

Freedom of Information Policy

1 Policy Title:

Freedom of Information Policy

1.1 Policy Introduction:

The Freedom of Information Act 1982 (Vic) gives members of the public the right to request documents held by public bodies in Victoria, including the Ballarat and District Cooperative (BADAC).

1.2 Policy Purpose:

The purpose of this policy is to outline BADAC's duty under the Freedom of Information Act 1982 in providing clients over 18 years of age with access to their files held by BADAC when requested in writing.

1.3 Policy Scope:

The scope of this policy applies to all staff employed by BADAC.

2 Policy Statement:

Making a Freedom of Information (FOI) Request

Applicants must lodge a request in writing to the Chief Human Resources and Governance Officer (CHRGO). The request must be accompanied by the application fee of \$50, or a request to have the fee waived on hardship grounds.

All correspondence and communications with applicants will be managed by the CHRGO or delegate. The Act requires applicants to state their requests clearly enough for relevant documents to be identified and requires BADAC to assist the applicant to do this. Work begins on a request only when it is sufficiently specific and clear.

Once BADAC receive the formal request, the CHRGO or delegate will conduct a thorough search, with the search details, and the outcomes, recorded in the Freedom of Information Register.

Timeframes

BADAC has a statutory obligation to acknowledge that an FOI request has been received as soon as practicable, and no later than 14 days after receiving a request. BADAC will a written acknowledgement no later than the 14 days upon receiving the request. In most situations BADAC will provide the acknowledgement within 10 days.

Once an FOI request for documents has been received, BADAC will, as soon as practicable, and no later than 30 days after receiving a request, take all reasonable steps to enable the applicant to be notified of a decision on the request.

The FOI Act allows for the extension of that statutory timeframe in certain circumstances, for example, where third-party consultation is required, with the agreement of the applicant or with the approval of the Information Commissioner.

Practical refusal

An agency (BADAC) may refuse a request if a 'practical refusal reason' exists but only after following the 'request consultation process'. A practical refusal reason means that:

- a request does not sufficiently identify the requested documents.
- the work involved in processing the request: in the case of an agency—would substantially and unreasonably divert the resources of the agency from its other operations.

3 Definitions

N/A

4 Related Policies/Procedures

1. Privacy Policy
2. Information Sharing Policy

5 References

5.1 Relevant Legislation

- *Freedom of Information Act 1982 (Vic)*
- *Privacy Act 1988 (Cth)*
- *Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Health Records Act 2001 (Vic)*

5.2 Standards

QIC	
Standard 1: Governance	1.2. Organisational accountability 1.6. Risk management 1.7. Legal and regulatory compliance
Standard 2: Management systems	2.3. Information management
RACGP	
8. Content of patient health records	8.1. Patient health records
NDIS	
2. Provider Governance and Operational Management	2.1. Governance and Operational Management
Aged Care	
N/A	
Rainbow Tick Accreditation	
N/A	
HSS	
1. Standard 1: Empowerment	1.1. People understand their rights and responsibilities 1.2. People exercise their rights and responsibilities
Child Safe Standards	
Standard 3 Children and young people are empowered about their rights, participate in decisions affecting them and are taken seriously.	3.1 Children and young people are informed about all of their rights, including to safety, information and participation.

5.3 Resources

N/A

5.4 References

N/A

6 Documentation

6.1 Forms

1. FOI Request Form

6.2 Records

1. FOI Request Register

7 Organisational Context

7.1 OHS Implications

N/A

7.2 Risk Management Implications

7.2.1 Political

N/A

7.2.2 Economic

1. Cost to administrate

7.2.3 Social

N/A

7.2.4 Technological

1. N/A

7.2.5 Legislative

1. Breach of following Acts:
2. Freedom of Information Act 1982 (Vic)
3. Privacy Act 1988 (Cth)
4. Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)
5. Privacy and Data Protection Act 2014 (Vic)
6. Health Records Act 2001 (Vic)

7.2.6 Environmental

N/A

7.2.7 Cultural

N/A

8 Document Control

8.1 Document Approvals

Position	Name	Approval Signature	Date Approved
CEO	Karen Heap	KHeap	13.6.2023.