

# Freedom of Information Policy

## PURPOSE

This Policy sets out the process to be followed when the Corporation receives a request for documents under the Freedom of Information Act 1982 (Vic)(Act).

## OBJECTIVE

The Corporation is an 'agency' under the Act and is responsible for processing all freedom of information (FOI) requests in accordance with the Act. Processes in this policy have been developed to meet the requirements set out in the Act.

It is intended that this Policy be used by Corporation staff in processing requests made under the Act.

This Policy may also assist members of the public in making an FOI request to the Corporation, or having a greater understanding of how the Corporation will manage an FOI request.

## SCOPE

This policy applies to all staff, Board members, contractors and volunteers of the Corporation. Such persons acting on the Corporation's behalf are subject to the requirements of the Act and are expected to comply with both the Act and this Policy in respect of FOI requests.

## DEFINITIONS

Reference Term	Definition
Act	The <i>Freedom of Information Act 1982 (Vic)</i>
Agency	A department, council or a prescribed authority
Applicant	A person who has made a request in accordance with section 17, or has applied under section 12(1) of the Act
Document	As defined under the Act, includes a map, graph, drawing, photograph, label or other attachment, disc, tape, sound track, or film, as well as a document that has been hand written or typed. Information held on computer disk or in a database fits the definition of a document. This includes any copies, reproductions or duplications and any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them

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FOI	Freedom of information
FOI Officer	Refers to officers employed by the Goulburn Valley Regional Library Corporation in the following position: <ul style="list-style-type: none"> <li>• HR Coordinator</li> </ul>
Principal Officer	Chief Executive Officer
The Corporation	Goulburn Valley Regional Library Corporation (trading as Goulburn Valley Libraries)

## POLICY

### 1. Publications available outside of FOI

The Corporation publishes a number of brochures and guides for the public and patrons. For copies of any of these documents, please email us at [gvrhc@gvrhc.vic.gov.au](mailto:gvrhc@gvrhc.vic.gov.au).

The Corporation publishes a range of documents on the Corporation website at [gvibraries.com.au](http://gvibraries.com.au) including;

- Board Minutes
- Annual Budgets
- Library Plan and Strategic Resource Plans
- Annual Reports
- Relevant Policies and Procedures

### 2. Requests for Documents

It is recommended that applicants contact the FOI Officer prior to submitting an FOI request.

FOI requests must be made in writing and lodged with the Corporation, accompanied by the applicable application fee, or an application to waive fee (see 'Applicable Fees and Charges', below).

While the Corporation will accept any FOI request made in any written form (such as email or letter), it encourages all applicants to submit an FOI request using the Corporation Request for Access to Documents Under the Freedom of Information Act 1982 Form (Attachment 1).

The Act requires applicants to state their requests clearly enough for relevant documents to be identified. If a request is not sufficiently clear, the Corporation will assist the applicant in clarifying his or her request to enable it to be processed. An FOI request will only be processed by the Corporation once it is sufficiently specific and clear.

Once a valid FOI request is made, the FOI Officer must conduct a thorough search, with the process of the search, and the outcomes, recorded. All correspondence and communications with applicants will be managed by the FOI Officer.

### **3. Applicable Fees and Charges**

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

#### **Application fee**

The application fee for making an FOI request is set by the Treasurer and is reviewed annually in July each year and published in the Government Gazette.

Payment of the application fee will be accepted via eftpos, cheque or money order. In accordance with section 17(2B) of the Act, an applicant may request that the application fee is reduced or waived. With any application for the Corporation to waive the application fee, applicants must also provide the Corporation with a copy of their current concession card to enable the FOI Officer to determine whether to waive the application fee.

#### **Access charges**

Section 22 of the 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 available upon request by contacting the Freedom of Information Officer at [gvrlc.gvrlc.vic.gov.au](http://gvrlc.gvrlc.vic.gov.au).

No charges apply to requests for the correction or amendment of a person's own personal information.

### **4. Access to documents**

Applicants have the right to request any document which is in the possession of the Corporation, but access is subject to any applicable exemptions under the Act.

A person does not have the right to obtain under the Act publications which are sold by the Corporation, documents which are held by the Public Record Office of Victoria or documents that are readily available to the public, including where access is subject to the payment of a fee.

The Act allows for requested documents to be withheld where they are considered to be exempt from release. The FOI Officer will consider, subject to the provisions of the Act, whether each document within the scope of the FOI request is exempt and decide whether it should be released in full, released with exempt details deleted (released in part), or withheld.

Any third parties mentioned in the documents may need to be consulted prior to a decision being made on release of the documents. Section 34 of the Act requires consultation with third parties in relation to the disclosure of business information or trade secrets prior to a decision being made on release of the information.

Third parties may also need to be notified of a decision to release their information and their appeal rights.

Where it is proposed to release documents containing the personal or business information of a third person, the Corporation will not give the FOI applicant a copy of these documents until the appeal period of 60 days has elapsed. Sometimes this can be avoided if an applicant states in their FOI request that they do not require personal information to be provided.

If a requested document does not exist, has been destroyed, or cannot be found, despite a thorough search, this will be communicated to the applicant in the decision letter.

## **5. Exempt documents**

A document or part of a document can be regarded as exempt if (among other things):

- it is an internal "deliberative process" document and its release would be contrary to the public interest (exempt under section 30 of the Act);
- it would be privileged from production in legal proceedings on the ground of legal professional privilege (exempt under section 32 of the Act);
- it concerns the personal affairs of a person other than the applicant where disclosure would be unreasonable in the circumstances (exempt under section 33 of the Act);
- it is information communicated in confidence to the Corporation (exempt under section 35 of the Act); or
- its release would disadvantage the Corporation or another organisation commercially (exempt under section 34 of the Act).

