

<p>Goulburn Ovens Institute of TAFE</p> <p>Policy No. PRHR-173</p> <p><small>(Copy on public web site)</small></p>	<p>Title: Freedom of Information Procedure Executive Approved: 05/11/2014 Reviewed: 16/02/2015, 07/07/2015, 12/07/2016, 16/12/2016, 21/06/2018 re COO</p> <p><i>Responsible Officer: Executive Manager Human Resources</i> <i>Authorising Officer: CEO</i> Review: Biennial (16th December 2018)</p>
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FREEDOM OF INFORMATION PROCEDURE

1. PURPOSE

GOTAFE is a body established for a public purpose and therefore an "agency" under the Victorian *Freedom of Information Act 1982* (FOI Act). Members of the public have a right of access to documents created or held by GOTAFE. This Procedure aims to ensure compliance with GOTAFE's obligations under the FOI Act and promote a consistent approach to the handling of applications under that scheme.

This procedure sets out the expectations of individuals relating to the provision of rights of access to certain documents held by GOTAFE. It ensures that members of GOTAFE comply with the requirements contained in the FOI Act.

2. SCOPE

This procedure applies to all members of the GOTAFE community, including employees, students, contractors and any member of Public who wishes to access potentially sensitive information.

3. DEFINITIONS

For the purposes of this Procedure:

Term	Definition
Agency	Means GOTAFE, and any person contracted to carry out work on behalf of GOTAFE during the period of that contract;
Document	Includes, in addition to a document in writing: <ul style="list-style-type: none"> (a) any book, map, plan, graph or drawing; (b) any photograph; (c) any label marking or other writing which identifies or describes anything of which it forms part, or to which it is attached by any means whatsoever; (d) any disc, tape, sound track or other device in which sounds or other data (not being visual images) are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced therefrom; (e) any film, negative, tape or other device in which one or more visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; (f) anything whatsoever on which is marked any words, figures, letters or symbols which are capable of carrying a definite meaning to persons conversant with them;

Term	Definition
	<p>(g) any copy, reproduction or duplicate of anything referred to in paragraphs (a) to (f) above; and</p> <p>(h) any part of a copy, reproduction or duplicate referred to in paragraph (g) above,</p> <p>but does not include such library material as is maintained for reference purposes.</p>
Privacy Officer	<p>The Privacy Officer for GOTAFE is the Chief Operating Officer, or designate.</p> <p>Note: The Privacy Officer has a delegated responsibility, from the Principal Officer, to receive and process FOI requests.</p>
Principal Officer	Means the Chief Executive Officer (CEO) of GOTAFE.

4. PROCEDURE

Item	Action/Comment	Responsibility
1.	<p>Requests for documents</p> <p>Where there is a general request made for a document and the FOI Act is not mentioned by the applicant, the Privacy Officer or delegate will decide if the request is routine. The request need not be referred to the Privacy Officer if the document is normally available for public scrutiny or is otherwise available to specified individuals under Institute policy or the law.</p> <p>If a document is regarded as sensitive, the document should not be released and the enquirer should be advised to make an FOI request..</p> <p>Applicants must lodge a <i>Freedom of Information Request Form</i>, accompanied by the application fee as set by the Victorian Government. A request may be made by one person on behalf of another person or group, or by an organisation (such as a law firm) on behalf of a client or member.</p> <p>The FOI Act requires applicants to state their requests clearly enough for relevant documents to be identified and requires the agency to assist the applicant if needed. The Privacy Officer is not required to conduct a general search for documents until it is clear which documents are being sought by an applicant. Work begins on a request only when it is sufficiently specific and clear.</p>	Applicant / Privacy Officer
2.	<p>Fees and charges</p> <p>Applications made under the FOI Act will generally incur a fee.</p> <p>These fees will be charged as defined within the Freedom of Information (Access Charges) Regulations 2014. For further information, please visit http:// www.ocpc.vic.gov.au.</p>	Privacy Officer
3.	<p>Access to documents</p> <p>The Privacy Officer makes the decision about access to documents and advises applicants in writing. Under the FOI Act this must be done within 45 days of receiving a request that is</p>	Privacy Officer

Item	Action/Comment	Responsibility
	<p>category);</p> <ul style="list-style-type: none"> • its release would disadvantage GOTAFE or another organisation commercially (exempt under Section 34 of the FOI Act); or • it is seen to be covered by one or more of the other exemptions provided for by the FOI Act. <p>Additionally, section 78 of the <i>Protected Disclosure Act 2012</i> (Vic) excludes the application of the FOI Act to any document that relates to a disclosure made under the <i>Protected Disclosure Act 2012</i>. Refer to GOTAFE's <i>Protected Disclosure (Whistleblower) Procedure</i> for additional information.</p> <p>For a complete listing and explanation of the exemptions refer to the legislation by clicking the following Freedom of Information Act 1982.</p>	
5.	<p>Request for review</p> <p>When an applicant is dissatisfied with the <i>Privacy Officer's</i> decision not to release all or part of a requested document, under the <i>Act</i> the applicant has 28 days to lodge a request for a review of the decision with the Freedom of Information Commissioner, who then has 30 days to make a determination.</p> <p>If an applicant wishes to apply for a review of the <i>Privacy Officer's</i> decision or the <i>Freedom of Information Commissioners'</i> decision, an appeal should be lodged in writing with the Victorian Civil and Administrative Tribunal (VCAT) within 60 days of the date on which the applicant receives the decision from the Principal Officer or Freedom of Information Commissioner.</p>	<p>Applicant/FOI Commissioner</p> <p>Applicant</p>
6.	<p>Complaints</p> <p>The Freedom of Information (FOI) Commissioner may direct enquiries to GOTAFE as a result of an applicant's complaint about the handling of an FOI request. Applicants are entitled to complain to the FOI Commissioner if they are informed by, and do not accept advice from, the Privacy Officer 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 FOI Act. A person may also complain to the FOI Commissioner about an administrative procedure or decision which appears to him or her as unjustified or contrary to law, or if they dispute access costs applied to their request.</p>	Applicant/FOI Commissioner
7.	<p>Records management</p> <p>The Principal Officer is responsible for the appropriate retention of Institute records under the FOI Act. An employee who is in doubt about whether a document is a document of GOTAFE under the FOI Act, should discuss with the Privacy Officer as to whether a document may be destroyed.</p>	Privacy Officer/ Employee

Item	Action/Comment	Responsibility
8.	<p>Requests to amend a record</p> <p>Under Section 39 of the FOI Act, an applicant may request in writing the correction or amendment of a record that has been previously released to him/her under the FOI Act and relates to himself/herself if it is inaccurate, incomplete, out of date, or where it would give a misleading impression. Applicants cannot request that a record be deleted. GOTAFE has 30 days to respond to such a request.</p>	<p>Applicant</p> <p>Privacy Officer</p>

5. DOCUMENTATION

- [Privacy and Freedom of Information Policy – OD7](#)
- [Freedom of Information Request Form – FHR-101](#)
- [Protected Disclosure \(Whistleblower\) Policy – POHR-11](#)
- [Tendering Procedure – B19-P21](#)
- [Freedom of Information Act 1982](#)
- [Privacy and Data Protection Act 2014](#)
- [Health Records Act 2001](#)