



Management Procedure

Freedom of Information Management Procedure

Implementation:

31st December 2007

Scheduled Review:

31st December 2008

Objective

To define the procedures and application of the Western Australian Freedom of Information Act 1992 as it applies within the Shire of Corrigin.

Statement

This policy outlines the general principles associated with the Western Australian Freedom of Information Act and compliance to the Act in situations involving applications from members of the general public for access to documentation. This policy also outlines the responsibilities of employees in regard to the Act.

Definitions

FOI: Refers Freedom of Information
The Act: Refers to the Western Australian Freedom of Information Act 1992
The Shire: Refers to the Shire of Corrigin
The Agency: Refers to the Shire of Corrigin
Employees: Refers to employees employed by the Shire of Corrigin.

Introduction

The Western Australian Freedom of Information Act 1992 was introduced to aid members of the public gain access to documents held by the State Public Sector agencies, which include Government Departments.

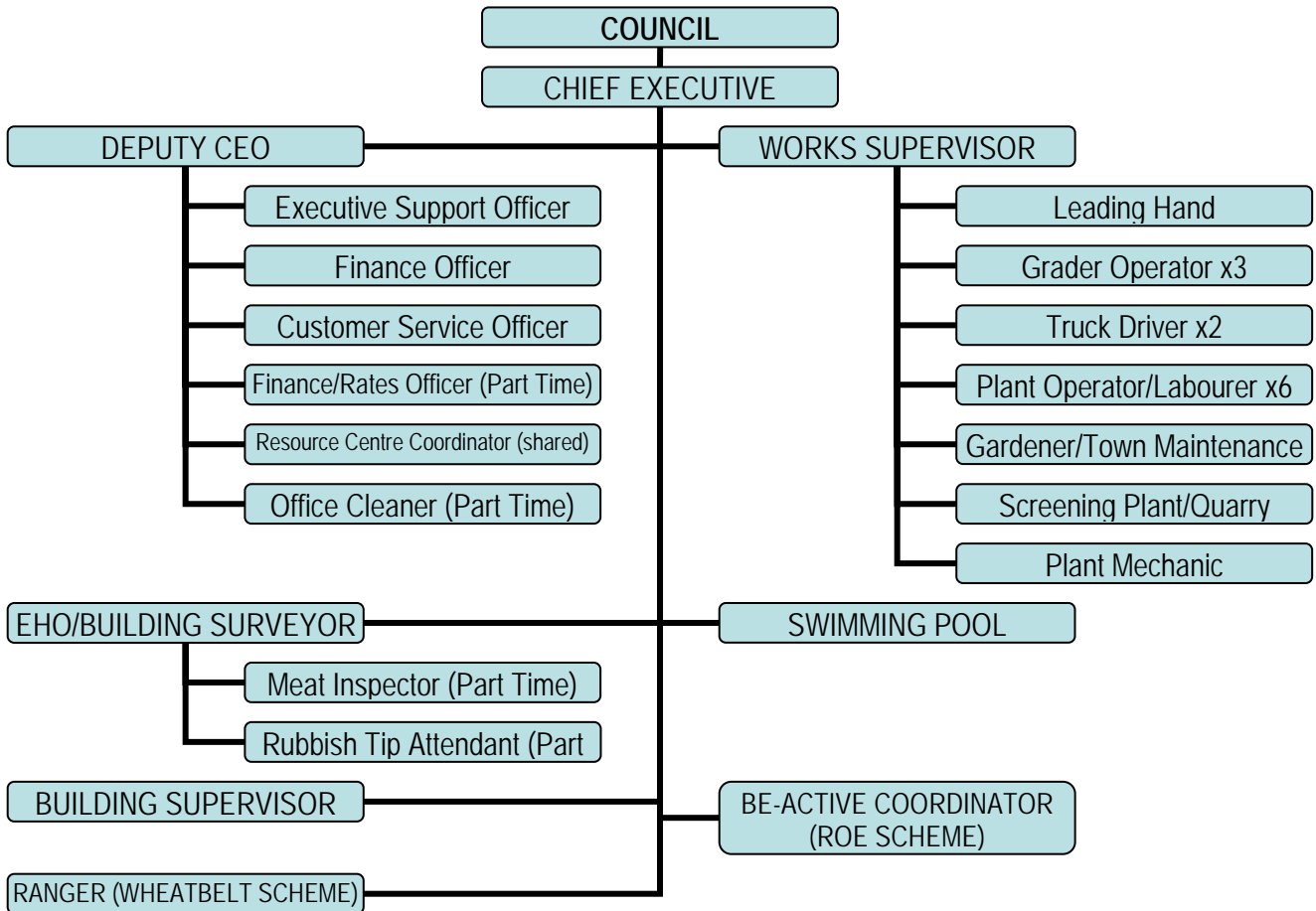
Agencies are required to assist the public obtain access to documentation at the lowest possible cost, and to ensure that personal information held is accurate, complete, up to date, and not misleading.