## **6. Decision letter**

Under section 26 of the Act, the Corporation's Chief Executive Officer is deemed responsible for making decisions relating to access to documents and advising applicants in writing of that decision. By way of delegation this power has been delegated to the FOI Officer.

If the FOI Officer decides not to release a document or part of a document, or decides that access should be deferred (section 24) or that no such document exists, the applicant must be sent a written notice that sets out findings on material facts, the reasons for the decision, the name and designation of the FOI Officer and details of the applicant's review rights (section 27).

If an exemption is claimed under section 30 (internal working documents), the letter must include the factors considered in deciding that release would be contrary to the public interest.

The applicant should be informed who to contact if they have any queries about the decision and how to make a complaint or request a review with the FOI Commissioner, and the deadline to do so.

## **7. FOI Commissioner - FOI Reviews and Complaints**

When an applicant is dissatisfied with the FOI Officer's decision not to release all or part of a requested document, the applicant has 28 days from receipt of the written notice of the decision to lodge a request for a review of the decision. This review is conducted by the FOI Commissioner.

If access is denied because the document does not exist or cannot be found after a thorough and diligent search, or if the FOI request has been delayed, the applicant has the right to complain to the FOI Commissioner. A complaint must be made within 60 days after the action or conduct they wish to complain about occurred.

## **8. Review by the Victorian Civil and Administrative Tribunal**

Decisions of the FOI Commissioner can be appealed to VCAT. An application must be made within 60 days from the date of the notice of decision of the FOI Commissioner (see section 52 of the Act).

If a disclosed document includes a third party's personal or business information, the third party has 60 days from the date of the decision letter to apply to VCAT for a review of the decision. An applicant's access to that document will be deferred until the expiry of that appeal right.

### **9. Amendment of Personal Records**

Under section 39 of the Act, an individual or, in the case of a deceased person, the next-of-kin, is entitled to request in writing the correction or amendment of any information pertaining to the individual's own personal affairs that has been previously released to that person.

A request for amendment of personal records must be made in writing in accordance with section 40 of the Act.

### **RELATED LEGISLATION**

- Freedom of Information Act 1982
- Freedom of Information (Access Charges) Regulations 2014
- Freedom of Information Regulations 2009
- Public Records Act 1973
- Privacy and Data Protection Act 2014
- Local Government Act 1989

## Attachment 1.

### Request for Access to Documents Under the Freedom of Information Act 1982 Form

This form can be used to make a Freedom of Information request to the Goulburn Valley regional Library Corporation.

#### 1. Applicants details

Title	
Name	
Company (if applicable)	
Postal Address	
Email	
Telephone	

#### 2. Legal representative / Consultant's details

If you are lodging a Freedom of Information (FOI) request on behalf of a client, you must provide evidence to show that your client has authorized you to:

- Make an FOI request on their behalf;
- Communicate with the Corporation in relation to the FOI request; and
- Receive copies of any documents released to the applicant by Council.

Authorisations may be in the form of a letter, signed by the client, confirming the above.

Please provide the details of legal representative / consultant, if applicable.

Title	
Surname	
Given name	
Company / Firm	
Company / Firm Address	
Client authorisation attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>

### 3. Documents Requested by the Applicant

The applicant requests access to the following documents:

*Please describe the documents you want access to – being as clear and specific as possible. If you are only seeking access to documents within a particular date range, specifying a date range may enable the Corporation to process your request faster and may reduce the charges payable for processing the request.*

Please attach any additional information that would assist in processing your request.

Your preferred means of accessing the documents identified above is:

- To receive a copy
- To inspect the documents at the Corporation's office

### 4. Consultation with Third Parties

If the documents identified relate to the personal or business affairs of another person or body, the Corporation may consult with that individual / body in order to obtain their views about the potential release of documents.

In the event that a third party consultation is undertaken in relation to this request, can the Corporation reveal the applicants identity to third parties who are consulted? (This can often expedite the consultation and decision making process.)

The client / applicant consents to the disclosure of their identity for the purposes of third party consultation.

Yes  No

### 5. FOI Application Fee and Access Charges

The charges applicable for processing an FOI request are fixed in accordance with regulations made under the Freedom of Information Act 1982 (Vic).

#### Application Fee

The application fee for making an FOI request is currently \$29.60 . Payment is accepted via eftpos, credit card, cheque or money order. You may request that the application fee be reduced or waived if payment would cause you financial hardship. If you want to apply for the application fee to be waived, please include evidence of financial hardship.

- I enclose a cheque / money order for \$29.60, made payable to the Goulburn Valley Regional Library Corporation,

OR

- Payment can be made via EFTPOS, Visa or Mastercard in person at a Goulburn Valley Library,

OR

- I request that the application fee be waived due to financial hardship.

#### Access Charges

In addition to the application fee, certain charges for providing access to the documents may be payable. These charges are calculated in accordance with the Freedom of Information (Access Charges) Regulations 2014 (Vic).

If access charges are payable, the Corporation will provide you with details of those charges.

## **6. Lodging an FOI request**

FOI requests can be made by;

Post	FOI Officer Goulburn Valley Regional Library Corporation PO Box 632 Shepparton 3632
Email	<a href="mailto:gvrhc@gvrlc.vic.gov.au">gvrlc@gvrlc.vic.gov.au</a>  Emails should be marked to the attention of the FOI Officer

Your FOI request will not be validly made until you pay the application fee in full or, if you have applied for a waiver of the fee, the Corporation determines to waive the application fee.

By lodging this FOI request form, you are declaring that the information supplied is accurate and complete.