



# Information Statement Guidelines

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Part 5 of the *Freedom of Information Act 1992 (WA)* (**the FOI Act**) requires each agency to prepare and publish an information statement within 12 months after the commencement of the FOI Act, and to update the statement at intervals of not more than 12 months (sections [96](#) and [97](#) of the FOI Act).

These guidelines should be read in conjunction with part 5 of the FOI Act, and were prepared in consultation with a working group of agency FOI practitioners. They are intended to ensure consistency of interpretation, quality of content and to assist agencies with a checklist to help with the preparation of their information statements.

## **Approved method of publication (in accordance with [section 96\(1\)](#)) -**

- Agencies shall have the discretion of publishing their information statement either as a standalone document or incorporated in its annual report.
- Where an information statement is produced as a standalone document, reference to its existence and details of how it can be inspected or purchased should also be contained in the agency's annual report.
- Each agency must make a copy of its information statement available for inspection and/or purchase at its major offices including those at regional centres.
- Information statements shall be prepared in accordance with the requirements of [section 94](#) of the FOI Act, and also follow guidelines as to format and content issued from time to time by the Office of the Information Commissioner.

This method was approved by the Attorney General in 1994.

## **Objective of information statements**

From the description in the FOI Act about the content of information statements ([section 94](#)) a document is required to be available which conveys information to the public about the agency's operations, the kinds of documents it holds and the procedures for accessing them. While there is no doubt that annual reports provide descriptions of agency activities and outcomes achieved, an information statement should provide additional insight into what an agency does and how it does it. In many cases, the agency's internal manuals and guidelines provided to staff in undertaking its functions contain much of this information, and there is a separate requirement in part 5 of the FOI Act ([section 97](#)) for internal manuals to be made available for inspection or purchase by the public if required.

As the annual report can incorporate the information statement detail there is maximum flexibility for agencies in the presentation of the material. In some cases an agency may decide to have the various components of the information statement spread through the annual report, in which case the guidelines suggest that an index or contents page in the annual report should refer the reader to the areas which provide the information statement material. In other cases, agencies may have a separate section in their annual report or have an annexure to the annual report to provide a stand alone document. In determining the method of publication it is suggested that agencies consider which alternative will enable members of the public to obtain the document at the lowest reasonable cost as required by [section 4\(b\)](#) of the FOI Act.

Section 97(2) of the FOI Act requires that each agency provide a copy of its information statement to the Information Commissioner as soon as practicable after it is published each year.

It is not necessary to provide the Information Commissioner with another copy of the agency's information statement each year if it has not been changed. However, to comply with the requirements of the FOI Act, the agency will need to notify the Information Commissioner either by letter, fax or email that the statement has been reviewed and is still current.

Where minor amendments are made to the agency's existing information statement, it is only necessary to forward copies of the amended pages. However, if there are major changes, then a copy of the revised statement should be provided.

## **Content of information statements**

[Section 94](#) of the FOI Act specifies the information that must be published in the agency's information statement. The following guidelines are aimed at ensuring consistency in the interpretation of section 94 and in the quality of information statements across agencies.

In order to comply with section 94, it is suggested that information statements include the following sections. However, they can be amalgamated if this assists the explanation.

### **1.0 An index or contents page**

This should refer the reader to the main subject areas of the statement. Where the statement is incorporated into an agency's annual report, the contents page should indicate to the reader the location of all material required by the FOI Act.

### **2.0 The agency's mission statement**

### **3.0 Details of legislation administered**

This section should include enabling legislation and legislation for which the agency is responsible in accordance with the allocation of statutes to portfolios published in the Government Gazette. Each piece of legislation should be accompanied by a brief statement or description as to its purpose.

#### **4.0 Agency structure and functions**

A statement of the structure and functions of the agency must be given. An agency's structure should be described to show the decision-making process to branch or subprogram level.

#### **5.0 Details of functions, including decision-making functions, affecting the public**

A description of the ways in which the agency's functions (including its decision-making functions) affect the public must be given.

In general, the information provided regarding decision-making within the agency on matters that affect the public should enable a member of the public to determine:

- the areas or matters in which the agency makes decisions which affect the public;
- what powers the agency holds the authority to exercise; and
- how decisions made in exercising the powers of the agency are put into practice.

Sources of the broad decision-making power exercised when conducting the activities of the agency which affect the public will need to be identified. This should include the identification of any discretionary powers, relevant rules, procedures, policies or criteria.

(The above sections are linked to the requirements of section 94(a) and (b)).

