

Freedom of Information (Procedures & Access Arrangements)

The *Freedom of Information Act 1992* gives the public the right to apply for access to documents held by the Shire of Brookton (subject to some limitations). It is an individual's responsibility to ensure that personal information held by the Shire is accurate, complete and up-to-date.

Documents accessible under the Freedom of Information Act (FOI) include (but are not limited to):

- Paper records
- Maps, plans and drawings
- Electronic records including emails.

Access rights do not apply to documents that are already publicly available.

While the FOI Act provides a general right of access to documents, it also recognises some documents require a level of protection; specifically those documents that meet the exemption criteria in Schedule 1 of the Act, which includes (but is not limited to);

- Personal information that identifies a third party
- Information concerning trade secrets
- Information of commercial value
- Any documents, which if released, would have a detrimental effect on the functioning of the Shire or would harm the interests of private individuals or commercial organisations.

More examples of exemptions can be found on the [Office of Information Commissioner website](http://www.oic.wa.gov.au/en-au) www.oic.wa.gov.au/en-au.

Information statement – This is available on the Shire Website

Freedom of Information application process

To access documents under FOI, the application has to;

- Be in writing (you may use the Shire's application form or alternatively write to the Shire requesting the documentation).
- Include specific details to identify the requested documents. General requests, such as 'all documents' for an unspecified period of time can involve unnecessary resources, be time consuming and costly to the applicant.
- Have an Australian address and telephone number.

Fees

There are no fees if the application is for personal information relating to the applicant. A fee of \$30.00 is required for other applications and there may be additional charges for dealing with the request if the search for documents is extensive and ancillary costs need to be applied.

Please refer to the Shire of Brookton's Fees and Charges Schedule.

Decision

The FOI Act provides a 45-day time-frame from the date an application is received to the Shire handing down its notice of decision.

Once the Shire receives a valid application, a search will be conducted to identify the requested documents.

The documents will be reviewed against the exemptions set out under the Schedule 1 of the FOI Act. If and where required, the Shire will consult with third parties.

The notice of decision will detail:

- The process undertaken
- The documents identified as falling within the scope of the application
- Any information that is withheld (due to exemptions)
- The options available to the applicant should the applicant be dissatisfied with the decision.

Should you have any queries about the process or the information statement, please contact the Shire Administration Office on 9642 1106 and request to speak to the designated FOI officer.

Freedom of Information – FAQ's

Can I get the owner details of my neighbour regarding a fence issue or other property query?

- This is not specific to FOI. A person can request the owner details of an adjoin property subject to completing a statutory declaration stating the reason and purpose for the request (some conditions apply).

Can I get the contact details of the person complaining about construction works on my property?

- This information is considered personal information about a third party and is exempt under clause 3 of the FOI Act.

I was a victim of a dog attack recently; can I have the dog owner's contact details?

- As above – Schedule 1 (clause 3)
Personal Information – Matter is exempt if its disclosure would reveal personal information about an individual (whether living or dead)

Why was a decision made without consultation?

- The intent of the FOI Act is to provide documentation, not to answer specific questions.

Please note the Shire may seek legal advice on your application (at the discretion of the CEO) to ensure it does not act in an improper manner by releasing personal, private or privileged information that may be deemed 'exempt' under FOI legislation.