

Freedom of Information



The *Freedom of Information Act 1982* provides individuals and organisations with the right to seek access to documents created or received by Hindmarsh Shire Council after 1 January 1989, and the right to apply for incorrect, out of date or misleading information about them to be amended or removed from documents in possession of the Council.

How to make an FOI Request

All requests must be in writing (by mail or email) and be accompanied by an application fee (see '*FOI Fees and Charges*' below).

An FOI request must clearly describe the document(s) being sought and must include the applicant's name, address, and contact number(s).

If the request relates to the correction or amendment of your own personal information held by Council, you need to specify how and why you believe the information about you is incorrect, incomplete, misleading or out of date, and detail the amendments you wish to make.

All requests must contain sufficient information to enable the FOI Officer to identify the information requested. Applicants will be notified of Council's decision (including the release of documents as applicable) and their review rights within 30 days of Council receiving a valid request.

Some Council information is freely available and you may find the information you require can be obtained without making a Freedom of Information request. It is recommended that you make contact with Council's FOI Officer before submitting any request. The FOI Officer can be contacted via Council's Head Office on 03 5391 4444 or info@hindmarsh.vic.gov.au

Refusal of a Request

The Freedom of Information Act allows an agency to refuse access to certain documents. These documents are often called 'exempt' documents. These exemptions are applied where it is deemed necessary for the protection of the public's interest, privacy or commercial reasons. Documents may be exempted in full or in part, in which case the exempted information will be redacted from the document prior to its release.

Examples of documents or parts of documents that may not be released include:

- law enforcement documents
- confidential matters considered by Council
- some internal working documents
- documents covered by legal professional privilege such as legal advice

- documents containing personal information about other people
- documents containing "Commercial in-confidence" information or trade secrets
- information obtained in confidence

Where a decision is made to refuse, partially refuse or defer access to document(s), the applicant will be notified in writing of the reasons for the refusal.

What if my Freedom of Information application is refused?

If an applicant is dissatisfied with Council's decision to refuse access to a document, defer access to a document, not waive or reduce a fee or not amend a document, they have the right to appeal that decision to the Victorian Information Commissioner. Further details about how to apply for a review are available on the Information Commissioner's website: www.ovic.vic.gov.au

FOI Fees and Charges

The charges applicable for processing an FOI request are fixed in accordance with regulations made under the FOI Act.

Application fee

The application fee for making an FOI request is currently **\$28.40** (as of 1 July 2017). Payment is accepted via cash, EFTPOS, credit card, cheque or money order. If paying by cheque or money order it should be made out to Hindmarsh Shire Council.

If payment is deemed to cause financial hardship it may be waived or reduced. If applicants are seeking a fee waiver or reductions the request must include written evidence supporting the claim, as well as documentary evidence such as a copy of a concession card.

Section 22 of the FOI Act and the *Freedom of Information (Access Charges) Regulations 2014* set out the charges that can be levied for the provision of information. The key charges are outlined below. (Prices are as of 1 July 2017.)

- Application fee: **\$28.40**
- Search and retrieval of documents: **\$21.30 (being 1.5 fee units per hour) per hour or part of an hour**
- Photocopying of documents (black & white): **20 cents per A4 page**
- Supervised inspection of documents: **\$21.30 (being 1.5 fee units) per hour**

If charges are likely to exceed \$50, you will be notified. A deposit of half of the estimated fees will be required if you wish to proceed with the request.

The application fee and access charges change each year on 1 July.

No charges apply to requests for the correction or amendment of your own personal information.

How to submit an FOI request to Council

FOI requests can be submitted in person, via email, post or fax.

In Person

Nhill Office
92 Nelson Street
NHILL VIC 3418
Phone: 03 5391 4444
Fax: 03 5391 1376

Email

info@hindmarsh.vic.gov.au
Emails should be marked: Attention: FOI Officer

Post

FOI Officer
Hindmarsh Shire Council
PO Box 250
NHILL VIC 3418

Further information regarding FOI

If you would like to know more about FOI generally, you can obtain further information at the Information Commissioner's website: www.ovic.vic.gov.au

Contact us

If you would like to contact us regarding any FOI related queries or complaints, please contact Council's Head Office on 03 5391 4444 or info@hindmarsh.vic.gov.au