The Shire of Corrigin embraces the principle of openness and seeks to provide maximum access to its documents commensurate with the efficient operation of the Shire and with the protection of the privacy of individuals.



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Agency Structure



Details of Functions, including Decision-making Functions, affecting the public

Council consists of 9 Councillors who are elected to make the policy decisions of the Shire, and the Staff who are responsible for ensuring that those policies are carried out.

It is important to realize that you have elected representatives to help sort out any problems that you may have. Before sending a letter to Council, it is suggested that you contact your local Councillors to discuss the problem. They will advise whether the matter should be placed before Council, or dealt with by the CEO.

Public Participation in the Formulation of Policy and Performance Agency Functions

Public consultation is sought every two years when the Plan for the Future is reviewed and when various other major projects are undertaken. Council will advertise accordingly.

Council welcomes any suggestions on the operations of the Shire and these can be made in writing at any time.



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Legislation

The legislation for Freedom of Information was passed by the Western Australian Parliament in December 1992 and came into effect on 1 November 1993.

The FOI Act gives every person the right to seek access to documents held by government agencies.

Documents may comprise written material, plans and drawings, photographs, tape recordings, films, video tapes and information stored in a computerized form.

Legislation Administered

The Shire of Corrigin administers matters relating to a number of Acts of Parliament including:

- Local Government Act 1995
- Dog Act 1976
- Health Act 1911
- Bush Fires Act 1954
- Local Government (Miscellaneous Provisions) Act 1960
- Caravan Parks and Camping Grounds Act 1995
- Land Administration Act 1997
- Cemeteries Act 1986
- Disability Services Act 1993
- Dividing Fences Act 1961
- Library Board of Western Australia Act 1951
- Rates & Charges (Rebates and Deferments) Act 1992

Documents held by the Shire of Corrigin

Enquiries about the types of documents held by the Shire of Corrigin and how to apply for access to them may be made by contacting the Shire of Corrigin. Enquires may be directed by mail, email, or facsimile or, in office hours by telephone, or in person by appointment.

Documents to which access may be granted

The FOI Act confers a right to seek access to documents irrespective of when they were created.

Under the Act, the Shire of Corrigin is entitled to refuse access to documents which are already available, for instance in a public library.

Documents to which access may not be granted

The Act provides that access to certain documents or to certain information contained in documents may be refused in order to protect essential public interests or the private business affairs of others. A request to obtain access to documents which contain information about the private affairs of others will usually be refused.



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The Shire of Corrigin may also refuse access to documents on the grounds that there would be a substantial and unreasonable workload in identifying, locating and collating the volume of documents in question.

If a request to obtain access is refused, Shire of Corrigin will give specific written reasons for the decision and advise the applicant of their rights to appeal against the decision.

Requests for access to documents

An FOI request must be made in writing. An applicant should:

- Write a request to the Shire of Corrigin.
- Provide as much information as possible to enable identification of the documents of interest.
- State what they wish to do; eg whether they wish to inspect the documents, obtain a copy etc.
- Post or deliver the application to:
Shire of Corrigin
9 Lynch Street
PO Box 221
CORRIGIN WA 6375

Response to Requests for Access

The Shire of Corrigin is required

- To acknowledge receipt of the request in writing;
- To consult with the applicant regarding any difficulties in dealing with the request and;
- To either grant access to the documents or provide specific reasons for refusing the access within 45 days.

Charges for obtaining access to documents

An application fee of \$30.00 is payable for requests for access to information to documents of a non-personal nature. Other charges may apply for staff time, photocopying or other administrative functions.

Requests for amendment to personal documents

There is a right to apply for amendment to information relating to "personal affairs" contained in the Shire of Corrigin documents if it is believed that the information is inaccurate, incomplete, out-of-date or misleading. The information may be factual or it may be an opinion. If the Shire of Corrigin agrees to amend the information, this may be done by altering the information itself or by adding a notation to the documentation. There is no charge applied to this process.



