



Freedom of Information Processes and Charges

What is Freedom of Information?

The *Freedom of Information Act 1992* (the Act) is an Act to provide for public access to documents, and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading, and for related purposes.

How are the objects and the Act achieved?

- by creating a general right of access to State and local government documents;
- by providing means to ensure that personal information held by State and local governments is accurate, complete, up to date and not misleading; and
- by requiring that certain documents concerning State and local government operations be made available to the public.

Access Applications

A person who wishes to obtain access to one or more documents of an agency (other than an exempt agency) may make an application to the agency. The access application has to give enough information to enable the requested documents to be identified and give an address in Australia to which notices under the Act can be sent.

How the application is made

- (1) The access application has to —
 - (a) be in writing;
 - (b) give enough information to enable the requested documents to be identified;
 - (c) give an address in Australia to which notices under this Act can be sent;
 - (d) give any other information or details required under the regulations; and
 - (e) be lodged at an office of the agency with any application fee payable under the regulations.
- (2) The access application may request that access to the documents be given in a particular way described in section 27(1).
- (3) An application may be lodged by hand delivery, post or facsimile at an office of the agency to which it is directed.
- (4) If an application is lodged with an agency by post it is to be regarded as having been lodged with the agency at the end of the fifth day after it was posted.
- (5) If an application is lodged with an agency by facsimile it is to be regarded as having been lodged with the agency on the day on which it is transmitted.

Note: An application form is attached. Copies in Rich Text Format (RTF) and PDF format can be found at this web address:

Link: <http://www.commerce.wa.gov.au/publications/application-access-documents-held-commerce-foi>

What happens once your application is received?

In accordance with the Act, the Department of Mines, Industry Regulation and Safety (DMIRS, formerly Commerce) is required to deal with an access application, as soon as is practicable, and before the end of the permitted period. The permitted period is 45 days after the access application is received and validated.

What is an Internal Review?

If you are dissatisfied with the decision regarding your access request, you can apply for an Internal Review of the decision. The Internal Review application needs to be lodged within 30 *days* of receipt of the decision. Once reviewed, the Department may confirm, vary or overturn the initial decision. You will be advised of the outcome within 15 days of DMIRS receiving your request.

What is an External Review?

If you are still dissatisfied with the decision made as a result of the Internal Review, you may apply to the Office of the Information Commissioner to have the decision reviewed.

What Does it Cost?

The *Freedom of Information Regulations 1993* contains a schedule of fees and charges payable under the Act for access to documents containing non-personal information. Non-personal information means information that is not personal information about the applicant.

Note: The Act allows a person to have access to personal information about himself or herself, subject to some limitations, without paying the application fee or charges.

Type of Fee	\$
Application fee under section 12(1)(e) of the Act (for an application for non-personal information)	30.00
Type of Charge	
(a) Charge for time taken by staff dealing with the application (per hour, or pro rata for a part of an hour)	30.00
(b) Charge for access time supervised by staff (per hour, or pro rata for a part of an hour) plus the actual additional cost to the agency of any special arrangements (eg. hire of facilities or equipment).	30.00
(c) Charges for photocopying —	
(i) per hour, or <i>pro rata</i> for a part of an hour of staff time, <i>and</i>	30.00
(ii) per copy	0.20
(d) Charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for a part of an hour)	30.00
(e) Charge for duplicating a tape, film or computer information	Actual Cost
(f) Charge for delivery, packaging and postage	Actual Cost
Advance Deposits	
(a) Advance deposit which may be required by an agency under section 18(1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee	25%
(b) Further advance deposit which may be required by an agency under section 18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee	75%