

FREEDOM OF INFORMATION PROCEDURE

CMA 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 the CMA 046 OPOL Privacy and Data Protection Policy.

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

The Chief Finance Officer is the Freedom of Information Officer for the Mallee CMA.

It is the Mallee CMA policy to:

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

2. Roles and Responsibilities

Step	Who	Activity
1. FOI Request Approval	Chief Executive Officer (CEO)	Responsible for ensuring that the Mallee CMA meets its obligations under the Act. Final approval of documents released under FOI request.
2. Steps in a FOI Request	FOI Officer	When a new FOI request is received these steps are followed: <ol style="list-style-type: none"> 1. Contact the Department of Environment, Land, Water and Planning (DELWP) FOI Manager and advise them that an FOI Request has been received by the 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.

Step	Who	Activity
		<ol style="list-style-type: none"> 2. Forward the request to DELWP and to the relevant Unit Manager requesting that they locate and provide the documents. A copy of the request is also provided to all other units for information and to ensure a thorough search is undertaken. 3. 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. 4. Once the scope of the request is agreed, a thorough search must be undertaken for all relevant documents and these 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 deleted). 5. After assessment of the documents the CEO is briefed about the proposed response. 6. The Mallee CMA is required to respond to FOI requests within 30 calendar days of their receipt. The response must advise applicants about the documents that have been located, if access has been granted, reasons for not granting access and the applicant's appeal rights. <p>Assists portfolio agencies when requested with information held by Mallee CMA that may relate to an FOI request they have received.</p>
3 Information Gathering	All Mallee CMA Staff	<p>Performance against FOI requirements is under constant scrutiny by the FOI Commissioner, 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 kept in project files. Emails are correspondence and are to be registered in ECM.</p> <p>Guidelines for disposal of records are available from the Manager Business Services. Working notes and draft documents are not required to be filed and can be destroyed.</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 Appeals	FOI Applicants	<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 the FOI Commissioner if they are dissatisfied with the handling of an FOI request, including overdue responses, or if a decision is made that the documents do not exist or cannot be located.</p> <p>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.</p>
5 Access to Employee Files		<p>Requests by a current member of staff to access their own personnel record are made directly to the Manager Business Services and are not subject to the provisions of FOI.</p>

3. Definitions

Term	Meaning
Document	<p>The Freedom of Information (FOI) 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.</p> <p>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 the Mallee CMA, it is subject to FOI.</p>
Exempt Document	<p>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.</p> <p>Access may be refused to an entire document or alternatively, access may be given to a document with exempt information deleted.</p> <p>Documents that are exempt from release include:</p> <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

CMA 046 OPOL Privacy and data protection policy

External

[Freedom of Information Act 1982](#)

Privacy and Data Protection Act 2014

5. Appendices

Appendix 1: FOI Application and Payment Form.

Application Form - Freedom of Information Act 1982

NAME			
Postal Address			
Telephone	BH	AH	MOB

DETAILS OF DOCUMENTS REQUESTED:

FORM OF ACCESS REQUIRED: (Tick one)

- (i) A copy of the document(s)
- (ii) Inspection of the document(s)

(Please Note: A charge of \$20.00 per hour for a supervised inspection, may apply.)

Application must include:

- Application fee of \$28.40 (GST Free) (cheque/money order payable to Mallee CMA)
- Or
- Financial Hardship Evidence (e.g. copy of your Health Care Card, proof you receive a government benefit)
- Further charges for photocopying and other processing costs may be applicable.*

Signature _____ **Date** _____

Send completed request form to:

Chief Finance Officer
Mallee Catchment Management Authority
PO Box 5017
Mildura VIC, 3502

For further information, telephone: (03) 5051 4377

In accordance with the Privacy and Data Protection Act 2014, all personal information provided by you will only be used for the purpose of processing your Freedom of Information request. We will not use your personal information for any other purpose, and will not disclose it without your consent except as required by law.
Where information is required for statistical reporting purposes, all identifying details will be removed.