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Rights of Appeal

An applicant has the right to appeal against the following decisions-

- An outright refusal to grant access to a document or to grant access at the time requested and in the preferred format;
- A refusal to grant access to part of a document;
- A decision to allow another person access to a document which discloses personal, business, professional, commercial or financial affairs, or any other information which would be of substantial concern if released;
- A decision to grant access to a document containing information on their physical or mental health through a doctor rather than directly;
- A decision to levy an application fee or charge for access which is thought to be unreasonable; and
- A refusal to amend personal affairs information which is believed to be inaccurate, incomplete, out-of-date or misleading, or to amend the information in the manner requested.

Internal Review

If the decision on a FOI request was made by a Shire of Corrigin officer other than the Chief Executive Officer, an applicant may request the Shire of Corrigin to reconsider the decision. An application for internal review must be lodged in writing within thirty days of notification of the decision.

The review process will be assisted by the applicant stating reasons for seeking amendment of the decision or identifying particular aspects of the decision which are of concern.

A fresh decision will be made within fourteen days by a person senior to the original decision-maker. Reasons will be given if the request to change the decision is not met. Applicants will also be advised of their rights to seek external review.

External Review

The Information Commissioner is an independent person responsible for reviewing the FOI decisions of all agencies.

An application to the Commissioner for external review may be made if-

- The request was decided originally by the Chief Executive Officer; or
- An applicant is dissatisfied with the outcome of an internal review.

Appeals to the Information Commissioner cannot be made if an internal review was possible but was not exercised.

An application for external review must be made in writing within sixty days of the notification of the decision. However, if an external review is sought regarding a decision to disclose information contrary to an applicants wishes, that application must be made within twenty-eight days.



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The Commissioner will inform applicants when and where the case will be heard, information required, what will happen at the end of the hearing and any other relevant information. The onus will lie with the Shire of Corrigin to justify its decision. The Commissioner has the power to affirm, vary or set aside the Shire of Corrigin's decision or to substitute a decision. The Commissioner also has the power to attempt to negotiate a settlement at any time. If an applicant believes that the Information Commissioner has made an error in law, an appeal may be lodged with the Supreme Court.

Personal Liability

Employees of the Shire of Corrigin are protected against personal liability under the provisions of the Act, provided that they acted in good faith for the purpose of applications and decisions under the Act.

Agency FOI Coordinator

The Deputy Chief Executive Officer performs this role.

FOI Responsibilities

FOI Coordinator

- Responsible for all correspondence between the applicant and the Shire of Corrigin.
- Responsible for all research and collation of all relative documents, regardless of the sensitivity of the documents.
- Responsible for all interpretation of the Act as it applies to the requested documents.
- Responsible for communicating decisions on exempt documents under the Act.
- Responsible for release of full or edited documents as requested.

Other Staff

- Responsible for ensuring that all related correspondence is made available to the FOI Coordinator.
- Assist the FOI Coordinator with research where required.
- Direct any current correspondence with the applicant to the FOI Coordinator.



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FOI Application Process

It is the aim of the agency to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the Freedom of Information Act 1995 provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

Freedom of Information Applications

Access applications have to –

- Be in writing;
- Give enough information so that the documents requested can be identified;
- Give an Australian address to which notices can be sent; and
- Be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed in writing and you will be notified of the decision within 45 days.

Freedom of Information Charges

A scale of fees and charges set under the FOI Act Regulations. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows:

<i>Application fee</i>	<i>\$30.00</i>
<i>Charge for time dealing with the application (per hour)</i>	<i>\$30.00</i>
<i>Access time supervised by staff (per hour)</i>	<i>\$30.00</i>
<i>Photocopy staff time (per hour)</i>	<i>\$30.00</i>
<i>Per photocopy</i>	<i>.20</i>
<i>Transcribing from tape, film or computer (per hour)</i>	<i>\$30.00</i>
<i>Duplicating a tape, film or computer information</i>	<i>Actual Cost</i>
<i>Delivery, packaging and postage</i>	<i>Actual Cost</i>

Deposits

Advance deposit may be required in respect of the estimated charges	25%
Further advance deposit may be required to meet the charges for dealing with the application	75%



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Access Arrangements

Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

Notice of Decision

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as-

- The date the decision was made
- The name and the designation of the officer who made the decision
- If access is refused, the reasons for claiming the document is exempt
- Information on the rights of review and the procedures to be followed to exercise those rights.