



September 2016

# Freedom of Information – Information statement

## Overview

The Western Australian *Freedom of Information Act 1992* (“the FOI Act”) gives the public the right to apply for access to documents held by State Public Sector agencies, including those of the Department of Water.

As an agency, the department is required to assist an applicant to obtain access to documents sought at the lowest reasonable cost, and to ensure that their personal information held by the Department is accurate, complete, up to date and not misleading.

The kinds of documents that an applicant may request can be stored in diverse formats ranging from paper files to electronically stored information.

An applicant may also apply for access to personal information about themselves that is contained in documents held by the department. An applicant has the right to apply for the amendment of personal information about themselves if the information contained in a departmental record is inaccurate, incomplete, out of date or misleading.

The department is required to publish an Information Statement as a reporting requirement under sections 94–96 of the FOI Act. Section 94 of the FOI Act requires the department to have an Information Statement that informs the public of the structure and functions of the department, outlines the types of documents held by the agency, and explain how the department’s documents can be access by the public.

## FOI procedures

### FOI applications

Under section 12 of the FOI Act, FOI applications must:

- Be in writing and
  - delivered to:  
The FOI Coordinator  
Department of Water  
The Atrium  
Level 6, 168 St Georges Terrace  
PERTH WA 6000

– or sent to:

The FOI Coordinator  
Department of Water  
PO Box K822  
PERTH WA 6842

- Give enough information so that the requested document/s can be identified, or if the application is for the amendment of personal information, details must be provided to show how or why the agency's records are inaccurate, incomplete, out-of-date or misleading
- Give an Australia address to which notices can be sent
- Be lodged at the department together the application fee (if required).

Applications will be acknowledged in writing and you will be notified of the decision within 45 days.

It may assist applicants in formulating their application to complete the FOI Application Form which may be downloaded from the department's website, however this is not a mandatory requirement.

### **FOI fees and charges**

No fees or charges apply to accessing or amending personal information about an applicant (e.g. details of employment).

If an applicant wishes to access information that is not about themselves, they will need to pay a \$30 application fee.

In such a case, the department may also impose other charges but only as set out in Schedule 1 to the Freedom of Information Regulations 1993. The charges that the department can impose can also be found at the Office of Information website (<http://foi.wa.gov.au/en-us/FTP015>).

### **There are no application fees or charges for external reviews.**

An applicant may request the department to provide an estimate of charges when an application is lodged. If the charges are likely to exceed \$25, the department is required, as soon as practicable, to notify the applicant of the estimate of charges and the basis on which it is made.

The applicant should advise the department in writing if they are financially disadvantaged, as a 25% reduction of charges will be considered on application.

### **Notice of decision**

As soon as possible, but in any case within 45 days, an applicant will be provided with a written notice of the department's decision, which will include such details as:

- the date on which the decision was made

- the name and designation of the officer who made the decision
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited copy
- information on the rights of review and appeal (if any) under the FOI Act and the procedures to be followed to exercise those rights.

For a full list of exemptions, see Schedule 1 to the FOI Act.

### **Review of FOI decisions**

Applicants who are dissatisfied with a decision of the department are entitled to require an internal review by the department. Applications for internal review should be made in writing within 30 days of receiving the Notice of Decision.

An applicant will be notified of the outcome of the internal review within 15 days.

If an applicant disagrees with the outcome of an internal review, they have the option to apply to the Information Commissioner for an external review.

Applications for external review should be made within 60 days of receiving notice of the internal review decision.

### **Related links**

For more information on Freedom of Information generally, please go to Office of the Information Commissioner Western Australia website:

[www.foi.wa.gov.au/](http://www.foi.wa.gov.au/)

For documents that are publicly available please go to the department website: [www.water.wa.gov.au](http://www.water.wa.gov.au).

