

Under the *Freedom of Information Act 1982* (Vic) (**FOI Act**), every person has the right to request access to documents held by Victorian public sector agencies and Ministers. This right of access is subject to exceptions and exemptions necessary to protect essential public and private interests.

## **Making a valid request**

Under section 17 of the FOI Act, a request must meet three requirements to be valid:

1. your request must be in writing;
2. you must provide sufficient information about the documents you are requesting so that we can identify and locate relevant documents; and
3. you must pay the application fee, or if payment of the application fee would cause you hardship you can request that the fee be waived in full or in part.

For more information on making a request for documents, visit the Office of the Victorian Information Commissioner's (OVIC) website [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).

## **After you submit a request**

After you submit a request we will assess it to ensure it meets the requirements outlined in section 17 of the FOI Act. If we determine your request is not valid, we will notify you within 21 days from the date we received your request and provide you with assistance to help you make the request valid. If your request is valid, we will begin processing it.

## **Timeframes**

We have 30 days from the date you make a valid request to provide you with a decision. However, we can extend this time by up to 15 days if we need to consult with third parties whose information may be contained in the requested document(s). It may also extend this time by up to 30 days with your agreement. The agency will let you know if the timeframe changes.

## **Other charges**

We may require you to pay certain charges before access is provided to the requested document(s). For example, we may charge for providing copies of the document(s) or supervising an inspection of the document(s). If these charges exceed \$50.00, we will notify you and request that you pay a deposit before proceeding with your request.

## **How your personal information may be handled**

By submitting this form, you are providing your personal information to Hindmarsh Shire Council. Your personal information will be used for the purpose of processing your request. We may consult with third parties in considering whether an exemption under sections 29, 31, 31A, 33, 34 or 35 of the FOI Act applies. This may involve disclosing details such as your name, the terms of your request, and the documents falling within the scope of your request that concern the relevant third parties.

If necessary, we may transfer your request under section 18 of the FOI Act to another agency or Minister who is better placed to handle your request. We will tell you if they do this.

You should contact the agency directly and discuss if you have any concerns about how the agency may handle your personal information.

# FREEDOM OF INFORMATION (FOI) APPLICATION FORM

## APPLICANT DETAILS

Name:	Contact Phone Number:
Email Address:	Postal Address:
Preferred contact method:	

## THE DOCUMENTS YOU ARE REQUESTING ACCESS TO

Please identify, describe or outline the document(s) you are seeking access to.

Your request must provide sufficient information for us to identify and locate all relevant document(s). When writing your request, be specific about which document(s) you are seeking and include as much information as possible. Think about:

- what the document(s) relate to (for example, a complaint you made, or a particular project);
- the date range in which the document(s) may have been created;
- where the document(s) might be located (for example, in a particular email account, with a specific person, or held by a business or work unit); and
- the type of document(s) you seek (for example, an email, report, submission).

Please avoid using wording such as 'all documents' or 'including but not limited to' because your request may end up being too large for us to process, or it may not be specific enough for us to identify the document(s). If you are not sure how to frame your request, contact us via the details provided at the end of this form.

**Under the Freedom of Information Act (1982) I request access to the following document(s):**

## Additional Information

*Optional: please provide background or contextual information to assist us in processing your request. This could include your reasons for seeking access to the document(s) and what you intend to do with the document(s). Providing additional information may assist us to identify and locate document(s) relevant to your request. It may also assist us to identify other ways you may access the requested document(s) outside of the FOI Act.*

## Excluding documents or information you don't need

It is helpful to exclude certain documents or information from your request if it isn't particularly necessary or relevant. This may allow us to process your request more quickly by potentially reducing the number of documents to assess or removing the requirement for the agency to consult with third parties.

### Do you require access to –

- Draft documents  Yes  No
- Duplicate documents  Yes  No
- Commercial information relating to third parties  Yes  No
- Personal information relating to third parties  Yes  No

## Proof of identification

If the documents you are seeking access to relate to you personally, you may need to provide us with a certified copy of your identification. We may not be able to provide access to the requested document(s) if it cannot verify that you are the person the subject of the document(s).

## Edited copies

The document(s) you seek may contain exempt or irrelevant information. Under section 25 of the FOI Act, we can provide edited copies of document(s) with exempt or irrelevant information removed. However, we are only required to do this if you indicate you will accept an edited copy of the document(s), and if it is practicable for us to make edits. If you don't agree to receive an edited copy, we may decide the entire document is exempt and refuse access to it in full, even if there is some information that could be released to you.

I agree /  I do not agree – to receive access to a copy of a document with exempt or irrelevant information removed in accordance with section 25 of the FOI Act.



# FREEDOM OF INFORMATION (FOI) APPLICATION FORM

## Form of Access

Please tell us how you would like to receive a copy of the document(s) we decide to release to you. This might be inspecting the document(s), a hardcopy sent by post, a copy sent by email, the document(s) copied onto a CD or USB to be picked up or sent by post. We will try to accommodate your request, but it may have to provide access in another way.

## APPLICATION FEE

The application fee for making a request for access under section 17 of the FOI Act is \$32.70 (as of July 2023). You can pay this fee at any of our Customer Service Centres, over the phone or via cheque. Your application is not considered valid until the fee is paid.

Alternatively, if paying the application fee would cause you hardship, you may request the agency to waive the application fee in full or in part.

If you request a waiver, please provide evidence to show why paying the fee would cause you hardship, such as a concession or healthcare card, bank statement, or statutory declaration outlining why payment would cause hardship. We will assess your fee waiver request and let you know the outcome.

I am requesting a fee waiver and have attached relevant evidence to this application.

Applicant's Signature	Date

## Submitting your request

This completed form and the application fee should be sent to:

**The Freedom of Information Officer  
Hindmarsh Shire Council  
PO Box 250  
NHILL VIC 3418**

Before submitting a request under the FOI Act, it is recommended you contact Council to determine if the information you seek can be directly accessed without going through the FOI process.

For further information of the FOI Act and procedures please contact Council's FOI Officer on (03) 5391 4444 or email at [foi@hindmarsh.vic.gov.au](mailto:foi@hindmarsh.vic.gov.au)

Alternatively you can also visit the OVIC's website at: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au) or email [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au).

Council is committed to full compliance with its obligations under the *Privacy and Data Protection Act 2014*. The personal information requested on this form will only be used to assist in the processing of your FOI request. No personal information will be disclosed to any external person or party without your consent unless required or authorised by law.