

What is Freedom of Information?

The *Freedom of Information Act 1991* gives you a legally enforceable right of access to documents within the possession of South Australian State and Local Governments and Universities. The purpose of Freedom of Information (FOI) is to make the business of Government open and accountable to all.

FOI allows you to:

- access documents within the Government's possession; and
- amend documents that relate to you which are incomplete, incorrect, out-of-date or misleading.

Whose documents can I access?

Under FOI you can access documents in the possession of:

- Government Departments
- Statutory Authorities
- Boards and Ministers
- Local Councils
- Universities
- Public Hospitals and Health Units
- Regulatory Bodies

Similar (but not identical) legislation applies to the Commonwealth and other State Governments. If you think the information you want is held by these other Governments, you will need to contact them direct.

Remember, FOI gives you access to documents in the possession of the South Australian Government only. FOI does not give you a right to access documents in the possession of the private sector.

What kind of documents can I access?

FOI enables you to apply for access to any document within the Government's possession.

This includes paper based documents as well as other types of documents including computer files, plans, photographs, videos and audio tapes.

The Government holds many types of documents such as your school, health, welfare and criminal records; minutes and agendas; policy documents; research materials; instruction and procedure manuals.

To determine the types of documents held by an individual State Government Agency, a Local Government Council or a University you will find an Information Statement either on the Agency's website or published in their Annual Report.

Many Government documents are already publicly available such as annual reports, budget statements, voters' rolls etc. It is not necessary to lodge an FOI application to see these.

Who has the documents?

The Information Statements mentioned above will help you decide which agency is most likely to have the documents you want. Another useful source is the *South Australian Government Services Directory*, which is available at all public libraries.

If you are looking for documents that concern you personally, it is generally only agencies you have dealt with that would hold this information.

Are there any documents that are not available?

While FOI aims to provide access to the maximum amount of information possible, a number of exemptions are necessary to ensure that other people's privacy is not breached or that the proper administration of the Government is not adversely affected.

Types of documents that may be exempt include:

- Cabinet and Executive Council documents

- 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

Can I amend inaccurate documents about me?

Under FOI you may make an application to have documents concerning your personal affairs amended if they are incomplete, incorrect, misleading or out-of-date. An application form to amend personal records can be downloaded from the State Records website www.archives.sa.gov.au.

How long will it take to process my application?

Once a State Government Agency, Local Government Council or University has received your written application it has 30 days in which to process it.

Will I have to pay?

An FOI request for access to documents must be accompanied by a \$26.75 application fee. Additional charges may be levied to process your request. There is no fee for making an application to amend your personal records.

If you hold a concession card, or are otherwise financially disadvantaged, all fees will be waived. Proof will be required.

What happens if I'm dissatisfied?

If a document is deemed to be exempt, a State Government Agency, Local Government Council or University may decide to deny you access to all or part of that document. If access is refused you will

be informed of the reasons why and advised of your appeal rights.

How do I make an FOI application?

It is best to discuss your application with the agency concerned prior to lodging a request. They can provide you with an application form or it can be downloaded from the State Records website at www.archives.sa.gov.au. If you prefer to write a letter, your letter must:

- specify that you are making an application under the *Freedom of Information Act 1991*
- include your name and address in Australia
- specify the documents you would like access and the matter they concern
- specify whether the documents contain information about your personal affairs
- request the form of access to the document (eg do you wish to inspect the document, or do you want a copy?)
- include the \$26.75 application fee unless you are lodging an application to amend your personal records or you hold a concession card
- be sent directly to the agency that holds the documents

Who can help me with my FOI application?

All FOI applications must be lodged directly with the State Government Agency, Local Government Council or University that holds the documents to which you require access.

Most Agencies, Councils and Universities have a designated Freedom of Information Officer. Ringing them before submitting your application can often help you clarify which documents to request. They can also assist you with making your application.



Government of South Australia

State Records of SA
PO Box 1072, Adelaide SA 5001
Ph (08) 8204 8786

01/07/2008

Your Right to Know

How to use Freedom of Information in South Australia



Government of South Australia
