

Freedom of Information

Fact Sheet – *Freedom of Information Act 1982*

Freedom of Information (FOI)

The *Freedom of Information Act 1982* (the “Act”) gives any person the right to request information in document 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 any person the right to:

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

Documents covered under the Act are:

- Documents created by the organisation
- Documents supplied to the organisation by an external organisation or individual
- Documents about your personal affairs, regardless of age of documents
- Documents held by Council no older than 1 January 1989.

A ‘document’ includes email, typed or written correspondence, memo, report, map, film, diary, microfiche, photograph, computer disc, tape recording and videotape.

How do I make an FOI request to Council?

You must make a valid request for Council to process your application. A valid request must be:

1. In writing. You can complete the FOI form available on the website;
2. Accompanied by an application fee or a request for fee waiver; and
3. Sufficiently clear and detailed to enable Council to conduct a thorough and constructive search.

You can submit your request to Council via post or email. You are encouraged to use the application form to expediate the process.

Your request for documents

Council holds many hundreds of thousands of documents over a large period of time (since 1989). It is important that a request satisfies criteria 3 above – that it contains as much detail and clarity as possible. Whilst it would be ideal for Council to search one single database to access the documents you have requested, this is not the case. Council holds documents in many different forms – hard copy files, archived files, on computer servers, in various databases and from different departments. It is important you clearly state what you are requesting to enable a thorough and constructive search. This may include the topic of documents sought and the relevant department.

The FOI officer will work with you to assist you in making a valid application, but if you are unable to satisfy criteria 3 as above, Council will **not** be able to process your application.

Example of invalid request wording:

Invalid wording	Reason
“The last few years”	Too ambiguous. Define a specific date range
“Near this location”	Too ambiguous. Define a specific location.
“Recent documents”	Too ambiguous. Define a specific date range
“Any documents until now”	Unclear. Specify the type of documents requested eg. planning documents, emails, files, plans.
“All documents relating to my property”	Unclear. Specify the type of documents requested eg. rates notices, complaints
“Any complaints received by Council”	Unclear. Specify the type or subject of complaints
“All footpath records in this area”	Too ambiguous. Define a specific area.

How much will my application cost?

There are two costs associated with making a request:

- Application fee of \$30.10 (from 1 July 2021)
- Access charges

Application fee

The application fee is a non-refundable, fixed cost required under legislation. Council do not set or regulate this fee – it is regulated under Freedom of Information (Access Charges) 2014 with the fee units set each year by the state government. This fee is required for Council to process your application. If you are experiencing financial hardship, you may apply for a fee waiver with your application. You will need to supply evidence with your application such as a Centrelink issued low income card or evidence on unemployment. It is important to note that the waiver only covers the application fee – access charges will be payable at decision.

Access Charges

Access charges may be applicable to your request. Access charges cover the search time spent by Council in retrieving the documents and any provision costs (photocopying or inspection). Documents delivered by email do not attract a provision cost. Notification of the access charges will be delivered to you with the decision. It may be necessary for you to pay an access charges deposit after you have submitted a valid request - you will be notified if this is required.

Access charges are:

- Search charges - \$22.50 per hour or part hour
- Supervision charges (for inspection of documents) - \$5.60 per quarter hour
- Photocopying charges (for hard copy documents) – 20c per black & white A4 page
- Any other reasonable costs incurred by Council in providing access or a form other than photocopying (eg. Creating transcripts, large scale photocopying of plans)

All fees and charges are exempt from GST and are set by the Act. You can pay the fee in person at Customer Service, over the phone, by cheque or money order.

What happens when Council receives my application?

Once the request has been assigned to the FOI officer, the application will be reviewed to ensure all information has been supplied. Once the application is confirmed as valid, a written notification will be provided confirming this as well as the decision date. Council will provide you with a decision on or before the due date. The decision will be one of the following:

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

In some cases, Council may not locate any documents relevant to your request. You will be advised in the decision if this is the case.

How long will my application take?

The Act requires Council to deliver a decision within 30 calendar days of the valid request being received. The decision date may be adjusted if a deposit is required to be paid or consultation is required with third parties. Council will notify you of any applicable holds and revised decisions dates if applicable.

I need the documents urgently – can you expediate the process?

Whilst Council endeavors to deliver a decision prior to the due date, this is not always possible. The FOI process can be lengthy due to time spent searching for documents, assessing, making any redactions, and any further holds due to consulting with third parties and deposits. This may extend the decision date (in line with legislation) beyond the initial 30 days. **If you require documents urgently for an upcoming court case, you should go through the subpoena process to obtain them in a timely fashion.** Council makes no guarantee that documents will be provided earlier than the decision date, therefore, sufficient time should be allowed to obtain the documents.

I want documents that show someone else's personal details. Can you provide these?

Privacy is heavily legislated alongside FOI. Council will not release a third party's personal information (name, address, date of birth, phone number or any other identifying/personal details) without consent from that party. Council has an obligation to protect the privacy of individuals information stored by Council.

If your request is for someone else's personal details, your application will likely be unsuccessful.

Example of unsuccessful requests due to privacy:

"Requesting documents about who complained about my property"

"Council records of the property owner at this address"

"Details of the owner of the dog in my street"

Do I have to go through FOI to obtain the document I want?

Generally, requests for documents are handled through the FOI process. However, where possible, Council may direct you to another channel to obtain the documents if appropriate. Documents you can obtain without submitting an FOI request include:

- Your own personal information such as:
 - Your personal details held on a Council database such as rates information
 - Any correspondence you have submitted to Council
 - Any correspondence you have received from Council

- Information which is publicly available such as:
 - Documents readily available on the internet such as Council meeting minutes
 - Public registers of information such as all libraries in the municipality
- Information which is available for purchase from Council such as:
 - Building and occupancy permits
 - Records of food premises registrations.

You can refer to Council’s Part II Statement available on the website for further information about documents that are publicly available.

Can you create a document in a format I need?

Council will supply you (if applicable) with the document in its original form – eg. spreadsheet, screenshot, email print out. It cannot be edited (aside from redactions applied) by the FOI officer. Efforts will be made to ensure a high-quality document is supplied, however, due to the variety of documents stored by Council, no guarantee on the quality can be made (eg. Low resolution, smaller font, faded images etc).

Can you provide me with answers to certain Council questions?

The FOI process is only able to provide *documents* – it cannot answer questions. If you have a specific question that requires a response, you should direct this to the relevant department or customer service.

Examples of questions that cannot be answered through FOI:

Requests not handled through FOI		Request handled through FOI	
“How much did Council spend on animal control”		“Documents relating to Council spend on animal control”	✓
“Why doesn’t Council reduce rates”		“Documents relating to Council rate setting guidelines”	✓
“When did the officers inspect the footpath at this location”		“Documents relating to the inspection of the footpath at this location”	✓
“Does Council have any records about road maintenance here”		“Documents relating to road maintenance records at this location”	✓

What if I am not satisfied with the decision?

Upon receipt of the decision, if you are not satisfied with the decision you may seek review from the Officer of the Victorian Information Commissioner. Further information in relation to this process is provided in the decision advice.

I have another question not answered here

If you require further assistance, please contact a member of the Governance team:
caseycc@casey.vic.gov.au

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

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

Narre Warren

Bunjil Place,
Patrick Northeast Drive

Cranbourne

Cranbourne Park
Shopping Centre