#### **6.0 Public Participation in the Formulation of Policy and Performance of Agency Functions**

Any arrangements for enabling public participation in the agency's policy formulation and performance of its functions must be described.

Information regarding this aspect of the agency's operations should include, for example:

- a) committees or bodies that are administered or operated by the agency which involve non-government (public) representation, including:
  - the role of these committees; and
  - how public participation in these bodies is determined;
- b) committees or bodies that don't involve direct public representation but to whom the public could still submit comment.

A description of how participation is achieved in both types of committee is required.

(The above section is linked to section 94(c)).

## **7.0 Documents held by the agency**

A description of the kinds of documents usually held by the agency must be given.

The main aim of this section is to provide the public with information that could assist them in determining what kinds of document are held, whether an FOI request is necessary to access them and, if so, how to lodge an application.

This section should include:

- a) Details of agency documents available outside FOI:
  - documents (eg. brochures, reports, manuals, minutes etc) that are available to the public at no cost (a broad description of some categories may suffice);
  - documents available for inspection at the agency;
  - documents available for purchase;
  - whether the agency has library facilities available to the public; and
  - how access to the above is obtained.
- b) Details of other agency documents:
  - other types of documents held by the agency (in broad categories including miscellaneous documents such as reports to outside bodies, maps, drawings, videos etc);
  - the types of formats in which information is held or stored;
  - how information is classified (ie nomenclature of the filing system), naming or describing the various file or record systems which exist, as well as any informal systems, short term storage etc); and
  - the kinds of personal information held and how it is stored.

(The above section is linked to section 94(d) and (e)).

## **8.0 The operation of FOI in the agency**

A description is required of how FOI access applications and applications for the amendment of personal information are dealt with in the agency.

Details of the process should include:

- how and to whom (or what position) initial enquiries can be made;
- where applications should be lodged; and
- who (or what position) in the organisation makes decisions regarding access to documents or the amendment of personal information under FOI.

(The above section is linked to section 94(f) and (g)).

The following pages could be used in your own information statement to describe the FOI processes and key points of interest to applicants. The pages below do not form an Information Statement in their own right. To comply with section 94 of the FOI Act, each agency should address all of the matters outlined in section 94 in their information statement.

## **FREEDOM OF INFORMATION PROCEDURES AND ACCESS ARRANGEMENTS FOI Operations**

It is the aim of the agency to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the *Freedom of Information Act 1992 (WA)* provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading.

### **Freedom of Information Applications**

Access applications have to -

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Freedom of Information Coordinator on telephone..... (add agency postal address).

Applications will be acknowledged in writing and you will be notified of the decision within 45 calendar days.

### **Freedom of Information Charges**

A scale of fees and charges are set out in the FOI Regulations. Apart from the application fee for non-personal information (information that is not personal information about the applicant) all charges are discretionary. The fees and charges are as follows.

- |  |                       |
|--|-----------------------|
| • Personal information about the applicant                             | No fee and no charges |
| • Application fee (for non-personal information)                       | \$30.00               |
| • Charge for time dealing with the application (per hour, or pro rata) | \$30.00               |
| • Access time supervised by staff (per hour, or pro rata)              | \$30.00               |

- Photocopying staff time (per hour, or pro rata) \$30.00
- Per photocopy .20
- Transcribing from tape, film or computer (per hour, or pro rata) \$30.00
- Duplicating a tape, film or computer information Actual Cost
- Delivery, packaging and postage Actual Cost

An estimate of charges will be provided if the cost is expected to exceed \$25.00. For impecunious applicants or those issued with prescribed pensioner concession cards, any charges payable are reduced by 25%.

### Deposits

- An advance deposit may be required in respect of the estimated charges 25%
- Further advance deposit may be required to meet the charges for dealing with the application 75%

### Access Arrangements

Access to documents can be granted by way of inspection; a copy of a document; a copy of an audio or video tape; a computer disk; or a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

### Notice of Decision

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as -

- the date the decision was made;
- the name and the designation of the officer who made the decision;
- if access is refused, the reasons for claiming the document is exempt; and
- information on the rights of review and the procedures to be followed to exercise those rights.

### Refusal of Access

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an **internal review** by the agency. The internal review application should be made in writing within 30 calendar days after being given the agency's notice of decision. You will be notified of the outcome of the review within 15 calendar days.

If you disagree with the result you then can apply to the Information Commissioner for an **external review**. The external review application should be made within 60 calendar days after being given the agency's written notice of the internal review decision. (Note: if you are requesting external review as a third party or following an application for amendment of personal information, you must lodge your external review application within 30 calendar days after being given written notice of the internal review decision.)

**Office of the Information Commissioner**

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