



POLICY			
TITLE:	FREEDOM OF INFORMATION	CODE:	CM113
PURPOSE or OBJECTIVE:	To provide guidance to all City employees in dealing with requests for information under the <i>Freedom of Information (FOI) Act 1992</i> .		
REFERENCE DOCUMENTS:	Freedom of Information Act 1992 Freedom of Information Regulations 1993		

POLICY STATEMENT

The Code of Ethics and the Code of Conduct of the City of Canning require that employees:

- in serving the community make fair, impartial and timely decisions; and
- give access to information to community members in accordance with the Freedom of Information Policy.

1. Scope

This policy applies to all City of Canning employees required to respond to requests for information under the *Freedom of Information Act 1992* (the Act).

2. Definitions

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| <i>access application, FOI application</i> | an application submitted to the City by a member of the community seeking to obtain copies or otherwise gain access to one or more of the City's records. |
| <i>applicant or access applicant</i> | the person by whom, or on whose behalf, an access application is made. |
| <i>application for amendment</i> | an application made by a member of the community to have his or her personal information amended. |
| <i>document</i> | a record or a copy or duplicate of a record, whether partial or complete. |
| <i>record</i> | any record of information owned or controlled by the City, including maps, plans, diagrams, graphs, drawing, graphic work or photography; and any item on which information has been stored or recorded in any way. |
| <i>exempt matter</i> | a matter listed in Schedule 1 of the <i>Freedom of Information Act 1992</i> . |
| <i>personal information</i> | information or opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead —
<ul style="list-style-type: none"> (a) which identifies an individual or can be used to reasonably identify an individual; (b) which by reference to an identification number or other identification particular can identify an individual. |
| <i>FOI Coordinator</i> | <ul style="list-style-type: none"> • the City's Manager Legal and Governance Services; or • a person nominated from time to time by the Manager Legal and Governance Services to act as FOI Coordinator; and/or • another City employee designated by the Chief Executive Officer (CEO), whether to replace or to share the responsibilities of a nominated FOI Coordinator. |
| <i>decision maker</i> | the relevant business area manager or director having ownership of most or all of the records requested under an FOI application. |
| <i>FOI Internal Reviewer</i> | for a given FOI application, an employee of the City, other than the FOI Coordinator or the decision maker, nominated by the CEO to review the way the City deals with FOI applications. |

Coordinator Records the employee, regardless of the position title, for the time being in charge of the records management function at the City

3. FOI applications to be the last resort

All City employees will act to minimise the need for FOI applications by supplying all information requested by members of the community outside of the FOI process where it can be legally provided.

4. Duty of the Chief Executive Officer

The CEO will:

- (1) Ensure that at any time there is one (1) or more FOI Coordinators at the City;
- (2) Cause the City's Information Statement, as required under Part 5 of the *Freedom of Information Act 1992*, to be reviewed annually and published; and
- (3) Appoint a staff member of appropriate seniority and experience to act as FOI Internal Reviewer.

5. Duties of directors and business area managers

- (1) Directors and managers may on request and at their discretion release records that are technically exempt under the FOI Act if:
 - (a) they believe the release of those records would give effect to the FOI Act;
 - (b) the release does not contravene any other legislation or City policy; and
 - (c) the release would not constitute a breach of confidentiality.
- (2) Directors and managers will ensure that their areas observe good record keeping practices.
- (3) Directors and managers are responsible for ensuring that access to any information is not hindered by staff movements, whether permanent or temporary.
- (4) Directors and managers, when acting as decision makers, will ensure that:
 - (a) a thorough and exhaustive search is conducted to locate records including, if required, seeking the support of the Information Management Services Coordinator and/or the Coordinator Records;
 - (b) the actions constituting the search process are properly documented;
 - (c) a Schedule of documents is prepared; and
 - (d) the FOI Coordinator is provided without undue delay with complete information relevant to the FOI application (including the Schedule of documents).
- (5) Directors and managers, when acting as decision makers, will decide, in consultation with the FOI Coordinator, what records can be released and, if required, with what editing.
- (6) With respect to an application for amendment, Directors and managers will:
 - (a) decide whether the required changes to personal information are warranted;
 - (b) establish the level of proof and type of evidence required;
 - (c) ensure that the requested amendment is not done in a manner that obliterates the information on a record; and
 - (d) ensure that the amendment, if approved and undertaken, is, if feasible, mentioned on the altered record or otherwise recorded.

6. Duties of FOI Coordinator

The FOI Coordinator will:

- (1) assess an FOI application and determine:
 - (a) whether the request is valid; and
 - (b) whether the required information can be provided outside the FOI process; and
 - (c) whether the required fee has been paid; and
 - (d) who is the decision maker for the FOI application.
- (2) process an FOI application in accordance with the procedures made under this Policy including:
 - (a) ensuring that the application is registered; and
 - (b) documenting actions taken to respond to the FOI application; and
 - (c) referring the FOI application to the decision maker and requesting that a search for records is undertaken; and
 - (d) liaising with third parties; and
 - (e) deciding in cooperation with the decision maker which records can be released, and, if required, with what editing.

- (3) ensure that information relating to how the City responds to FOI applications is available to the public including providing information on request by members of the community.
- (4) maintain the policy and associated registers and document repositories.
- (5) collate statistics and ensure the City's reporting obligations under the FOI Act are met.

7. Duties of FOI Internal Reviewer

The FOI Internal Reviewer will:

- (1) establish facts and collect required information;
- (2) make determinations about applications for review;
- (3) advise the applicant and potential third parties of the decision taken; and
- (4) advise the applicant of the right to appeal to the Information Commissioner if unsatisfied with the outcome of the internal review.

8. Duties of Coordinator Records

The Coordinator Records, or a person appointed by them, will support the collection of information by assisting:

- (1) decision makers to locate all relevant documents;
- (2) the FOI Coordinator by recording and documenting the actions taken; and
- (3) the FOI Internal Reviewer by certifying that all reasonable efforts have been made to locate the requested information.

GOVERNANCE REFERENCES

Statutory Compliance	Freedom of Information Act 1992 - s.95(a) and s.96
Process Links	City of Canning Information Statement 2014

POLICY ADMINISTRATION

Directorate		Officer Title	Delegation No. 502
Corporate Services		Manager Legal & Governance Services	
Version	Decision Reference	Synopsis	
1	8.10.2014	Reformatted (draft)	
1	21.01.2015	Approved under delegation	