

C6. Freedom of Information Policy

Policy Owner: Manager, People and Culture

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THE PURPOSE OF THE FREEDOM OF INFORMATION (FOI) ACT

VITS LanguageLoop is a prescribed authority or "agency" under the Victorian *Freedom of Information Act 1982 (Act)*.

The purpose of the Act is to extend the right of the community to access information in the possession of the Government of Victoria and its various departments and authorities. The "information" sought by an applicant under the Act must be in document form and must be in the possession of the agency.

WHAT IS A DOCUMENT?

A "document" as defined in the Act can include a graph, drawing, photograph, a label or other attachment, a disc or tape, as well as a document in writing or typing. Information held on computer disk or in a data base fits the definition of a document.

Applicants have the right to request any document which is physically in the possession of VITS LanguageLoop, but access is subject to any possible exemptions as appears in the Act.

A person does not have the right to obtain under the Act publications that are sold by the company or documents that are readily available to the public.

There is no requirement for VITS LanguageLoop to create, in response to an FOI request, a document listing additional information, or to explain documents.

APPLICANTS UNDER THE ACT

Any person may make a request for a document under the Act.

A company or other organisation cannot make a request; but an individual employee or member of a company or organisation can do so.

The applications will be processed by the company's Freedom of Information officer. This is the Chief Executive Officer.

FORM OF REQUESTS FOR DOCUMENTS

Applicants must lodge a request in writing which should be accompanied by an application fee of \$31.80.

The Act requires applicants to state their requests clearly enough for relevant documents to be identified and charges VITS LanguageLoop with responsibility to assist the applicant to do this (Section 17). Work begins on a request only when it is sufficiently specific and clear.

If a request is made for a document but the Freedom of Information Act is not mentioned by the applicant, the Chief Executive Officer (CEO) should decide if the request is routine.

ACCESS TO DOCUMENTS UNDER FOI

The CEO makes the decision about access to documents and advises applicants in writing. Under the Act this must be done within 45 days of receiving the request. The decision in each case may be that access is granted in full, or denied in full, or in part granted and in part denied.

The CEO must advise the applicant if a document has been lost, has never existed or has been destroyed.

Access can be granted to parts of documents. If certain of the information is regarded exempt from disclosure according to the categories of exceptions specified by the Act (see below) the exempt material may be denied and expunged from the copies which are released to the applicant.

The CEO or his representative often assists applicants in wording their requests so that the relevant documents can be precisely identified. The CEO is not required to conduct a general search for documents until it is clear which documents are being sought by an applicant.

VITS LANGUAGELOOP FOI ACCESS PRACTICE

In accordance with the spirit and wording of the Act, VITS LanguageLoop considers every request with the aim of assisting the public to know and understand the processes of administration and management of this company.

The Act allows for requested documents to be withheld where they are considered to be exempt from release. VITS LanguageLoop protects its legitimate management, research and commercial interests and the interests, including privacy, of individuals (board members, staff, contractors

and clients or members of the public) by using the exemptions provided for under the Act.

In some cases, even when an exemption provided by the Act appears both applicable and justifiable a document may be released by the CEO because adverse consequences of release to VITS LanguageLoop' functions and legitimate interests are considered to be minimal. The Act encourages agencies to consider releasing documents otherwise than required by the Act.

The CEO will therefore consider, in relation to the provisions of the Act, any document regarded as possibly exempt and decide whether it should be released, released with exempt details deleted, or withheld.

A document or part of a document can be regarded as exempt if (among other things):

- It is an internal "deliberative process" document and its release would not appear to be in the public interest (exempt under Section 30 of the Act)
- It would be privileged from production in legal proceedings on the ground of legal professional privilege (exempt under Section 32 of the Act)
- It concerns the personal affairs of a person or persons who have not initiated the request (exempt under Section 33 of the Act)
- It is information communicated in confidence by or to VITS LanguageLoop (exempt under Section 35 of the Act)
- It is a referee's report
- Its release would disadvantage VITS LanguageLoop or another organisation commercially (exempt under Section 34 of the Act)
- It is seen to be covered by one or more of the other exemptions provided for by the Act

For a complete listing and explanation of the exemptions, a copy of the Act is available for perusal at the offices of the CEO.

