7.4 OUTCOME OF ADVERTISING AND ADOPTION OF FREEDOM OF INFORMATION POLICY

Attachments:
1. **Policy 4.1.4 Freedom of Information Requests July 2022**
2. **Policy 4.1.4 Freedom of Information Requests**

RECOMMENDATION:

1. ADOPTS the Freedom of Information Policy 4.1.4 at Attachment 1; and

2. REPEALS Freedom of Information Policy 4.1.4 at Attachment 2.

PURPOSE OF REPORT:

To present the outcome of community consultation and seek approval of the proposed Freedom of Information Policy at **Attachment 1** and repeal of Freedom of Information Policy 4.1.4 at **Attachment 2.**

DELEGATION:

Section 2.7 of the *Local Government Act 1995* sets out the Role of Council as being to 'determine the local government's policies'. There is no delegation to Administration to make, review or repeal policies.

BACKGROUND:

At its 10 December 2024 Meeting, Council approved conducting community consultation of its intention to amend the Freedom of Information Policy.

In accordance with the City's Community and Stakeholder Engagement Policy, community consultation was undertaken between 22 January 2025 and 20 February 2025, which is in excess of the 21 days required.

The policy was advertised on:
- 30 January 2025: City of Vincent website news item (3 views)
- 30 January 2025 and 13 February 2025: City of Vincent E-news (10,000 circulation) promoting the City's public notices
- 1 February 2025: Perth Voice newspaper public notice
- January and February 2025: notice exhibited on the notice board at the City's Administration and Library and Local History Centre.

No public submissions were received.

DETAILS:

Requirement for a documented City position (including community need or legislative requirement):

The policy enables the City to fast-track its response to information requests without the need to require lodgement of a formal application and appropriate fee.

There is no legislative requirement for this policy however in its absence all access applications would require a formal application to be lodged and there would be no mechanism in place to provide third party information outside of the *Freedom of Information Act 1992.*

Examples of current / best practice:

The current policy is not heavily used. In 2023/2024, two access applicants were able to obtain their requested documents within one day of the initial request without the requirement of submitting a formal application. The revised policy provides greater flexibility to the public and City officers but is not expected to result in significant change in application numbers.

CONSULTATION/ADVERTISING:

No further consultation is required.

LEGAL/POLICY:

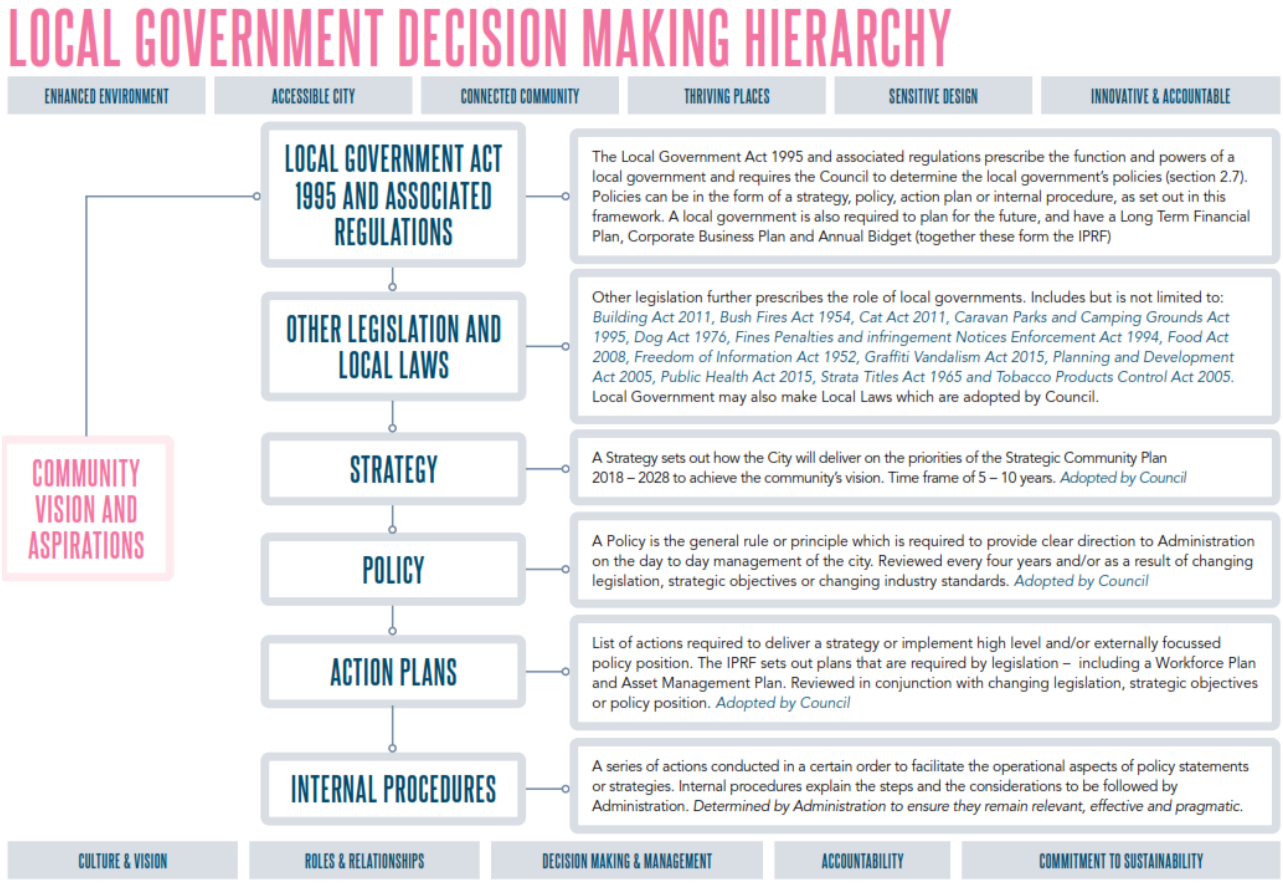
Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

