



Freedom of Information Policy

Responsible Officer	Adoption Date	March 2022
Governance and Reporting Advisor	Approved By	CEO
Authorising Officer	Review Date	March 2025
Director Corporate Services	Policy Type	Corporate Policy

1. Statement and Purpose

This policy supports transparent decision-making and compliance with the *Freedom of Information Act 1982*. It provides guidance regarding the approaches and processes required for the consistent administration of the Act.

2. Scope

The principal officer of the council, and any officer or employee of the Council concerned in the administration of the Act, must comply with this policy.

3. Policy

3.1 Processes

Council will aim to apply the process requirements established by the Act, the Professional Standards, the Procedural Practice Notes and the Exemption Practice Notes.

3.2 Resources

3.2.1 In administering the Act, Council may make use of OVIC resources such as:

- Procedural Practice Notes
- Exemption Practice Notes
- Decisions and case notes
- Information Access Series resources
- Freedom of information agency templates

- 3.2.2 Freedom of information agency templates will be adapted appropriately for use by Council and varied as required by the nature and circumstances of each request for information made under the Act.

3.3 Records Management

- 3.3.1 Requests for information under the Act will be managed, stored, and secured in Council's customer request management and records management software applications.
- 3.3.2 Access to such records will be restricted to officers with responsibility for administering the Act, their supervisors, and the principal officer.

3.4 Training

- 3.4.1 Officers involved with administration of the Act should aim to complete OVIC training in the following subjects:
- Administering the *Freedom of Information Act 1982*
 - Core exemptions in the *Freedom of Information Act 1982*
 - Advanced exemptions in the *Freedom of Information Act 1982*
- 3.4.2 OVIC training events may be accessed online at <https://ovic.vic.gov.au/training-and-events/training>.

3.5 Application fee waiver policy

- 3.5.1 A freedom of information request is typically only valid upon Council's receipt of the applicable application fee under the Act, unless this fee is waived at Council's discretion, in accordance with this Policy and the *Freedom of Information Act 1982*.
- 3.5.2 A waiver or reduction of the application fee may be requested in writing by applicants for the reason that payment would cause hardship to the applicant.
- 3.5.3 Council may reduce or waive application fees upon receipt of evidence that payment of the fee would cause financial hardship to the applicant.
- 3.5.4 Officers involved with administration of the Act may waive an application fee at the applicant's request upon receipt of evidence of a valid health care or concession card.
- 3.5.5 Evidence comprising of a bank statement or statutory declaration will be reviewed and determined by the Director Corporate Services.
- 3.5.6 Application fees paid may be waived or reduced, and refund provided to the applicant up to 12 months after receipt of payment, subject to evidence of health care concession card valid as at the date of application.

3.5.7 Access charges (not being an application fee) shall be calculated in accordance with the Act and Regulations, which provide that a charge for the reasonable costs in supplying copies of documents, in making arrangements for viewing documents, in providing a written transcript of the words recorded or contained in documents, or in providing a written document in accordance with section 19 of the Act shall be waived if:

3.5.7.1 the fee would cause financial hardship to the applicant; and

3.5.7.2 the request is for access to a document containing information relating to the personal affairs of the applicant.

4. Monitoring and reporting

Each quarter, a summary of freedom of information applications will be reported to management.

5. Definitions

Act	<i>Freedom of Information Act 1982</i>
Chief Executive Officer	The person occupying the office of Chief Executive Officer of the Council, and includes a person acting in that office
Council	The Rural City of Wangaratta organisation, led by the Chief Executive Officer
Decisions and case notes	OVIC provides access to decisions and case notes relevant to the administration of the Act online at https://ovic.vic.gov.au/freedom-of-information/for-agencies/decisions-and-case-notes/
Exemption Practice Notes	The Exemption Practice Notes provide detailed guidance on how the Act, exemptions, and Professional Standards should be administered and interpreted. Practice notes are found online at https://ovic.vic.gov.au/freedom-of-information/for-agencies/practice-notes/

Freedom of information agency templates	Freedom of information agency templates have been developed to guide agencies when communicating with applicants, third parties, other agencies and internally. The templates can be customised to suit the needs of individual agencies and different circumstances. Each template heading also refers to any related Practice Note for further guidance on the relevant topic. The templates are found online at https://ovic.vic.gov.au/freedom-of-information/for-agencies/freedom-of-information-agency-templates/
Freedom of information application	A request for access to documents under section 17 of the Act
Information Access Series resources	OVIC hosts a monthly Information Access Series seminar for FOI practitioners and resources related to these seminars are available at https://ovic.vic.gov.au/freedom-of-information/for-agencies/information-access-series/
OVIC	Office of the Victorian Information Commissioner
Principal officer	The principal officer of the council is the Chief Executive Officer
Procedural Practice Notes	The Procedural Practice Notes provide detailed guidance on how the Act, exemptions, and Professional Standards should be administered and interpreted. Practice notes are found online at https://ovic.vic.gov.au/freedom-of-information/for-agencies/practice-notes/
Professional Standards	The Professional Standards have been prepared in accordance with Part IB of the Act by the Information Commissioner. Section 6U of the Act enables the Information Commissioner to develop Professional Standards relating to the conduct of an agency in performing its functions under the Act, and the administration and operation of the Act by an agency. The Professional Standards are found online at https://ovic.vic.gov.au/book/professional-standards/

6. References

Legislation

- *Freedom of Information Act 1982*

Internal policies

- Public Transparency Policy

7. Review

The policy may be amended at any time. It must be reviewed, and amended if necessary, at least once in each Council term.