



*South Gippsland*  
Shire Council

# Freedom of Information

*By the Risk Team*

# What is Freedom of Information?

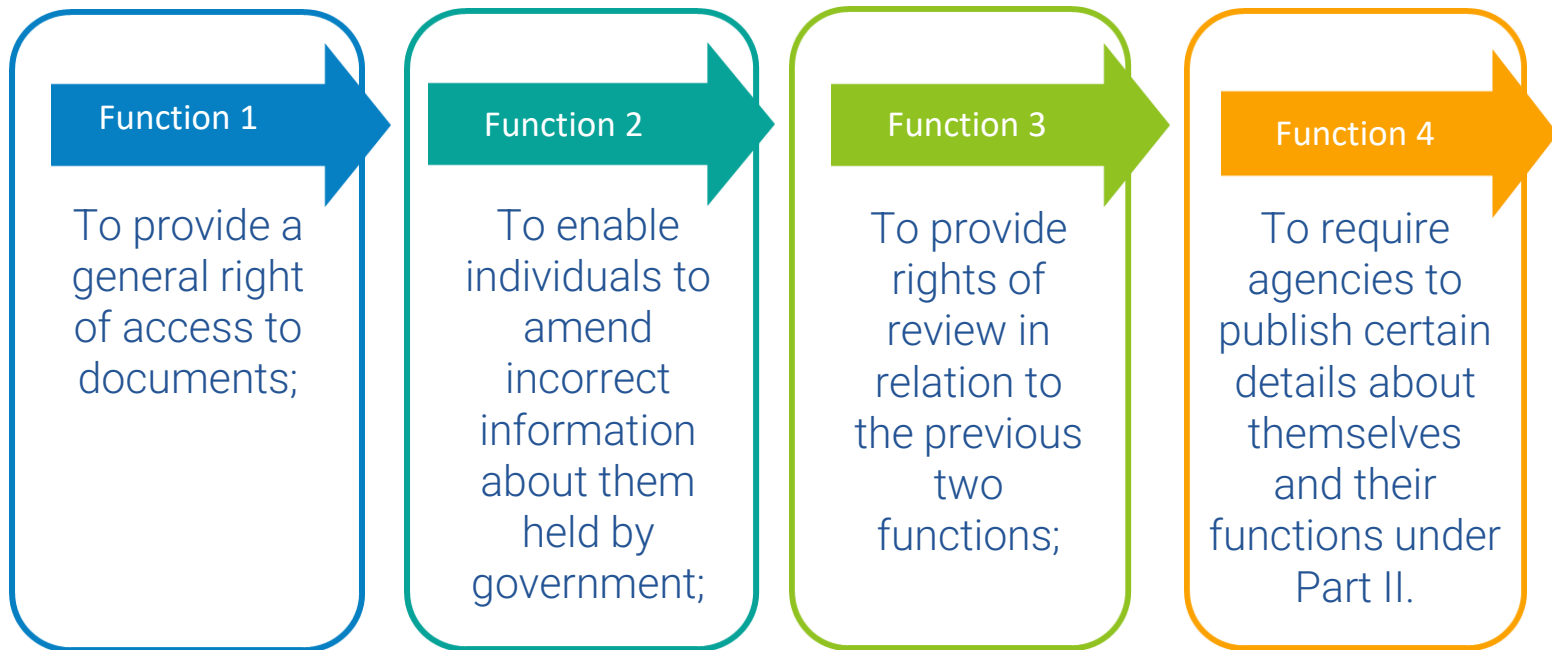
The Freedom of Information Act (FOI Act) is about making available to the public information about the operation of agencies and ensuring that rules, and practises affecting members of the public are readily available.



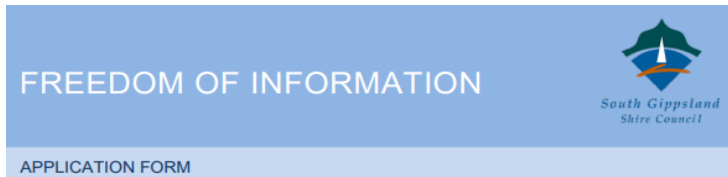
At a high level the FOI Act creates a right for all persons to request access to documents held by Victorian Government agencies and this right is balanced by exemptions within the FOI Act restricting the released of certain categories of documents.

# FOI Main Functions

The FOI Act has four main functions:



# Is there a valid request?



## Freedom of Information Application Form

This form is used to request access to documents held by South Gippsland Shire Council ("Council") under the *Freedom of Information Act 1982*. Please ensure you read each section carefully and attach all requested information. If you do not supply all required information, this may delay your application.

### Applicant Details:

Name
Company
Address
Telephone
Email
Date

### Documents Requested:

Clearly outline the documents you wish to gain access to. Your request must be sufficiently clear and detailed, including information such as record type, keywords and specific date ranges. If insufficient space please attach additional pages.

Date From:	Date To:
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### Documents Required:

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A valid request for access to documents under the FOI Act must:

- Be in writing to the Council (via email or electronic form);
- Be accompanied by the prescribed application fee
- Provide such information as is reasonably necessary to enable the documents to be identified by an appropriate officer



# Request is not valid

- If the request is not valid. Council must take reasonable steps within 21 days of receiving the request to notify applicant of deficiency and provide at least 21 days for applicant to consult to clarify request.
- Council does suggest ways how the request could be clarified.
- If the applicant does not consult or clarify sufficiently, Council can inform the applicant that request is not valid. No review rights.



# Can document properly be provided outside the FOI Act?

- Facilitate access to the document (e.g. copy, arranging inspection or viewing)

OR

- Advise applicant how document can be accessed (e.g. statutory release or purchase scheme)



# Do you have to process the request?

The council need not process a request for documents where the request:

Is an unreasonable diversion request;

Seeks documents ALL of which would be exempt and edited copies would not be required to be provided

Is a repeated request (must have been refused by VCAT)

You can neither confirm nor deny the existence of documents without processing.

# Process Request

Access charges can apply to a request when a search time is deemed significant by officers.

- For these requests Council will seek a deposit and inform review rights.
- When the deposit has been paid Council has fresh 30 days from receipt to make decision on request for access.





# Process Request – Cont...

Are any documents relevant to the request?



If no documents are relevant to the request, Council will send a decision letter advising no documents exist, summarising searches undertaken.

For documents that are relevant, Council will determine if any parts of these documents can be regarded as irrelevant to the request.



# Exemptions

Are any documents or parts of the documents exempt?

- If there are exceptions, consultation with third parties is usually required.
- In some instances, the right of access to some documents may be refused or limited by specific exemptions of the FOI Act.
- These exemptions are applied where it is deemed necessary for the protection of the public's interest, privacy or commercial reasons.



# Exemptions

Exempt documents fall into the following categories:

- S 31 Law enforcement documents
- S 31A Documents relating to IBAC
- S 32 Documents affecting legal proceedings
- S 33 Document affecting personal privacy
- S 34 Documents relating to trade secrets etc
- S 35 Documents containing material obtained in confidence
- S 36 Disclosure contrary to public interest
- S 38 Documents to which secrecy provisions of enactments apply



# Decision

After review and/or consultation, the FOI Officer will:

- Send a decision letter to applicant explaining why documents or parts are exempt.
- Notify applicant of review rights.



# Questions?

