



**Perenjori**

Embrace Opportunity

## Freedom of Information Procedure



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## What is freedom of information?

The *Freedom of Information Act 1992* (The FOI Act) is an Act to provide the public access to documents held by the Shire of Perenjori and to ensure that personal information held by the Shire is accurate, complete and up to date.

The FOI Act is designed to make State and Local Government agencies more open and accountable by:

- Enabling the public to participate more effectively in governing the State.
- Making the persons and bodies that are responsible for State and Local Government more accountable to the public.

The Shire of Perenjori gives effect to the FOI Act in a way that:

- Creates a general right of access to documents held by the Shire (subject to the sensitivities of the document, i.e. exemptions).
- Allows access to documents to be obtained promptly and at the lowest reasonable cost.
- Assists the public to ensure that personal information held by the Shire is accurate, complete, up to date and not misleading.
- Ensures certain documents concerning government operations are made available to the public. Whenever possible, documents will be provided outside the FOI process.

## Obtaining Council Documents Under the Freedom of Information Act

Before lodging a Freedom of Information application with the Shire of Perenjori, you should check to see if the information is available outside the Act.

There are various documents available for public inspection free of charge at the Administration Building, Members of the public may purchase copies of these and other documents. Documents available are listed in the Shire of Perenjori Information Statement.

Upon receipt of a written application, together with your \$33 application fee, a search will begin to identify the documents you have requested. These documents will then be reviewed to determine if any exemptions\* apply. The requested documents will be provided within the shortest possible time (within 45 days).

There is no application fee or charges associated with FOI applications for personal information about the applicant, and amendment of personal records. (Refer to section on [personal information](#)).

## How do you apply?

Freedom of Information applications must be in writing and include an Australian address to where notices can be sent. Ideally contact details like your full name, telephone number and email address will be beneficial in assisting with your application. See Appendix 1: FOI Application Form.

You also need to provide enough information about the documents to assist us to process your request. The more specific an application is, the quicker the process. Requests of a general nature, for example 'all documents about a subject for an unspecified period of time' can be time consuming.

Your completed application form can be sent to:

### **By Post**

CEO

Shire of Perenjori

PO Box 22

Perenjori

Western Australia 6620

or

### **In Person**

44 Fowler St

Perenjori

Western Australia 6620

or

### **Vi email**

[ceo@perenjori.wa.gov.au](mailto:ceo@perenjori.wa.gov.au)

If you are requesting personal information please include evidence of your identity.

Applicants will receive a response from the Shire as soon as possible within the statutory forty-five (45) days of the Shire receiving the request.

## Fees & Charges

No fees or charges apply for access to personal information or the amendment of personal information.

Applications for other documents (i.e. non personal documents) require an application fee to be paid when the application is lodged. Charges imposed by the Shire are as follows:

FOI – Application Fee	\$33.00/ Application
FOI- Labour in Processing Application	\$44.00/hr
FOI- Labour in Supervising Access	\$66.00/hr
FOI- Labour for Photocopying	\$44.00/hr
FOI- Photocopying A4 Sheet (black and white)	\$0.22/ A4 Sheet
FOI- Photocopying A3 Sheet (black and white)	\$0.70/A3 Sheet

Where the processing fee's and charges for access to Freedom of Information Documents is expected to exceed \$25.00 (in addition to the \$33 application Fee) an estimate of costs will be provided by the Shire.

## Personal Information

The term personal information is defined in the FOI Act. Basically, personal information is information or opinion about an identifiable person, whether living or dead.

The kind of information about a person that is personal information under the FOI Act includes, for example, a name, address and telephone number, medical information, financial information, marital status and information about personal relationships and other sensitive, private information.

Other information such as the location, date or time a complaint was made to a regulatory body may be 'personal information' if the information identifies someone and there is only one possible source of information.

When an applicant seeks access to personal information about himself or herself, the fact that it is personal information about him or her is a factor in favour of disclosure.

Frequently, personal information about an applicant appears in context with non-personal information. It is not a requirement that the non-personal information be deleted before access is given. Rather, background information and factual information that puts the personal information into context should be released to an applicant so that the document is meaningful.

