



FREEDOM OF INFORMATION PROCEDURE

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

Metadata

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1. INTRODUCTION

Under the Freedom of Information Act 1982 (FOI) any person can request access to documents held in 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.

2. PURPOSE

The Chief Executive Officer (CEO) and the Authority's FOI Officer (Manager Corporate Services) are responsible for ensuring that the Mallee CMA meets its obligations under the Act. The FOI Officer also assists portfolio agencies when requested.

The FOI Officer may ask any Mallee CMA staff member to search for and provide documents to the FOI Officer in response to a request. Although any document in the possession of the Authority can be requested, not all documents are released to applicants.

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.

3. GUIDELINES

3.1 Exempt Documents

3.1.1 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.

3.1.2 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.

3.1.3 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.

3.1.4 Access may be refused to an entire document or alternatively, access may be given to a document with exempt information deleted.

3.1.5 Documents that are exempt from release include:

- 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.

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- 3.1.6 All relevant documents must be provided to the FOI Officer who will assess each document on its merits and consult with affected third parties before a decision is made.
- 3.1.7 Release under the FOI Act is release to the world at large and cannot be subject to conditions.

3.2 Steps in a FOI Request

- 3.2.1 When a new request is received the FOI Officer is to contact the 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.
- 3.2.2 The FOI Officer will forward DELWP the request 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.
- 3.2.3 In some cases the request is not clear and 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.
- 3.2.4 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 decide if the documents should be released or denied from release in full or in part (i.e. with some parts deleted).
- 3.2.5 After assessment of the documents the CEO is briefed about the proposed response.
- 3.2.6 The Mallee CMA is required to respond to FOI requests within 45 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.

3.3 Your Role

If you are asked by an FOI Officer to search for documents, it is important that you conduct a thorough search and advise the FOI Officer:

- 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.

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3.4 Appeals

3.4.1 FOI applicants are entitled to request that the CEO conduct an internal review of a decision to refuse access to documents.

3.4.2 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. 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 of.

3.5 FOI and Records Management

3.5.1 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.

3.5.2 All official documents (except Cabinet documents) should be filed on Mallee CMA Registry files. This includes all correspondence, internal briefings and memoranda, file notes, and final copies of reports. Any e-mail sent or received that supports or records a decision should be printed and filed.

3.5.3 Guidelines for disposal of records are available from the Manager Corporate Services. In summary, working notes and draft documents are not required to be filed and can be destroyed.

3.6 Access to Employee Files

Requests by a current member of staff to access their own personnel record are made directly to the Manager Corporate Services and are not subject to the provisions of FOI.

4. RELATED DOCUMENTATION

[Freedom of Information Act 1982](#)

CMA 046 OPOL Privacy and data protection policy

5. APPENDICES

Appendix 1: FOI Application and Payment Form

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Freedom of Information Act 1982 APPLICATION FORM

NAME: _____

POSTAL ADDRESS:

TELEPHONE CONTACT:

BH _____ **AH** _____

DETAILS OF DOCUMENTS REQUESTED:

FORM OF ACCESS REQUIRED: (Tick one)

(i) **A copy of the document(s)**

(ii) **Inspection of the document(s)**

(There may be a charge of \$20.00 per hour for a supervised inspection)

This application must be accompanied by:

- **\$27.20 application fee (cheque/money order payable to Mallee CMA) or**
- **evidence of financial hardship (for example, a photocopy of your Health Care Card, evidence that you receive a government benefit)**

**Further charges for photocopying and other processing costs may be applicable.
FOI fees and charges are not subject to GST.**

Signature _____ **Date** _____

Send completed request form to:

Manager Corporate Services
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.

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