

Procedure – Incoming Freedom of Information Applications

Responsible Directorate	Corporate Services
Responsible Business Unit/s	Governance
Responsible Officer	Freedom of Information Coordinator
Affected Business Unit/s	All

Objective

To ensure all incoming Freedom of Information (FOI) applications addressed to the Shire of Ashburton (the Shire) are received, processed, recorded and responded to in accordance with the *Freedom of Information Act 1992* (the Act).

Scope

This procedure applies to all incoming FOI applications addressed to the Shire including Third Party Consultation requests.

This procedure applies to the Records Team receiving and processing FOI applications, and any Shire staff requested to provide records, documents or information relevant to the scope of an application.

Procedure

Receipt, Review and Recording of Applications

FOI applications are usually received via email or in hard copy. Applications are to be referred, in the first instance, to the Freedom of Information Coordinator (FOI Coordinator).

The FOI Coordinator is to:

- o Adhere to the provisions of the Act together with guidelines outlined in the *Freedom of Information in Western Australia - FOI Coordinators Manual (Version 2.7 – June 2018)* published by the Office of the Information Commissioner (OIC). This manual is available on the OIC's website - [OIC Guidance](#).
- o Review the application to determine if the requested records or information can be provided to the applicant outside of the FOI process, as detailed in the Shire's [Information Statement](#). If this is the case, provide the applicant with this information or documentation.

- If the requested records or information cannot be provided outside of the FOI process, review the application to assess its validity in accordance with the Act.
- Liaise with the applicant to assist them with any area of validity that falls short of the requirements.
- Ensure applicable application fees are paid to the Shire.
- Create a new File in the Shire's Electronic Document and Records Management System (EDRMS) and record the incoming application.
- Notify the Manager Governance that the application has been received.

Processing of Applications

After an application has been deemed to be valid, including receipt of applicable fees, the FOI Coordinator is to:

- Calculate the 45-day time limit of the application.
- Provide the applicant with an Acknowledgement Letter and a receipt for fees paid. This letter is to advise the date by which a Notice of Decision will be issued to them.
- If the scope of an application is considered too vague, very large or likely to be an unreasonable impost on Shire resources, liaise with the applicant to refine or reduce the scope of the application.
- Conduct a search of the Shire's EDRMS to locate records relevant to the application's scope.
- Liaise via email with relevant Shire staff to locate any other scope records held in computer drives or in hard copy format at workstations. Include relevant Managers and Directors as cc to these emails to notify them what has been requested of their staff.
- If necessary, provide an Estimate of Charges to the applicant prior to proceeding further, as per the Act.
- Assess all located scope records to determine their release or exemption for release.
- Finalise processing the application and provide a Notice of Decision and Document Schedule to the applicant. The Notice of Decision is to include detail of the applicant's right to an Internal Review, and subsequent External Review, should they be dissatisfied with the Notice of Decision and access to records provided or refused by the Shire.
- Record all documentation resulting from processing of the application to the Shire's EDRMS.

FOI Register

All applications must be recorded on the **FOI Register** by the FOI Coordinator.

FOI Annual Statistical Return

At the end of each financial year, the OIC will send an email to the Shire requesting completion of an online **Annual Statistical Return**. This email is to be recorded to file IM30 and assigned to the FOI Coordinator for action.

The FOI Coordinator is to:

- o Complete the online return using statistics recorded in the FOI Register.
- o Save the completed return as a PDF and record it to file IM30.
- o Provide statistics of applications processed each financial year to the Manager Media and Communications for inclusion in the Shire's Annual Report.

Definitions

Nil

Relevant policies/documents

Amended Recordkeeping Plan 2023014

Recordkeeping Directive

Internal Mail Procedure

Master Incoming Records Processing spreadsheet

Records Filing Guide

Information Statement (including FOI Application form)

FOI Register

Relevant legislation/local laws

Freedom of Information Act 1992

State Records Act 2000

Office use only		
Relevant delegations	Nil	
Manager approval	Date	29 June 2023
Reviewed/modified	Date	
Next review due	Date	2024