FEES CHARGED FOR ACCESS

Under the Act and Regulations relating to Access Charges, fees are charged as follows:

- \$31.80 application fee
- \$20.00 per hour or part of an hour for time taken to locate and identify the documents
- \$5.00 per quarter hour or part of a quarter hour for supervision of time taken to inspect the documents
- \$0.10 per A4 sheet for photocopies of the documents

There are other charges able to be levied in certain circumstances.

The Regulations do not permit VITS LanguageLoop to charge for time taken in photocopying or decision making.

For documents which require retrieval on computer, the Act provides for the charging of actual "reasonable costs" incurred in retrieval in some cases. Under certain circumstances, listed in the Act, some of the access charges are or maybe reduced or waived. Where the fee for access is assessed as likely to exceed \$50.00, the applicant will be asked to pay a deposit before the search for documents is begun.

INTERNAL REVIEWS

When an applicant is dissatisfied with the CEO's decision not to release all or part of a requested document, under the Act the applicant has 28 days to lodge a request for a review of the decision.

At VITS LanguageLoop this review is conducted by the Chairperson or another member delegated by the board.

The Chairperson must inform the applicant of the result of the review within 14 days of receiving the request for review.

THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (VCAT)

If an applicant wishes to apply for a review of a decision, an appeal should be lodged in writing with the VCAT within 60 days of the date on which the applicant receives the letter advising the decision on internal review.

The VCAT review procedure provides for a preliminary conference of the parties aimed at settling their disagreements on exemptions and access to documents. Failing agreement, the matter will proceed to a hearing by the VCAT where the issues will be examined and a decision made.

THE OMBUDSMAN

The Ombudsman for Victoria may direct enquiries to VITS LanguageLoop as a result of an applicant's complaint about VITS LanguageLoop' handling of an FOI request.

Applicants are entitled to complain to the Ombudsman if they are informed by the CEO that a document has been lost, destroyed or does not exist, or if a request has not been handled according to the provisions of the Act.

A person may also complain to the Ombudsman about an administrative procedure or decision which appears to him or her unjustified or contrary to law.

REQUESTS TO AMEND A RECORD

Under Section 39 of the Act, an applicant may request in writing correction or amendment of a record that has been previously released to him/her under the Act and relates to himself/herself if it is inaccurate, incomplete, or out of date, or where it would give a misleading impression.

VITS LanguageLoop has 30 days to respond to such a request.

The review and appeal procedures for FOI requests to amend personal records can also result in an internal review and thereafter to review (preliminary conferences and final hearings) in the VCAT.

ACCESS APART FROM THE ACT

While requests for the following types of documents are handled at VITS LanguageLoop outside the Act, a dissatisfied applicant would not, under law, be prevented from placing an FOI request. VITS LanguageLoop therefore uses the FOI Act and Regulations as a guide in making decisions about access and in setting fees.

Documents which are personal to a staff member are not released to a third party.

PERSONNEL FILES

Staff of VITS LanguageLoop may gain access, outside the Act, to their personnel files through the CEO. Access to these files will not include any documents regarded as sensitive, such as referees' reports. Staff who wish to have access to any personal documents not on their files must lodge an FOI request with the CEO.

ACCESS TO SOME DOCUMENTS WITHOUT INVOKING THE ACT

documents on direct request, without requiring the person asking to invoke FOI procedures. (e.g. results of research, board agendas and minutes and documents of personal concern to the enquirer.)

If a document is regarded as sensitive, it should not be released, and the enquirer should be advised to make an FOI request.

ADVICE TO THE BOARD OF DIRECTORS

The CEO will advise the Board of Directors of any applications under the Freedom of Information Act or any information provided upon direct request without the invocation of the Act, received by VITS LanguageLoop. The CEO will also update the Board on the progress of all applications.

POLICY HISTORY

Date Reviewed	Author	Date Board Approved	Next Review Date	Version Number
Feb 2021				
January 2024	Director, Corporate Services	22/2/2024	February 2026	2