

# FREEDOM OF INFORMATION REQUESTS

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

## 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.

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