In accordance with section 2.3 of the Policy Development and Review Policy:

> *The purpose of a policy is to provide a general rule or principle to guide Administration and the community on the City's decision making and advocacy;*

The purpose of the proposed is to allow for determination of FOI applications and to set provisions for waiving the prescribed FOI fee.



Freedom of Information Act 1992
Freedom of Information Regulations 1993
State Records Act 2000

RISK MANAGEMENT IMPLICATIONS

Low: Adopting the proposed policy is low risk as the policy outlines how the City will effectively deal with Freedom of Information applications.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

We embrace good ideas or innovative approaches to our work to get better outcomes for Vincent and our community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased mental health and wellbeing

FINANCIAL/BUDGET IMPLICATIONS:

Nominal. The application fee for a Freedom of Information application is set at $30.00.

COMMENTS:

The amended Freedom of Information policy allows for improved access to documents by members of the public and demonstrates the City's accountability and transparency in its decision making process.

FREEDOM OF INFORMATION REQUESTS

Legislation / local law requirements	*Freedom of Information Act 1992* *Freedom of Information Regulations 1993*
Relevant delegations	17.2 - Appointment of Principal Decision Maker
Related policies, procedures and supporting documentation	Guide 1. Recordkeeping Awareness Roles and Responsibilities Guide 2. Recordkeeping Awareness Unauthorised Disclosure of Official Information Guide 13. Freedom of Information Awareness Recordkeeping Procedure - Release of Planning approvals and associated stamped approved plans

PRELIMINARY

INTRODUCTION

Section 44 of the *State Records Act 2000* states:

> "*If a government record is not a State archive, any right that a person may have to be given access to it is to be determined under the FOI Act.*"

There is no legislative requirement for this policy however in its absence all access applications would require a formal application to be lodged and there would be no mechanism in place to provide third party information outside of the *Freedom of Information Act 1992.*

PURPOSE

The purpose of this policy is to allow for determination of FOI applications and to set provisions for waiving the prescribed FOI fee.

OBJECTIVE

To:

- provide information to the public, free of charge where possible, while maintaining the privacy of third parties in accordance with the Act.
- reaffirm the City's commitment to accountability.
- recognise and support the public right to access information held by local government.

FREEDOM OF INFORMATION REQUESTS

POLICY

Upon receiving a Freedom of Information request, the Chief Executive Officer or their delegate will determine the status of the request in accordance with the provisions of the Act.

If the determination is such that the information can be provided:

1. with less than two hours of officer time; *and*

2. unedited or edited to the extent that identification of a third party is protected

then the fee, as prescribed by the Council, will be waived.

If the applicant is not satisfied with this outcome, then they will be required to lodge a formal Freedom of Information request and pay the appropriate fee in accordance with the regulations.

OFFICE USE ONLY	
Responsible Officer	Coordinator Information
Initial Council Adoption	14/04/1998
Previous Title	Freedom of Information Requests
Reviewed / Amended	22/07/2003, 22/04/2008, 26/02/2013,
Next Review Date	12/2029

POLICY NO: 4.1.4

FREEDOM OF INFORMATION REQUESTS

OBJECTIVES

To provide information to the public free of charge where possible while maintaining the privacy of third parties in accordance with the Freedom of Information Act.

POLICY STATEMENT

Upon receiving a Freedom of Information request the City's Freedom of Information Co-ordinator or Chief Executive Officer or his nominee will determine the status of the request in accordance with the provisions of the Freedom of Information Act.

If the determination is such that the information can be provided:

1. with less than one hour of officer time; and

2. unedited or edited to the extent that identification of a third party is protected;

then the fee, as prescribed by the Council, will be waived.

If the applicant is not satisfied with this outcome then they will be required to lodge a formal Freedom of Information request and pay the appropriate fee in accordance with the Act.

Date Adopted:	**14 April 1998**
Date Amended:	**22 July 2003**
Date Reviewed:	**22 July 2003, 22 April 2008, 26 February 2013**
Date of Next Review:	**February 2018**