

Freedom of Information



South Gippsland
Shire Council

What Is Freedom of Information (FOI)?

The *Victorian Freedom of Information Act 1982* gives people a right to obtain information held by Ministers, state government departments, local councils, most semi-government agencies and statutory authorities, public hospitals and community health centres, universities, TAFE colleges and schools.

The Freedom of Information Act not only gives people the right to request documents relating to their personal affairs. People can also request information about any of the activities of a government agency.

The Act also gives an individual the right to request that incorrect or misleading information held by an agency about that individual be amended or removed. The term 'agency' is used throughout the Freedom of Information Act but for the purposes of this document the term Council is used to mean South Gippsland Shire Council.

What type of Council information is available?

In accordance to the Freedom of Information Act, you have the right to apply for access to Council held document. This applies to documents created by Council as well as those supplied to Council by an external organisation or individual. The type of documents which you can apply for access to are:



Those relating to your own personal affairs, regardless of the age of the documents, and



Documents held by a Council which are not older than 1 January 1989.

The term 'documents' covers a broad range of media including maps, films, microfiche, photographs, computer printouts, tape recordings, video and electronic media.



Is any information held by the Council not available?

Not all information is automatically made available in response to a request for it.

The Freedom of Information Act sets out a number of situations in which Council may refuse a person access to the requested documents. The main situations include documents which:

- affect the personal affairs of another person;
- are commercially confidential;
- undermine law enforcement;
- contain information supplied in confidence.

'Personal Affairs' also includes the name and/or address of somebody who is not the applicant. For example, where an applicant may wish to know the name and address of a complainant, this may be considered to be exempt material under Section 33 of the Act.

How long does it take?

Once Council has received your application for access to the document/s, the request is clear and the fee is paid (or waived), you should expect to receive a written response within 30 days.

Who makes the decision?

The initial decision on any request is made by Council's Freedom of Information Officer. If you do not agree with the decision made by the officer, a request can be made to the Victorian Information Commissioner to have the decision reviewed. In most instances you must do this within 28 days of the date the decision letter sent to you.

To get in touch with the Information Commissioner, please scan the QR code or head to: <https://ovic.vic.gov.au>



To request information from South Gippsland Shire Council, please follow the steps below:

Step 1

Before lodging your request, it is recommended you contact Council's FOI Officer on 5662 9200 to discuss what you are asking for.

Step 2

The application must be made in writing. You must send your application to Council and we will write back to you (standard wait time is 30 days). Your application should state very clearly the specific information that you are requesting.

This can be done via filling out the FOI Application Form.

Step 3

The fee must be enclosed with your request form. If the money is not received with the application, the FOI officer will contact you for payment and the 30 day period will not commence until the fee is received. There is a provision in the Act for waiver of the fee on the grounds of hardship. If you wish to use this provision, sighting of a Commonwealth Pension or Commonwealth Health card would be necessary.

Additional charges:

Search Time

In addition to the initial FOI Application fee, Council may also charge for the search time taken to locate the documents. This is due to some request documents involving a considerable amount of material. For example, when documents go back to 1989 they are not held on site and must be retrieved from off-site storage. If it is estimated that the cost of search time will exceed \$50, you will be contacted and a deposit may be required.

Printing

Photocopying of documents costs 20c per A4 copy. Other documents (such as large maps, photographs etc) will be charged at cost. Copies of plans may not be able to be provided due to copyright restrictions.

Please return the completed FOI form to South Gippsland Shire Council via one of the options below:

Post: 9 Smith Street (Private Bag 4) Leongatha, VIC, 3953

Phone: 5662 9200

Email: council@southgippsland.vic.gov.au



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