



Freedom of information guidelines

The Freedom of Information Act (FOI Act) makes provision for members of the public to gain access to documents held by a government department.

Lodgment of an FOI request

In order for South Metropolitan TAFE to assist the public in accessing documents, an application under FOI must be in writing and give sufficient information to enable the requested documents to be found. Requests should be for known specific documents rather than for requests that are extremely broad. If the information is for **personal** information about the applicant, then proof of identity must be provided by the applicant. An application for **non-personal** information must be accompanied by a \$30 application fee (other charges may also be incurred; however we will provide an estimate of cost if other charges are likely to apply).

Applications may be lodged:

By email and sent to:

records@smtafe.wa.edu.au

By Post and addressed to:

Manager Corporate Information
South Metropolitan TAFE
1 Fleet Street
Fremantle WA 6160

In Person and brought to:

Records Services
Sultan Building
South Metropolitan TAFE
1 Fleet Street
Fremantle

For further information contact the Manager Corporate Information on (08) 9239 8276.

About the Act

The FOI Act:

- has unlimited retrospectivity (so access can be sought to any document, regardless of age);
- requires government departments to deal with an application and make a decision within a specific time (45 days maximum);
- provides an applicant's right to access and is not affected by their motive or reason for seeking access, nor a department's belief as to the reasons for access;
- requires a department to state in full, reasons for denying access to a requested document;
- provides the applicant with an avenue for appeal - internally and then if still dissatisfied, by lodging a complaint with the Information Commissioner; and
- allows a person to have personal information in an agency's document to be amended, where it is shown that the information is inaccurate, incomplete, out of date or misleading.

Documents need not necessarily be contained on official files or registered in the College's records management system and may include records in the possession of individual officers. Generally, if any document in any way relates to the functions and operations of the College, it is subject to FOI.

In assisting applicants to make a request under the Act, South Metropolitan TAFE will:

- Take reasonable steps to help an access applicant make an application in a manner that complies with the FOI Act.
- Take reasonable steps to help an access applicant to change an application so that it complies with the requirements of the FOI Act.
- Deal with an access application as soon as practicable.
- Transfer the access application to another department (where appropriate) and without delay.
- Take reasonable steps to help an access applicant to change an application to reduce the amount of work needed to deal with it.
- Take reasonable steps to be satisfied about the identity of an access applicant before personal information is released and ensure that only the person to whom the information relates (or an authorised agent of that person) receives personal information.

For further information about the FOI Act visit www.foi.wa.gov.au.

Information statement

Section 95 of the FOI Act requires government agencies to publish an annual Information Statement about the agency and the kinds of documents it holds.

[View Information Statement](#)

Requests for amendment of information

If you believe that personal information held by South Metropolitan TAFE about you is inaccurate, incomplete, out of date or misleading then you can make an application requesting an amendment.

Section 46 of the FOI Act states

1. The application for amendment has to:
 - a. be in writing;
 - b. give enough details to enable the document that contains the information to be identified;
 - c. give details of the matters in relation to which the person believes the information is inaccurate, incomplete, out of date or misleading;
 - d. give the persons reasons for holding that belief;
 - e. give details of the amendment that the person wishes to have made;
 - f. give an address in Australia to which notices under this Act can be sent;
 - g. give any other information or details required under the regulations; and
 - h. be lodged at an office of the agency.

That application also has to state if the person wishes the amendment to be made by:

2. altering information;
 - a. striking out or deleting information;
 - b. inserting information;
 - c. inserting a note in relation to information, or

in 2 or more of those ways.

Fees and charges

- **Personal Information** Applications for documents that are about the applicant personally will be provided free by South Metropolitan TAFE. Personal information consists of information, about an identifiable individual (the applicant) contained in documents of a government department. The glossary in the FOI Act defines personal information to mean information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead
 - a. whose identity is apparent or can reasonably be ascertained from the information or opinion; or
 - b. who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.

The Information Commissioner has stated "that where an applicant has specified, in his or her application that the applicant is seeking access to personal information about himself or herself, then the agency may give access to personal information about the access applicant only".

- **Non-Personal Information** This includes access to documents created by South Metropolitan TAFE in the course of its business and functions. The regulations describe it as meaning information that is non personal about the applicant. Applications for this kind of information will incur a \$30 application fee and may also incur other charges as prescribed by the Act and Regulations. In "dealing with" an application, section 16 of the Act outlines certain principles which South Metropolitan TAFE must adhere to in calculating costs. These are:
 - a. a charge must only cover the time that would be spent by the College in conducting a routine search for the document to which access is requested, and must not cover additional time, if any, spent by the College in searching for a document that was lost or misplaced;
 - b. the charge in relation to time made under paragraph (a) must be fixed on an hourly rate basis;
 - c. a charge may be made for the identifiable cost incurred in supervising the inspection by the applicant of the matter to which access is granted;
 - d. no charge may be made for providing an applicant with access to personal information about the applicant;
 - e. a charge may be made for the reasonable costs incurred by a department in supplying copies of documents, in making arrangements for viewing documents or in providing a written transcript of the words recorded or contained in documents;
 - f. a charge must not be made for producing for inspection a document referred to in sections 94 or 95 (Information Statement or internal manuals)
 - g. a charge must be waived or be reduced if the applicant is impecunious; and

- h. a charge must not exceed such amount as may be prescribed by regulation from time to time.

The regulations allow for the following charges:

Application free	\$30
Charge for time taken by staff dealing with the application	\$30 per hour
Charge for access time supervised by staff	\$30 per hour
Charges for photocopying:	
(a) per hour or pro rata for part of an hour of staff time	\$30 per hour
(b) per copy	\$0.20 per copy
Charge for time taken by staff in transcribing information	\$30 per hour

It is important to avoid throwing out a dragnet in the hope of scooping up documents that may or may not be relevant to your request. An FOI request should be well thought out in terms of the specific type of information sought. South Metropolitan TAFE will not deal with an application that is excessively large or deemed to be fishing. The College will however assist the applicant in determining the scope of the request so as to make it relevant and cost effective and within the resources of the College.

Notice of decision

In responding to an FOI request, South Metropolitan TAFE is obliged under section 30 of the Act to provide the applicant with a decision within 45 days of receipt of the request and where a decision has been made to refuse access, reasons for that decision. If the decision is deemed unfavourable to the applicant, then the Act provides certain avenues for appeal. The appeal process is officially called a review and prescribed in the following way:

- **Internal Review** - an internal review is carried out by another officer in the College who is either equal to or superior in rank to the initial decision maker. It is usually a senior member of the College. A decision will be made within 15 days and may confirm, vary or reverse the initial decision.
- **External Review** - if an internal review does not resolve the matter then the applicant may apply in writing to the Information Commissioner for an external review. The Information Commissioner will decide the best way of dealing with a complaint. Usually this will involve inspecting the disputed documents and conferring with all parties. For access to the Information Commissioners website please visit www.foi.wa.gov.au.