

# Freedom of Information

## Factsheet - *Freedom of Information Act 1982*

### Freedom of Information

The *Freedom of Information Act 1982* (the "Act") gives any person the right to request information in documentary form held by:

- Ministers
- State government departments
- Local Councils
- Most semi-government organisations and statutory authorities
- Public hospitals and Community Health Centres

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.

You have a right to apply for access to documents that are held by an organisation which are covered by the 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 held by a Council, not older than 1 January 1989.

The definition of a 'document' includes emails, correspondence (typed or hand written), memos, reports, maps, films, diaries, microfiche, photographs, computer discs, tape recordings and videotapes.

You can request a copy of the documents or request to inspect the documents.

### 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.casey.vic.gov.au](http://www.casey.vic.gov.au)

- 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.

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 a thorough and constructive searches to be made, i.e. 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.

### How much will my FOI application cost?

There are two costs associated with making a request:

- An application fee \$27.90 (from July 2016 to June 2017)
- 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.

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 Act. Access charges may include:

- Search charges - \$20.90 per hour or part of an hour
- Supervision charges - \$5.20 per quarter hour
- 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.

### Where can I pay the application fee?

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

### What happens when Council receives an FOI application?

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

Council will notify the applicant, in writing if any further clarification is required. When the request has been processed, a letter will be sent to the applicant advising Council's 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 locate any relevant documents but will still notify the applicant of this outcome within 45 days of the date Council receives the request.

### How long will my application take?

The Act requires Council to finalise a request within 45 calendar days from the date a valid request is 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.

### What information can I access without a FOI application?

Information which you might be able to obtain without a submitting a request includes:

- 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.

Please refer to Council's Part II Statement on the website for details about information that is publicly available.

### What if I am not satisfied with the decision?

If you are not satisfied with Council decision to grant access to certain documents, you can seek an external review of the decision by contacting the FOI Commissioner at:

Ms Lynne Bertolini  
FOI Commissioner  
PO Box 24274  
MELBOURNE VIC 3001  
Tel: 1300 842 364  
Email: [enquiries@foicommissioner.vic.gov.au](mailto:enquiries@foicommissioner.vic.gov.au)  
Web: [www.foicommissioner.vic.gov.au](http://www.foicommissioner.vic.gov.au)

All requests for review must be received within 28 days of the original decision notification.

### Further information

If you require further clarification please contact the Council's Freedom of Information Officer via Tel: 03 9705 5200 Email: [caseycc@casey.vic.gov.au](mailto:caseycc@casey.vic.gov.au) Post: PO Box 1000 Narre Warren VIC 3805.

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#### Contact City of Casey

03 9705 5200

**NRS:** 133 677 (for the deaf, hearing or speech impaired)

**TIS:** 131 450 (Translating and Interpreting Service)

[caseycc@casey.vic.gov.au](mailto:caseycc@casey.vic.gov.au)

[casey.vic.gov.au](http://casey.vic.gov.au)

 [facebook.com/CityOfCasey](https://www.facebook.com/CityOfCasey)

 [@CityOfCasey](https://twitter.com/CityOfCasey)

PO Box 1000  
Narre Warren VIC 3805

#### Customer Service Centres

##### Cranbourne

Cranbourne Park Shopping Centre

##### Narre Warren

Magid Drive

##### Narre Warren South

Amberly Park Shopping Centre