

# Fact Sheet



## Freedom of Information

*The Freedom of Information Act 1982 (Vic) (Act)* gives everyone the right to request access to documents held by government agencies including local councils.

### What documents are available under FOI?

The term 'document' is broad and includes information in various formats (printed or electronic) such as (without limitation) photographs, letters, emails, maps or plans, reports, drawings, audio and video recordings and spreadsheets.

Some documents can be made available without having to make an FOI request.

### What documents are not available under FOI?

The Act does not apply to documents which are available to the public (or as part of a public register) or are documents available for purchase.

The Act sets out a number of exemptions relating to documents or information that cannot be provided. They include documents affecting legal proceedings, some internal working documents, documents containing commercial information provided by a business, information obtained in confidence (such as complaints) or documents affecting the personal privacy of other people. Documents dated prior to 1 January 1989 are also excluded.

In some cases, access may be refused to an entire document, or access given to a document with exempt information deleted. Sometimes Council may not be able to identify any relevant documents to release.

### What is the timeframe?

On receipt of a valid request (including the application fee of \$32.70), Council has 30 days to respond with a decision and the reason for that decision. Extensions to this time may be required if third party consultation is required.

Providing a description of the document(s) you are seeking with as much detail and precision as possible will assist us to locate the document(s) and to respond promptly to your request.

### Third party consultation

If the documents contain personal information of third parties, Council is obliged, under the Act, to consult with each party before making a decision to release the documents. If Council makes a decision to release the third party's information and the third party did not consent to the release of the information, they then have 60 days in which to appeal the decision to the Victorian Civil and Administrative Tribunal (VCAT). Although a decision may be made to release the documents, they must be withheld by Council for 60 days pending the expiry of the appeal period.

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## Fees

### Application fee

To enable Council to assess your request, the current fee must accompany your application. The application fee may be waived if the applicant can provide evidence of financial hardship.

### Access charges

Council is entitled to charge additional prescribed fees associated with searching for and providing access to the documents. You will be provided with an estimate of these charges. If the estimated access charges exceed \$50, Council will ask if you want to proceed with the request and ask that you pay a deposit.

## Reviews and complaints

If you disagree with a decision about your request, you may apply for review by the Information Commissioner. You must apply in writing within 28 days after you receive your decision letter, identifying Campaspe Shire Council and the decision to be reviewed. You may lodge your application by:

### Email:

[enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

### Post:

Information Commissioner,  
PO Box 24274, Melbourne VIC 3001

### Fax:

03 8684 7588

More information regarding review by the Information Commissioner is available at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)

## Want more information?

If you wish to discuss your application, please contact us on 03 5481 2200.