Non-personal information may be deleted if, for example, it is irrelevant to a request or if it deals with a totally different subject matter. Non-personal information that is personal information about a third party should always be deleted unless consent is given for its disclosure to the applicant. If a third party knows the identity of an applicant, he or she may consent.

If a person finds that information contained in a document held by the Shire is inaccurate, incomplete, out of date or misleading, then the person can apply to amend the information, free of charge. Simply write to the Shire of Perenjori detailing where you have seen this information together with the correction/s required.

## What Type of Documents Can I Obtain?

Your right to apply is not affected by any reasons you have for wishing to obtain access to the documents, or the City's belief as to what the reason is for applying. However such information can often assist the Freedom of Information Coordinator to process your application more quickly.

The FOI Act makes it possible for you to apply for any 'record of information' held by the City. The FOI Act has unlimited retrospectivity, so access can be sought to any document regardless of its age.

This may include, but is not restricted to:

- Paper files
- Computer Records
- Maps
- Plans
- Photographs
- Tape Recordings
- Films / Video Tapes
- Electronically Stored Information.

## Notice of Decision & Refusal of Access

A Notice of Decision will be issued to you by the Shire of Perenjori as soon as practicable - within the legislated 45 days of receipt of the application (in the case of an extensive or complex FOI request, an extension to the 45 day time limit may be negotiated with the applicant).

A Notice of Decision will include details such as:

- The date which the decision was made.
- The name and position of the officer who has made the decision.
- If any documents are exempt, including the reasons for classifying them exempt or why documents have been edited.
- Information on the right to review and the procedures to be followed to exercise those rights.

While the FOI Act provides a general right of access to documents, Schedule 1 of the FOI Act recognises that some documents require a level of protection.

These include:

- Personal information about other individuals.
- Commercially valuable information or information concerning trade secrets.
- Legal advice.
- Information that would reveal a decision made during a deliberative process closed to the public.

However, exemptions may not be claimed unless there are good reasons to deny access to requested information. The Shire of Perenjori is required to give full reasons for denying access to documents detailed in their Notice of Decision.

## Freedom of Information Statement

To make the State and Local Government more open and accountable, section 96(1) of the Freedom of Information Act 1992 requires each government agency, including local governments, to prepare and publish an Information Statement annually. This Information Statement sets out:

- The Agency's Mission Statement
- Details of legislation administered
- Details of the agency structure
- Details of decision making functions
- Opportunities for public participation in the formulation of policy and performance of agency functions
- Documents held by the agency
- The operation of FOI in the agency.

Copies of this Information Statement are available in hardcopy from the Shire of Perenjori Administration AT 56 Fowler st, Perenjori, WA, 6620..



## Review of Our Decision

You can request in writing that we reconsider our decision through an internal review. An internal review will be conducted by the Shire CEO. We will advise you of our new decision within 30 days of receiving your request. Please send requests for internal reviews to the contact details as listed above.

If you are not happy with our decision, you can ask the Australian Information Commissioner to review our original decision, or our decision on internal review, within 60 days of the date of decision or 30 days after you are notified if you are an affected third party. The Information Commissioner can affirm or vary the decision or substitute a new decision. The Information Commissioner may decide not to conduct a review in certain circumstances.

## Additional Information and Documents

Appendix 1: FOI Application Form

Appendix 2: Information Statement

Freedom of Information Act 1992:

[https://www.slp.wa.gov.au/legislation/statutes.nsf/law\\_a290.html](https://www.slp.wa.gov.au/legislation/statutes.nsf/law_a290.html)

Freedom of Information Regulations 1993:

[https://www.slp.wa.gov.au/legislation/statutes.nsf/law\\_a290.html](https://www.slp.wa.gov.au/legislation/statutes.nsf/law_a290.html)

Additional information can also be obtained from the Office of the Information Commissioner's website [www.foi.wa.gov.au](http://www.foi.wa.gov.au) or by phone on (618) 6551 7806.