

Freedom of Information (FOI) Application Form

Fees and Charges

An application fee of \$40.75 must be submitted with the completed application form, unless you are seeking to have the application fee waived. If you are seeking to have the application fee waived, please attach evidence supporting why it should be waived eg attach a copy of your concession card or other evidence as proof of financial hardship.

Please select one of the following two options:

I have included payment of \$40.75 in the form of a:

cheque cash money order credit card payment (see below)

Card Type: Visa MasterCard

(Council does not accept American Express)

Card Number:

Cardholder's Name: _____

Expiry Date: ____/____/____ CCV Number (three digit validation number on the back of the card) ____/____/____

Contact Telephone Number: _____

Postal Address: _____

Email Address: _____

Signature: _____ Post/Email Receipt: Yes No

or;

I am requesting a reduction or waiver of fees and charges

Please provide evidence that you are eligible for reduction or waiver of fees and charges (refer to the attached fact sheet for eligibility requirements).

If no fee is attached and you do not qualify for a reduction or waiver, then this application will not be valid until the fee has been received by Council.

Applicants Declaration and Signature

I declare that I have read and understood the attached guidelines.

I further declare that I understand that **I may be required to pay processing charges** in respect to this request and that I will be supplied with a statement of the charges if appropriate (current charges are provided in the attached fact sheet).

Applicant's signature: _____ Date: _____

Council Use Only

Application received by: _____ Date: _____

Freedom of Information (FOI) Fact Sheet

Request for Access to Documents Under Section 13 of the *Freedom of Information Act 1991*

Freedom of Information

The South Australian *Freedom of Information Act 1991* (FOI Act) gives you a legal right to request access to any documents held by any 'agency' that the FOI Act applies to. An 'agency' includes South Australian State Government Agencies, Local Government Councils and South Australian Universities.

Applications for access to documents must be made in writing in accordance with Section 13 of the FOI Act and be lodged with the agency that holds the documents.

Requesting Access to Documents

When making an FOI application, you will need to provide enough information to enable the correct documents to be identified. If you are uncertain, it is recommended that you contact Council and ask to speak with an FOI Officer for assistance.

If you are seeking documents relating to your own personal affairs, you may be asked to provide proof of your identity. If you are seeking access to documents on behalf of another person relating to their personal affairs, you may be asked to provide written consent signed by that person.

Access to documents can be provided in different ways, depending on how the information is stored. The different ways you can access documents include:

- Inspecting documents
- Requesting a copy of documents
- Hearing and viewing audio and video files
- Transcripts of recorded documents

Advice about how you would like to access the documents should be included in your FOI application.

Processing Requests for Access to Documents

After receiving your application, Council is required to deal with it in accordance with the requirements of the FOI Act and provide you with a written decision. This is called a Notice of Determination. The Notice of Determination will include the agency's decision in relation to your request and, if access has been refused in full or in part, the reasons why this has occurred. Council will advise you of your rights of review and appeal if you are unhappy with their determination.

A request for access will be dealt with as soon as practicable, or within 30 calendar days of it being received.

In certain circumstances the agency may extend the timeframe for dealing with your application. The agency will advise you within 20 calendar days if an extension is necessary, and why.

Access to documents by Members of Parliament

A Member of the South Australian Parliament who applies for access to a document held by Council is entitled to access the document without charge unless the work generated by the applicant involves fees and charges totaling more than \$1,000.

Exempt Documents

A number of exemptions are necessary to ensure that other people's privacy is not unduly invaded or the proper administration of the government is not unduly affected. The types of documents that are restricted (or 'exempt' from access) include:

- Policy documents from before 1 January 1987
- Documents subject to legal professional privilege
- Documents that contain trade secrets or information of commercial value
- Documents affecting law enforcement and public safety
- Documents that would lead to an unreasonable disclosure of another person's affairs

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There is a \$40.75 FOI application fee that must be paid to the agency at the time of submitting your application.

Processing charges may also be applicable. Council's FOI Officer will advise you of these charges once it receives your application and begins processing it.

These fees and charges are as follows and are prescribed fees declared under Schedule 1 of the Freedom of Information (Fees and Charges) Regulations 2018:

- | | | |
|----|--|--|
| 1. | On application for access to an agency's document (section 13(c)) | \$40.75 |
| 2. | (1) For dealing with an application for access to an agency's document and in respect of the giving of access to the document (section 19(1)(b) and (c)): | |
| | (a) In the case of a document that contains information concerning the personal affairs of the applicant: | |
| | (i) For up to the first 2 hours spent by the agency in dealing with the application and giving access | no charge |
| | (ii) For each subsequent 15 minutes so spent by the agency | \$15.40 |
| | (b) In any other case – for each 15 minute so spent by the agency | \$15.40 |
| | (2) In addition to the fees specified in subclause (1), the following fees are payable in respect of the giving of access to an agency's document: | |
| | (a) Where access is to be given in the form of a photocopy of the document (per page) | \$0.25 |
| | (b) Where access is to be given in the form of a written transcript of words recorded or contained in the document (per page) | \$9.10 |
| | (c) Where access is to be given in the form of a copy of a photograph, x-ray, DVD or other medium in or on which information is recorded or stored | the actual cost incurred by the agency in producing the copy |
| | Note: If the applicant requires that a document be posted or delivered, the applicant must pay the actual costs incurred by the agency in posting or delivering the document. | |
| 3. | On application for review by an agency of a determination made by the agency under Part 3 of the Action (section 29(2)(b)) | \$40.75 |

Waiving of Fees and Charges

If you are the holder of a current concession card, or if you can satisfy Council that the payment of the fee or charge would cause financial hardship, the agency must waive or remit (reduce or refund) the application fee.

If you are a concession cardholder you will need to provide Council with evidence. For example, you can attach a copy of your concession card to your completed FOI application form. Alternatively you will need to provide written reasons why the payment of a fee or charge would cause you financial hardship.