



FREEDOM OF INFORMATION

Version	Date	Approved
1 / 2016	10/03/2016	ERLC Board

Preamble

The Victorian Freedom of Information Act gives you the right to request documents held by Eastern Regional Libraries Corporation (ERLC).

The Act gives you:

- the right to access documents about your personal affairs and the activities of ERLC; and
- the right to request that incorrect or misleading information held by ERLC about you be amended or removed.

How to Apply

It is worth contacting ERLC beforehand to find out if you can access the information you want without making an FOI application. There are other options to using FOI.

Documents that you might be able to obtain without an FOI application include those containing:

- Your own personal information, such as personnel records.
- Information which is available publicly e.g. documents available on ERLC's website.
- Information which is available for purchase.

Following this initial contact, or if you believe the information you require is only available through a FOI request, please complete a **REQUEST FOR ACCESS TO DOCUMENTS** (see Attachment 1).

You can authorise another person (e.g. a solicitor) to make a request on your behalf. If you would like someone to make a request on your behalf for your personal information, you must give them written authorisation.

If you need documents for a court case or some type of litigation, speak to your legal advisor about other processes for accessing those documents.

Note:

ERLC will not process FOI requests for documents that ERLC makes available to the public either free of charge or for purchase.

Costs

There are two costs associated with making a FOI 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 ERLC to waive the application fee.

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 following table outlines these costs. All fees and charges are exempt from GST.

Application Fees

\$27.20 from 1 July 2015 (non-refundable unless fee is waived) and as increased by government regulation.

Access Charges

Access charges are set by government regulations. Further information about FOI fees and charges can be found at the Freedom of Information Commissioner's website:

www.foicommissioner.vic.gov.au

What You Can Access

You have a right to apply for access to documents that are held by an agency which is covered by the Freedom of Information Act. This includes:

- Documents created by ERLC.
- Documents supplied to ERLC by an external organisation or individual.

You can apply for access to:

- Documents about your personal affairs, regardless of the age of the documents.
- Documents of a non-personal nature, not older than 5 July 1978.
- Documents held by ERLC, not older than 1 January 1989.

It is not only documents in paper form that are accessible. The word 'documents' covers a broad range of media including maps, films, microfiche, photographs, computer printouts, emails, computer discs, tape recordings and videotapes.

You may ask for a copy of the document, or you may request access to the document, for example, to see a film or to get a transcript of a tape recording. Costs will apply.

What You Cannot Access

Not all documents are automatically available.

The Freedom of Information Act allows ERLC to refuse access to certain documents or information. These documents or information are often called 'exempt' documents.

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.

Here is a list of some information that you may not be able to access:

- an internal "deliberative process" document and its release would not appear to be in the public interest (exempt under Section 30 of the Act);
- a document that would be privileged from production in legal proceedings on the ground of legal professional privilege (exempt under Section 32 of the Act);
- a document that concerns the personal affairs of a person or persons who have not initiated the request (exempt under Section 33 of the Act);
- a document that is information communicated in confidence by or to the ERLC (exempt under Section 35 of the Act);
- a document that release would disadvantage ERLC or another organisation commercially (exempt under Section 34 of the Act); or
- a document that is seen to be covered by one or more of the other exemptions provided for by the Act.

Who Makes FOI Decisions

ERLC has a Freedom of Information Officer who is authorised to make decisions about access to documents under the Freedom of Information Act. The officer has a maximum of 45 days from the date they receive a valid request to tell you their decision.

Note:

In some circumstances the decision may be made by ERLC's Principal Officer (the Chief Executive). A decision by ERLC's Principal Officer will impact on your application for review if you are unhappy with the decision made, or the way your request is being handled – see [Review of ERLC's FOI Decision](#)

Request Processing

Once ERLC receives your request, the FOI Officer will review it to make sure that all the necessary information has been included and the documents you are requesting have been clearly identified.

The FOI Officer will write to you if any further information is required.

The Freedom of Information Act requires ERLC to complete your request within 45 days from the date that it was received.

Note:

This time limit only applies if your request is sufficiently clear for the officer to process it and the application fee has been paid or waived.

When your request has been processed, you will be sent a letter with ERLC's decision. ERLC will inform you whether:

- All the documents you requested will be released.
- Part of the documents you requested will be released.
- None of the documents you requested will be released.
- The documents you requested could not be found.
- No documents meet the terms of your request.

Review of ERLC FOI Decision

If you are unhappy with the decision made, or the way your request is being handled by, the FOI Officer, you may apply for review by the Freedom of Information Commissioner.

You must apply in writing within 28 days after receiving ERLC's decision, identifying ERLC as the agency concerned and the decision to be reviewed. You should also provide an explanation of why you disagree with the decision.

More information about review by the FOI Commissioner, including a review application form to assist you in making your application, is available at:

www.foicommissioner.vic.gov.au/home/reviews/how+to+apply/

Note:

If the decision is made by ERLC's Principal Officer (the Chief Executive) rather than the FOI Officer you can apply **only** to the Victorian Civil and Administrative Tribunal (VCAT) for a review. More information about a review by VCAT, including a review application form to assist you in making your application, is available at:

www.vcat.vic.gov.au/adv/freedom-information-act-1982

REQUEST FOR ACCESS TO DOCUMENTS

To: *Freedom of Information Officer
Eastern Reginal Libraries Corporation
1350 Ferntree Gully Road
SCORESBY VIC 3179*

Under the Freedom of Information Act 1982, I wish to gain access to the following document(s):

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Form of Access: (Tick where appropriate)

- I request copies of the document(s) to be forwarded by mail.
- I request an inspection of the original document(s).
- I am prepared to inspect copies of the document(s) where the provision of originals would interfere unreasonably with the operations of ERLC.

Fee

I enclose an application fee of **\$27.20** (twenty-seven dollars and twenty cents) which is payable in respect of this request and I understand that I will be supplied with a statement of further charges if applicable.

Contact Details

Name: *Mr/Mrs/Miss/Ms*

Address:

Postcode:

Telephone No:

Email Address (optional):

Signature:

Date:

