



Freedom of Information Information Sheet

Object of the *Freedom of Information Act 1982 (Vic) (FOI Act)*

The object of the FOI Act is to extend as far as possible the right of the community to access information in the possession of the Government of Victoria and other bodies constituted under the law of Victoria for certain public purposes by –

- (a) making available to the public information about the operations of agencies and, in particular, ensuring that rules and practices affecting members of the public in their dealings with agencies are readily available to persons affected by those rules and practices: and
- (b) creating a general right of access to information in documentary form in the possession of Ministers and agencies limited only by exceptions and exemptions necessary for the protection of essential public interests and the private and business affairs of persons in respect of whom information is collected and held by agencies.

What type of information is available?

You have the right to apply for access to documents which are held by Whitehorse City Council (Council) under the FOI Act. This applies to both documents created by Council as well as those provided to Council by an external organisation or individual, including:

- Documents held by Council which were created on or after **1 January 1989**
- Relating to your own personal affairs, regardless of the age of the documents.

(Refer to Division 5 Section 67 (2) (4) of the *Freedom of Information Act 1982*)

The term 'document' covers a broad range of material in addition to written hardcopy or electronic documents or communication such as emails, including maps, photographs, audio or video footage.

Is there any information held by Council not available?

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

Under the FOI Act, the main circumstance in which Council may refuse access to documents is when it affects the personal affairs and privacy of another person. 'Personal affairs' includes names, addresses and contact details of individuals who are not the applicant. Other exemptions under the FOI Act where access may not be granted include information obtained in confidence, commercial information, and documents undermining law enforcement. For example, property owner details, or the name and address of a complainant cannot be provided under the FOI Act.

Who makes the decision?

The initial decision for any FOI request is made by Council's Freedom of Information Officer. If you do not agree with a decision made by the officer, you can request a review of the decision with the Office of the Victorian Information Commissioner (OVIC). An application for review must be made within 28 days of the date of the decision, addressed to:

Office of the Victorian Information Commissioner
PO Box 24274
Melbourne VIC 3001
Phone: 1300 842 364
E-mail: enquiries@foicommissioner.vic.gov.au

How long does it take?

The statutory timeframe for Council to provide a decision on your request is 30 days, once the request is valid under the FOI Act. Your request may not be valid immediately if clarification is required. This can take some time.

Council may also be required to notify and seek the views of third parties whose information is contained in the documents, including individuals, businesses and other government agencies. The timeframe can be extended by up to 15 days for third party consultation, or otherwise by agreement with you if your request is unable to be processed on time.

How do I request information from Whitehorse City Council?

1. Before submitting your request, it is recommended that you contact Council's FOI Officer to discuss what you are asking for. If an FOI request is required, Council will advise you how you can access its website to download the application form, or the application form can be sent to you.
2. The FOI Act requires that a request be made in writing and clear enough for officers to identify the documents requested. The documents you are requesting may not be readily available and may require significant research or may be held at a location other than the Civic Centre. This is why it is necessary that you are as specific as possible about the documents you are requesting and do not expect immediate access.
3. If your request relates to your own personal information, you may be required to provide identification for verification purposes. If your request is on behalf of another person, signed written authority of that person may be required.
4. An application fee of \$34.50 is required to accompany a request for access to documents under the FOI Act.

Fees and Charges – (effective 1 July 2026)

The application fee of \$34.50 is payable when lodging your application. If the fee is not received with your application, Council's FOI Officer will provide you with instructions and the 30 day period will not commence until payment has been received. You may request a fee waiver or reduction in writing and provide supporting evidence, such as a copy of or sighting of a concession card, under hardship provisions.

Council may also apply access charges to your request, as stipulated below:

- **Search & retrieval charges** - \$25.90 per hour or part of an hour
- **Supervision charges** - \$25.90 per hour to be calculated per quarter hour
- **Photocopying charges** - 20 cents per A4 black and white photocopy
- **Other charges** – reasonable costs incurred by the agency including photocopying other than A4 black and white, additional supervision charges, transcripts, and costs to hear sound or view visual images.

(Please note that copies of plans may not be able to be provided due to copyright restrictions).

Where it is anticipated that costs will exceed \$70.00, Council will notify you of the estimated access charges and ask whether you wish to continue with the request. If you choose to proceed, you will be required to pay a deposit before a decision can be made, and the 30-day timeframe will recommence once the deposit has been received.
