

FREEDOM OF INFORMATION

HOW TO MAKE A FREEDOM OF INFORMATION REQUEST

INTRODUCTION TO FREEDOM OF INFORMATION

If you wish to access documents held by the Disability Services Commissioner (DSC) or you want to ask that we change the personal information that we hold about you, you can do so using the powers granted under *Freedom of Information Act 1982 (Vic)* (FOI Act).

Under the *Freedom of Information Act 1982 (Vic)* you have the right to:

- Ask for access to documents held by DSC
- Ask for changes to be made to your personal information which is held on file by DSC.

ACCESSING DOCUMENTS

What documents can I access?

You can get documents from DSC if:

- The documents are not already publicly available (for example in a library or on a public register); or
- The document is not considered an 'exempt' document.

What is a document?

In FOI, a document may be:

- A book, map, plan graph or drawing;
- A photograph;
- A multimedia material capable of recording sounds and/or images; or
- A document that is printed (in electronic or written format).

Which documents can't I access?

You cannot have access to exempt documents. 'Exempt' means refusing access to part or all of the document pursuant to relevant sections of the FOI Act. Either the whole document or parts

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of it may be exempt. You can ask for these documents but you may not be provided with access to all or part of the document(s).

Exempt documents include:

- Some DSC **internal working documents**, if we think releasing them is against the public interest;
- **Law enforcement documents** that may, if we release them, prejudice the proper administration of the law or the conduct of a fair trial;
- Documents covered by **legal professional privilege**, such as legal advice (unless the client says it's ok);
- Documents with **personal information** about other people;
- Documents with information **given to DSC in confidence**;
- Documents with information given to DSC when carrying out a **business, commercial or financial transaction**;
- Documents which are covered by **secrecy provisions** in other legislation.

What about my case file?

A case file is one that has information about your complaint. As it generally has information discussed between you and your resolution officer, it means that you may not have to go through the FOI process to get these documents. If you are unsure, you should ask your resolutions officer or the DSC freedom of information (FOI) officer.

THE FOI APPLICATION PROCESS

You must write to us

If you would like copies of documents through FOI, you must write to the FOI officer to ask for them. You can't ask by speaking to DSC staff or the FOI officer without putting the request in writing as well.

Application fee

FOI requests cost \$28.40 (effective 1 July 2017). You may also have to pay for photocopying or for searching. You can send a cheque or money order. Do not send cash in the mail.

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What do I need to do to get access to documents?

1. Identify the specific document you want access to;
2. Complete a Request Form outlining the above details and lodge it (with payment of cheque or money order) with the FOI officer;

Do not hesitate to contact the FOI officer to talk about your request if you require any assistance.

Fee waiver

In circumstances where it is held that the application fee would result in significant hardship, it may be waived by DSC.

STEP 1: Tell us the documents you want

Because DSC has a broad range of documents on file, it is important that you think carefully about the specific documents you would like. The more information you can provide to us, the quicker we will be able to respond to you.

STEP 2: Write to us and pay your application fee

All FOI requests must be in writing and either typed or hand written. You cannot ask for documents over the phone, by speaking to a DSC staff member at their office or by speaking with the FOI officer. The application fee is two fee units, or \$28.40, unless waived or reduced because of hardship.

There are three ways you can write to us:

<p>By post: <i>The FOI Officer</i> Disability Services Commissioner Level 20, 570 Bourke Street MELBOURNE VIC 3000</p>	<p>By e-mail: <i>The FOI Officer</i> ODSC.FOI@odsc.vic.gov.au</p>	<p>By fax: <i>Attn: The FOI Officer</i> 03 8608 5765</p>
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When you pay your application fee, it is very important that you do not put cash in the post. Payment is required to the Disability Services Commissioners Office. If you can't pay these fees you should discuss this with the FOI officer before you send in your application.

STEP 3: The FOI officer will process your request

Once we get your request and you have paid the application fee, we will send you a letter acknowledging receipt of your request.

If the FOI officer is able to determine what documents you are seeking, you will be notified within 30 days. If the FOI officer has difficulty identifying the documents, or has another problem with disclosure, they will contact you as soon as reasonably possible.

Although we can contact you to talk about your request, it is important to know that you cannot change your request over the phone. If you want to change your request you will need to write to us again. You don't have to pay the application fee again.

Problems with FOI requests

There may be delays in responding to your application if you ask for:

- Documents we don't have;
- Where it is unclear as to what documents you are asking for;
- Documents that are publicly available, for example in the public library or register;
- 'Exempt' documents;
- A large number of documents that would take a long time to organise; or
- Documents that have been subject of a failed FOI request before.

WHAT IF I AM NOT HAPPY WITH DSC'S DECISION?

If you are not happy with the outcome of your FOI request, you can seek review by the Freedom of Information Commissioner (FOI Commissioner).

To contact the FOI Commissioner, call 1300 842 364 or visit www.foicommissioner.vic.gov.au

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CHANGING YOUR PERSONAL RECORDS

We do our best to make sure our records are accurate, but sometimes there may be mistakes in the documents or information we hold about you. You can ask to have this information corrected if it is wrong, incomplete, out of date, or would give a misleading impression.

It doesn't cost anything to change this information.

What do I need to do?

You can ask for your information to be changed by:

- Writing to us (include an address so we can write back to you);
- Telling us what you think is not correct;
- Telling us the changes you would like to make.

What will DSC do once we get your request?

Once we get your request we will send you a letter letting you know we have received it. We will then let you know the outcome of your request, and any changes we have made, within 30 days.

USEFUL CONTACTS

DSC Freedom of Information officer	ODSC.FOI@odsc.vic.gov.au
Freedom of Information On-Line	www.foi.vic.gov.au
<i>Freedom of Information Act 1982</i> (Vic)	Victorian Legislation and Parliamentary Documents – www.legislation.vic.gov.au
Freedom of Information Commissioner	Ph: 1300 842 364 or visit www.foicommissioner.vic.gov.au

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