

# Information about how to make a Freedom of Information Request

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## 1. INTRODUCTION TO FREEDOM OF INFORMATION

If you wish to access documents held by the Disability Services Commissioner (DSC) or you want to ask that we change the personal information that we hold about you, you can do so using the powers granted under *Freedom of Information Act 1982* (Vic) (FOI Act).

Under the FOI Act you have the right to:

- Ask for access to documents held by DSC
- Ask for changes to be made to your personal information which is held on file by DSC.

## 2. ACCESSING DOCUMENTS

### 2.1. What documents can I access?

You may be able to access documents from DSC if:

- The documents are not already publicly available (for example in a library or on a public register); or
- The document is not considered an 'exempt' document.

### 2.2. What is a document?

Under the FOI Act, a document may be:

- A book, map, plan graph or drawing;
- A photograph;
- A multimedia material capable of recording sounds and/or visual images; or
- A document that is printed (in electronic or written format).

### 2.3. Which documents can't I access?

The FOI Act restricts you from having access to 'exempt documents.' This means that you cannot access some documents or parts of some documents even if you ask for them.

### 2.4. Exempt documents include:

- Some DSC **internal working documents**, if we think releasing them is against the public interest;
- **Law enforcement documents** that may, if we release them, prejudice the proper administration of the law or the conduct of a fair trial;
- Documents covered by **legal professional privilege**, such as legal advice (unless the client says it's ok);
- Documents with **personal information** about other people;
- Documents with information **given to DSC in confidence**;
- Documents with information given to DSC when carrying out a **business, commercial or financial transaction**;
- Documents which are covered by **secrecy provisions** in other legislation.

### 3. THE FOI APPLICATION PROCESS

#### 3.1. What do I need to do to get access to documents?

**Step 1:** Identify the specific document(s) that you would like to access.

**Step 2:** Complete a FOI Request Form or prepare your request in writing. Please ensure that your request includes all of the following information:

- Your full name
- Your postal address
- Your contact details
- Description of the document(s) that you would like to access

**Step 3:** The FOI Act requires that you pay an application fee but you are able to make a request that the application fee be waived if it would cause you hardship.

The current application fee is \$30.60 (effective 1 July 2022). You will be required to pay this fee at the time you make an application unless it is waived due to hardship.

If you are paying the application fee, this can be paid via a cheque or money order. Do not send cash in the mail.

If you would like to request that the fee be waived due to hardship, please ensure that you put your request in writing and include any supporting documentation (eg. health care card, pension card etc.)

**Step 4:** Send the completed request and the application fee (or application for fee waiver) to the Freedom of Information Officer at the DSC.

Your application can be sent in one or more of the following ways:

<b>By post:</b> <i>The FOI Officer</i> Disability Services Commissioner Level 30, 570 Bourke Street MELBOURNE VIC 3000	<b>By e-mail:</b> <i>The FOI Officer</i> <a href="mailto:ODSC.FOI@odsc.vic.gov.au">ODSC.FOI@odsc.vic.gov.au</a>
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### 3.2. What happens next?

Once we receive your request and you have paid the application fee (or be granted a fee waiver), we will acknowledge your request in writing.

If the FOI officer is able to determine what documents you are seeking, you will be notified of the decision and reasons for decision within 30 days. If the FOI officer has difficulty identifying the documents, or there are issues with giving you access to the requested documents, they will contact you as soon as reasonably possible.

### 3.3. What if I am not happy with the decision?

If you are not happy with the outcome of your FOI request, you can seek review by the Office of the Victorian Information Commissioner.

If you wish to make a complaint about how the DSC has handled your FOI request, you can make a complaint to the Office of the Victorian Information Commissioner.

To contact the Office of the Victorian Information Commissioner, call 1300 842 364 or visit <https://ovic.vic.gov.au/>

#### 4. CHANGING YOUR PERSONAL RECORDS

We do our best to make sure our records are accurate, but sometimes there may be mistakes in the documents or information we hold about you. You can ask to have this information corrected if it is wrong, incomplete, out of date, or would give a misleading impression.

It doesn't cost anything to make a request to update the personal information that we have about you.

##### 4.1. What do I need to do?

You can ask for your information to be changed by:

- Writing to us (include an address so we can write back to you);
- Telling us what you think is not correct;
- Telling us the changes you would like to make.

##### 4.2. What will DSC do once we get your request?

Once we receive your request we will acknowledge your request in writing. We will then let you know the outcome of your request, and any changes we have made, within 30 days.

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## Freedom of Information Request Form

### DETAILS OF APPLICANT:

Surname: \_\_\_\_\_

First Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Phone contact no. (Home): \_\_\_\_\_

(Business): \_\_\_\_\_

Email address: \_\_\_\_\_

### DETAILS OF REQUEST:

I would like access to the following document(s):



Please indicate whether you would like to inspect the documents and/or obtain a copy of the documents:

I want a copy of the document(s) .....

I want to inspect the document(s) .....

**APPLICATION FEE**

I have enclosed the application fee of \$30.60

OR

I would like to apply for a waiver of the application fee and I have attached supporting information or documentation (eg. copy of health care card, pension card etc.)

.....

(Signature)

**Date:**        /        /

Your completed application and your application fee (or application for fee waiver) can be sent to the Disability Services Commissioner in any of the following ways:

<b>By post:</b> <i>The FOI Officer</i> Disability Services Commissioner Level 30, 570 Bourke Street MELBOURNE VIC 3000	<b>By e-mail:</b> <i>The FOI Officer</i> <a href="mailto:ODSC.FOI@odsc.vic.gov.au">ODSC.FOI@odsc.vic.gov.au</a>
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