

Freedom of Information (FOI) Processes

Scope: To provide applicants with an understanding of the Freedom of Information processes in place at the Shire of Broome.

What is Freedom of Information?

The Freedom of Information Act 1992 enables the public to participate more effectively in governing the State and to make State and Local Government more accountable to the public. This gives people a right of access to documents held by a government agency.

The spirit and intent of the FOI Act 1992 is to provide access to applicants promptly and at the lowest possible cost. The Shire's philosophy is that it will endeavour to make as much information as possible available.

Where possible, the Shire of Broome will grant access to documents outside the formal Freedom of Information process. On these occasions no fees and charges will be levied against the applicant.

How is the objective of the FOI Act achieved?

- by creating a general right of access to the Shire's documents and information;
- by providing means to ensure that personal information held by the Shire is accurate, up to date and not misleading;
- by requiring that certain documents covering Council operations be made available to the public (Information Statements and internal manuals).

The Shire has an Information Statement (2009/2010) which outlines the functions of the Shire, the arrangements that exist to enable members of the public to participate in policy formulation, the kind of documents held and how those documents can be accessed.

Under the State Records Act 2000, the Shire has a Recordkeeping Plan that sets out the matters about which records are to be managed in the context of the Shire's functions, and for how long information is to be kept.

FEES AND CHARGES

What does it cost to make an FOI application?

- Applications for personal information or amendment of personal information (about the applicant) are FREE of any application fee or charges.
- Applications for other types of information require a \$30 application fee to be paid when the application is lodged.

Requests for documents containing Non-Personal Information

The scale for fees and charges has been set by regulation under the *Freedom of Information Regulations 1993* and includes the following:

- An application fee of \$30
- 20 cents per copy for photocopies
- Costs incurred for postage, special arrangements for access and for specialised access

such as reproductions, transcribing and the like.

- \$30 per hour of staff time or pro rata for part of an hour for supervision by staff when access is given to view documents.
- A 25% reduction of charges may apply for financially disadvantaged people. There are no fees or charges applicable for internal or external review of an agency's decision.

THE FOI PROCESS

What happens once your application is received?

In accordance with the FOI Act, the Shire is obliged to make a decision, within 45 days of receiving your request, as to whether access to the documents will be granted. A notice of the decision will be forwarded to the applicant's postal address.

What is an Internal Review?

If you are unhappy with the decision regarding your FOI request, you can request an Internal Review of the decision within 30-days of receipt of the decision. The Shire CEO conducts all Internal Reviews. You will be advised of the decision within 15-days of the Shire receiving your request. Once reviewed, the CEO may confirm the initial decision, vary or overturn the initial decision and grant access to further documents not originally granted.

How do I ask for an Internal Review?

An application for review has to —

- a) be in writing;
- b) give particulars of the decision which the aggrieved person wishes to have reviewed;
- c) give an address in Australia to which notices under this Act can be sent;
- d) give any other information or details required under the regulations; and
- e) be lodged at an office of the agency.

Note: A form is available on the Shire web site.

What is an External Review?

If you are still unhappy with the decision made from the Internal Review, an applicant may apply to the Office of the Information Commissioner to have the decision reviewed.

For further information regarding the External Review process, contact the Office of the Information Commissioner on (08) 9220.7888.

**This is a broad outline only of FOI processes.
Further information regarding the processes can be obtained by contacting the
Freedom of Information Coordinator on (08) 9191 3446**