

commercial information about a third party, that party may similarly apply to the agency for an internal review of that decision.

What if I disagree with the agency's internal review?

If you disagree with the agency's internal review decision, you can apply to the Information Commissioner for external review. The Commissioner is appointed by the Governor and is independent of the Government and the public service. The Commissioner undertakes impartial external reviews of agency decisions based on the merits of each case and the relevant provisions of the FOI Act. There are no fees for an external review.

The Commissioner can review any decision made by an agency about an FOI application.

To apply for an external review, you need to write to the Office of the Information Commissioner; give an address to which notices can be sent; give particulars of the decision you want reviewed; attach a copy of that decision; and lodge the application at the Office of the Information Commissioner. Applications can be lodged by mail, fax or email.

If you are the access applicant, you must apply within 60 days from being given the agency's decision. If you are a third party affected by the decision of the agency, you must apply within 30 days. In exceptional circumstances, the Commissioner may allow a complaint to be lodged after these periods have elapsed.

How does the Information Commissioner review my complaint?

The Commissioner will decide the best way of dealing with your complaint. Usually this will involve inspecting the documents concerned and forming an opinion on whether they are exempt from disclosure under the FOI Act. The Commissioner will give you, the agency and any other relevant parties an opportunity to present their case.

If a dispute cannot be resolved by conciliation, the Commissioner will finalise the dispute with a formal

binding decision. All decisions are published on the Commissioner's website, and usually identify all the parties to the complaint.

What if I believe that an agency holds incorrect information about me?

If you believe that an agency holds personal information about you which is inaccurate, incomplete, out of date or misleading, you can apply to the agency to have that information amended. However, an agency generally cannot obliterate or destroy information about you in response to such a request. The agency may decide to amend the information, for example by altering it or inserting additional information to correct the record.

The procedure for applying for the amendment of personal information is broadly similar to the procedure for accessing documents outlined above. Again, the best approach is to talk to the agency in the first instance to discuss your options.

Further Information

For information about access to documents, speak to the agency which holds the documents you want. A list of all government agencies is available at www.wa.gov.au. If you have any general enquiries about the FOI process, please see our website or contact our office:

Office of the Information Commissioner

Telephone: (08) 6551 7888

Country callers: 1800 621 244 (toll free)

Facsimile: (08) 6551 7889

Email: info@foi.wa.gov.au

Internet: www.foi.wa.gov.au

Address: Albert Facey House

469 Wellington Street, Perth WA 6000



Office of the Information Commissioner

Accessing Government Documents in Western Australia

The Freedom of Information Act 1992

Introduction

The Western Australian *Freedom of Information Act 1992* (the FOI Act) gives the public a right to access government documents, subject to some limitations. The right applies to documents held by Ministers, most State government agencies (such as Departments, public hospitals, public universities and State government authorities) and local government. Together, these bodies are referred to as *agencies*. The access rights under the FOI Act do not apply to documents which are already publicly available for inspection or purchase.

Documents accessible under the FOI Act include paper records, plans and drawings, photographs, tape recordings, films, videotapes or information stored in a computerised form.

Individuals can also apply to have personal information about them in government documents amended if that information is inaccurate, incomplete, out of date or misleading.

How do I apply for documents?

The best approach is to talk to someone from the agency which holds the documents you are seeking, as you may be able to access the documents without a formal application. Depending on the nature of the agency, this can be done by telephone, email or in person. If the agency declines access or asks you to apply under the FOI Act, you will need to lodge an application which has to:

- be in writing;
- give enough detail to identify the requested documents;
- give an Australian address (including a telephone number or email address can lead to a faster response);
- be lodged at an office of the agency that you expect would hold the documents; and
- include an application fee in certain cases – see next section.

Some agencies have a specific form you can use for making a FOI request, but this is not mandatory.

The more specific you can be about which documents you want, the more likely it is that you will receive speedy access. If your request is poorly defined, it may take longer to process. If the scope of your request is unreasonably large and you refuse to reduce it to a manageable level after assistance from the agency, the agency may even refuse to deal with it.

Will it cost me any money?

No fees or charges apply if you only wish to access personal information about yourself (such as your medical records or details of your employment).

If your application is not limited to personal information about yourself, you must pay an application fee (currently \$30) and possibly other charges for the time spent by officers of the agency in processing your request. Currently, these charges are \$30 per hour, 20 cents per photocopy and any actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

You can ask the agency for an estimate of charges when you lodge your application. If the charges are likely to exceed \$25, the agency must give you an estimate of charges and ask whether you want to proceed with the application. In some cases the agency may ask you to pay a deposit.

Refining or reducing the scope of your application may significantly reduce the work for the agency and the cost to you. If you think that the documents you are seeking may contain personal or commercial information about others, and you are not interested in that information, let the agency know when you lodge your application. This will save the agency from having to consult with those parties, which means that you should get the documents faster.

Advise the agency if you are financially disadvantaged, as you may be entitled to have charges reduced or waived.

How long will it take?

Once an agency receives a valid application, it must deal with it as soon as practicable, but in any event within 45 days. Within that time, the agency must give you a written notice of its decision on whether to give you access.

If you are refused access or only given partial access to the documents, the agency has to explain why particular documents or parts of documents cannot be released.

Will the agency give me access to all the documents I asked for?

Under the FOI Act, particular types of documents are exempt from disclosure to protect certain public interests. These include documents which would reveal personal information about other people, or documents which would reveal certain information about the commercial or business affairs of others. Documents may also be exempt if their disclosure would pose a threat to public safety or law enforcement, or would breach particular confidentiality obligations.

The full list of exemptions is contained in the FOI Act.

If the documents for which you have applied contain exempt information, the agency may still be able to give you a copy, but with the exempt information deleted or obscured.

What can I do if I disagree with the agency's decision?

You can apply to the agency for an internal review of its original decision. There are no charges for this. If you wish to apply for an internal review, you must write to the agency within 30 days of receiving its notice of decision.

The internal review will be carried out by another officer in the agency who is not subordinate to the person who made the original decision. The agency has 15 days to complete the internal review and advise you in writing of the outcome.

Where the agency proposes to disclose personal or