

Freedom of Information Fact Sheet



The object of the Victorian *Freedom of Information Act 1982* (the Act) is to extend as far as possible the right of the community to access information in the possession of agencies (eg. Ministers, State Government Departments, Local Councils, most semi-government agencies and Statutory Authorities, Public Hospitals, Universities, TAFE Colleges and Schools).

Note: The Act does not apply to privately owned businesses.

The Act gives members of the community:

- The right to access documents about their personal affairs and the activities of government agencies.
- The right to request that incorrect or misleading information held by an agency about them be amended or removed.

This Fact Sheet contains information about the Act.

Commonwealth Government agencies and each State and Territory have their own freedom of information laws.

Councils in Victoria have been subject to the Act since 1 January 1994.

Making a Freedom of Information Request

If you are intending to seek access to documents held by East Gippsland Shire Council (the agency), under the Act, you may wish to contact our Freedom of Information Officer for assistance with lodging a valid request, or to ask if the documents are available to be provided outside of the Act.

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 and provide evidence of your identity (For example, a photocopy or electronic copy of your current drivers licence). The authorisation and evidence must be provided with the request for access to documents.

Applications must: Be in writing addressed to the Freedom of Information Officer, East Gippsland Shire Council, PO Box 1612 Bairnsdale, Victoria 3875) or lodged electronically via email feedback@egipps.vic.gov.au.

You can use our [FOI Application Form \(142KB\)](#) to request access to documents sought under the Act, if desired.

- Clearly describe the documents you are requesting access to
- Be made to the agency that holds the documents you are seeking
- Include the application fee or evidence that you qualify to have the application fee waived
- Note: Other costs may be incurred in granting access to the documents that you have requested (see below).

Costs

There are two costs associated with making a Freedom of Information request:

- The application fee
- The access charges

The application fee is a fixed cost which is non-refundable. The only exception is for people suffering hardship who can ask the agency to waive the application fee. If you want the fee to be waived, include evidence that payment of the fee would cause you financial hardship. For example, a photocopy or electronic copy of your current health care card.

Access charges relate to the costs incurred in granting access to the documents that you have requested. These costs may or may not apply depending on the nature of your request.

The Act states that an application fee will be two fee units. The Treasurer advises the value of fee units under the *Monetary Units Act 2004* and application fee changes are effective from 1 July each year.

The following outlines the current costs associated with a Freedom of Information request. All fees and charges are exempt from GST.

Application Fee	\$29.60 from 1 July 2019 (Non-refundable unless fee is waived)
Access Charges	
Search Charges	\$22.20 per hour or part of an hour (rounded to the nearest 10c)
Supervision Charges	\$22.20 per hour to be calculated per quarter hour or part of a
Photocopying Charges	20c per black and white A4 page
Providing access in a form	The reasonable costs incurred by the agency in providing the copy
Charges for listening	The reasonable costs incurred by the agency in making
Charge for making a	The reasonable costs incurred by the agency in providing the

What Happens When a Freedom of Information Request is Received by Council?

If the agency is not in possession of the documents requested, the request may be transferred to another agency who will process the request.

If the request is too vague or unclear, the Freedom of Information Officer will contact the applicant to give them an opportunity to provide further information to clarify their request. Once a request is sufficiently clear to enable the requested documents to be identified, it will become a valid request.

The agency has 30 days to respond to the request after the day it was received. Please note, the 30 days starts from the date the agency receives a valid request, and payment of the application fee (if required).

The agency may also extend the 30-day period by up to 15 days if it is required to undertake consultation with third parties. The agency may also seek an applicant's consent to extend the 30-day period by up to an additional 30 days.

An agency must thoroughly and diligently search for the documents to which the applicant seeks access and process each document in accordance with the provisions of the Act.

Freedom of Information Decisions

When a request has been processed, the applicant will be sent a letter / email with the agency's (East Gippsland Shire Council's) decision.

The decision can be:

- To release the document in full;
- To release the document in part;
- To exempt the document in full; or
- That there are no relevant documents in the possession of East Gippsland Shire Council.

The relevant access charges must be paid prior to the release of processed documents to the applicant.

Document Exemptions May Apply

An applicant is entitled to access a document unless the document is exempt. However, if it is possible to release a document with exempt material deleted, an agency is obliged to do so if the applicant so wishes. While documents should be released with exempt material deleted wherever practicable this should not be done if the document as released would then be meaningless, misleading or unintelligible.

Examples which may be exempt under the Act:

- Documents containing matter communicated in confidence,
- Internal working documents,
- Law enforcement documents,
- Documents affecting legal proceedings,
- Documents affecting personal privacy,
- Documents relating to trade secrets etc;
- Documents where disclosure would be contrary to public interest,
- Documents to which secrecy provisions apply, etc

Each Freedom of Information request must be examined and dealt with in accordance with the Act.

Reviews and Complaints

Whilst your request is being processed, you may directly contact the Freedom of Information Officer to discuss the progress of your request or your concerns. Alternatively, if you are unhappy with the way your request is being handled, you may contact the Information Commissioner:

Information Commissioner
PO Box 24274
Melbourne Vic 3001
Phone 1300 006 842 (1300 00 OVIC) between 9am and 5pm, Monday to Friday.
Email: enquiries@ovic.vic.gov.au

Further Information

For full details on all topics relating to the *Freedom of Information Act* 1982 please refer to the Office of the Victorian Information Commissioner website <https://ovic.vic.gov.au/>

Contact details:

Freedom of Information Officer
East Gippsland Shire Council
PO Box 1612
Bairnsdale Victoria 3875
Telephone: (03) 51539500
Email: feedback@eastgippsland.vic.gov.au

Related Information

- Freedom of Information Part II Statement (583KB)