

City of Melbourne Freedom of Information Fact Sheet



What is Freedom of Information?

The *Freedom of Information Act 1982* (the Act) gives individuals and corporations a general right of access to documents dated after 1 January 1989, which are held by agencies like Council. If the documents relate to your personal affairs information, then you are entitled to also seek access to documents dated prior to 1 January 1989. A document means any written document, printed or electronic. It can include photographs, letters, maps, film, reports, audio and video recordings.

How to make a Freedom of Information request

You can make a request yourself, or you can authorise another person, such as a solicitor, to submit the request on your behalf.

Requests must be for specific documents or a defined group of documents. Your request must include key details, such as a date-range for the documents you seek access to. Your request will be interpreted literally, so try to avoid phrases like '*all documents in relation to*' because it may result in you being charged for, and receiving, documents which you do not want.

Your application must include:

- A clear description of the documents.
- A \$31.80 application fee or evidence that you qualify for a waiver of the application fee, such as a pensioner card or health care card.
- Evidence of your identity if the documents you seek are about your personal affairs, such as a drivers licence.
- Written authorisation when a legal firm submits the request on your behalf.
- Your contact details.

What is the process once your application is received?

Upon receipt of a clear request and the application fee, we will:

- Write to you to acknowledge your request and the due date.
- Search for and retrieve all documents.
- Consult with external entities and individuals, where necessary.
- Review the documents and remove irrelevant and exempt material, where applicable.
- Compile a determination letter which advises you of our decision on access.

How long will it take to process my request?

Council has 30 days in which to notify you of an access decision. This starts when your request is sufficiently clear and your application fee has been paid.

Depending on the nature of your request, additional time may be needed to process your application where Council is required to seek the views of other entities or individuals (known as third party consultation). In such cases, Council may extend the period for deciding a request by up to 15 calendar days. You will be notified in writing if mandatory third party consultation is necessary and advised of the revised statutory due date.

Where you are required to pay a deposit, the 30 day timeframe permitted for processing your request commences upon payment of the deposit.

In all cases, Council may seek an applicant's agreement to extend the timeframe for a decision by up to 30 days at a time. Council may do so any number of times.

Are there any other charges?

Yes, access charges include;

- A \$23.85 per hour, or part of an hour, charge for the time it takes to search for documents.
- \$23.85 per hour, to be calculated per quarter hour or part thereof, if you wish to inspect the documents Council determines to release.
- A 20 cent per page photocopy fee.
- If providing access in a form other than photocopying, such as on a CD, the Council will determine a reasonable cost.
- Charges for making a written transcript out of a tape based on the cost incurred by the agency.

If the access charges are anticipated to exceed \$50, we will write to you and seek a deposit towards the charges. We will also suggest practical alternatives you could adopt in an effort to reduce the anticipated charges.

Exempt documents

The Act allows Council to refuse access to certain documents or information. These documents are often called 'exempt' documents or information. In some cases you may be refused access to an entire document. Alternatively, you may be given access to a document with exempt information deleted.

Some documents which might be exempt include internal working documents, law enforcement documents, legal advice, personal information about other people, confidential documents or documents which are covered by secrecy provisions in other legislation.

Please do not let this deter you from asking for access as each document is assessed on its merits before a decision is made.

For further information about the Freedom of Information process, please visit the [City of Melbourne webpage](http://www.melbourne.vic.gov.au/about-council/governance-transparency/council-information/Pages/freedom-of-information.aspx)¹ or telephone 9658 9658.

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