

OFFICIAL

Mansfield Shire Council

Freedom of Information

At a Glance



Mansfield Shire

Mansfield Shire Council **Freedom of Information – At a Glance**

The Victorian Freedom of Information Act 1982 gives you the right to request documents held by:

- ▶ Ministers
- ▶ State government departments
- ▶ Local councils
- ▶ Most semi-government agencies and statutory authorities
- ▶ Public hospitals
- ▶ Universities, TAFE colleges and schools

The Act gives you:

- ▶ The right to access documents about your personal affairs and the activities of government agencies; and
- ▶ The right to request that incorrect or misleading information held by an agency about you be amended or removed.

The Act does not apply to privately owned businesses. This site contains information about Victorian government agencies only. Commonwealth Government agencies and each State and Territory have their own freedom of information laws.

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 the agency.
- ▶ Documents supplied to the agency 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 a Council, 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 may apply.

What You Cannot Access

Not all documents are automatically available. The Freedom of Information Act allows an agency 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.

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

- ▶ Cabinet documents.
- ▶ Some internal working documents.
- ▶ Law enforcement documents.
- ▶ Documents covered by legal professional privilege, such as legal advice.
- ▶ Documents containing personal information about other people.
- ▶ Documents containing information provided to an agency in confidence.
- ▶ Documents containing information provided to an agency by a business.
- ▶ Documents which are covered by secrecy provisions in other legislation.

This should not deter you from asking for access as each document is assessed on its merits before a decision is made.

How do I make a request?

To make a request for access to documents pursuant to the Act, your request will need to be:

- ▶ in writing using the 'Application for Access to Documents Under the Freedom of Information Act 1982' form accompanied by the relevant application fee, and
- ▶ provide sufficient information about the documents you seek.

Council's Freedom of Information Officer can assist you with your request if you are unsure about the information you need to provide.

Third Party Authority

Where an application is made by one party on behalf of another person / entity, a duly signed authority must be supplied at the time the application is lodged. Failure to supply an authority may cause delay in finalising the application and the release of information.

Privacy Statement

Personal information supplied by you as part of your Freedom of Information Application will be used for processing your Freedom of Information Application. Your information may be used in applying relevant provisions of the Freedom of Information Act 1982 to your application. It may also be used in transferring your request to other agencies if applicable, or in consulting with other parties in relation to your application.

Where do I send my request?

Forward your request in writing to:

Freedom of Information Officer
Mansfield Shire Council
Private Bag 1000
Mansfield VIC 3724

Or drop it in to the office:

33 Highett Street
Mansfield VIC 3722

When will Council respond?

Upon receipt of a valid application, it will be duly processed and a decision on a request for access to a document will be made as soon as possible, but not later than 30 days after the day on which the request is received.

Costs

Where an application for access is granted, costs may be incurred by you (in addition to the application fee). These costs will relate to, amongst other things:

- ▶ Search fees
- ▶ Supervision charges
- ▶ Photocopying charges
- ▶ Providing access in a form other than a photocopy

What if my request is refused?

In any instance where access is denied (or a decision deferred) to a document, rights of appeal exist to the Victorian Civil and Administrative Tribunal (and in some cases, to the Freedom of Information Commissioner). Where this is the case the applicant will be advised of the reasons for the decision and their rights of appeal.

www.ovic.vic.gov.au/freedom-of-information

For more information please contact Council's Freedom of Information Officer on 03 5775 8555.