

FREEDOM OF INFORMATION PROCEDURE

046-026-PRO

This procedure and any subsequent amendments are issued pursuant to the Mallee Catchment Management Authority (CMA) Board Charter of Corporate Governance.

1. Purpose

The Freedom of Information Procedure provides the processes and steps required to effectively and efficiently undertake Freedom of Information obligations as mandated in 046 OPOL - Privacy and Data Protection Policy.

Under the *Freedom of Information Act 1982* (FOI) any person can request access to documents held by Mallee CMA. The Act gives people the right to request documents relating to their personal affairs and information about any government activities.

The Mallee CMA Freedom of Information Office is managed by the Chief Finance Officer (CFO) and coordinated and supported by the Governance and Program Compliance Officer (GPCO).

It is Mallee CMA policy to:

- assist applicants to identify the relevant documents;
- treat all applicants fairly, with sensitivity and courtesy; and
- make the maximum amount of information available promptly and inexpensively.

046-323-FORM – Freedom of Information Application Form is available on the Mallee CMA website and should be updated in conjunction with this procedure.

2. Roles and Responsibilities

| Step | Who | Activity |
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| 1 | Chief Executive Officer (CEO) | FOI Request Approval Responsible for ensuring that Mallee CMA meets its obligations under the Act. Final approval of documents released under FOI request. |
| 2 | FOI Officer(s) | Steps in a FOI Request When a new FOI request is received these steps are followed: <ul style="list-style-type: none"> • Contact the Department of Environment, Land, Water and Planning (DELWP) FOI Manager and advise them that an FOI Request has been received by Mallee CMA. The DELWP FOI Manager may be able to provide advice as to the best method of addressing the request. On occasions DELWP may have also received the request or have knowledge of other agencies that have received the same or similar request. • Forward the request to DELWP and to the relevant Unit Manager requesting that they locate and provide the documents. A copy of the |

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| | | <p>request is also provided to all other units for information and to ensure a thorough search is undertaken.</p> <ul style="list-style-type: none"> • In some cases if the request is not clear the FOI Officer may need to obtain sufficient background information from the relevant Unit(s) to consult with the applicant about the request. If a request covers a large number of documents (i.e. over 50) the applicant can be asked to narrow the request. • Once the scope of the request is agreed, a thorough search must be undertaken for all relevant documents and forwarded to the FOI Officer for assessment with any relevant comments. The FOI Officer will assess each document on its merits and consult with third parties before a decision is made if the documents should be released or denied from release in full or in part (i.e. with some parts redacted). • After assessment of the documents the CEO is briefed about the proposed response. • Mallee CMA is required to respond to FOI requests within 30 calendar days of the receipt of the application fee payment. • The initial response (Acknowledgement letter) must advise applicants of the date a decision is due on, the possible requirement of a deposit for access charges and contact details. |
| 3 | All Mallee CMA Staff | <p>Information Gathering</p> <p>Performance against FOI requirements is under constant scrutiny by the Office of the Victorian Information Commissioner (OVIC), the media and the Parliament. It is critical that all relevant documents can be readily identified and retrieved without delay in response to FOI requests.</p> <p>All official documents (except Cabinet documents) should be registered in the Electronic Content Management (ECM) system. Project documents and Final Reports are saved in project files. Emails and other correspondence are to be registered in ECM.</p> <p>Guidelines for disposal of records are available from the Governance and Program Compliance Officer.</p> <p>Assist the FOI Officer to search for and provide documents in response to a request.</p> <p>It is important that you conduct a thorough search and advise the FOI Officer:</p> <ul style="list-style-type: none"> • if you are not clear about what documents are being sought; • when a request is large (> than 50 documents or an hours' searching); • when a request relates to the activities of another unit or agency; or when a request covers public documents or documents available elsewhere for a fee. |
| 4 | FOI Applicants | <p>Appeals</p> <p>FOI applicants are entitled to request that the CEO conduct an internal review of a decision to refuse access to documents.</p> <p>FOI applicants are also entitled to complain to OVIC if they are dissatisfied with the handling of an FOI request, including:</p> <ul style="list-style-type: none"> • a delay in handling your request; • a decision that a requested document does not exist or cannot be located; or • an action taken or failed to be taken by a principal officer in the performance or purported performance of their functions and obligations or Part II (Publication of certain documents and information). |

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| | | A complaint to the FOI Commissioner must be made in writing and made within 60 days after the date of the action or conduct complained about. |
| 5 | All | Access to Employee Files Requests by a current member of staff to access their own personnel record are made directly to the CFO and are not subject to the provisions of FOI. |
| REPORTING | | |
| 1 | CFO & GPCO | Receive request to report FOI Officers will receive an email in early July to report the previous financial year activity. The email will provide the login details including password and link to the Freedom of Information Annual Report Data Collection survey site. The online survey ensures that the data provided is valid and involves 16 steps or 6 if lodging a nil return. Example survey is provided at Appendix 2. |
| 2 | GPCO | Deadline to report The email and the survey will advise the final response date (usually mid-July). |
| 3 | GPCO | Annual Report FRD 22 requires a summary of the 'application and operation' of the FOI Act in the Annual Report. Refer to the DELWP guide to annual reporting – public bodies or the DTF Model Report. |

3. Definitions

| Term | Meaning |
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| Document | The Freedom of Information Act defines 'document' in its broadest sense. It includes e-mails, notes, diary entries, drawings, manuscripts, photographs, films, data on computer, audio and video tapes. Documents do not necessarily need to be contained on official files and may include documents in the possession of individual employees. Generally, if a document in any way relates to the functions of Mallee CMA, it is subject to FOI. |
| Exempt Document | The FOI Act allows an agency to refuse access to documents or information in certain situations. These documents or information are often called 'exempt' documents. Access may be refused to an entire document or alternatively, access may be given to a document with exempt information deleted. Documents that are exempt from release include: <ul style="list-style-type: none"> • Cabinet or Cabinet Committee documents; • Some internal working documents; • Law enforcement documents; • Documents covered by legal professional privilege, such as legal advice; • Personal information; • Information provided to Mallee CMA in confidence; • Information provided to Mallee CMA by a business; • Documents which are covered by secrecy provisions in other legislation. |

4. Related Documents

Internal

046 OPOL - Privacy and Data Protection Policy

External

Freedom of Information Act 1982

Privacy and Data Protection Act 2014