
- City of Greater Dandenong - www.greaterdandenong.com