Freedom of Information requests

Under the *Freedom of Information Act 1982* (Vic) (FOI Act), every person has the right to request access to documents held by Victorian public sector agencies and Ministers. This right of access is subject to exceptions and exemptions necessary to protect essential public and private interests.

## Making a valid request

Under section 17 of the FOI Act, a request must meet three requirements to be valid:

1. your request must be in writing;
2. you must provide sufficient information about the documents you are requesting to enable us to identify and locate relevant documents; and
3. you must pay the application fee, or if payment of the application fee would cause you hardship you can request us to waive the fee in full or in part.

Upon receiving your request IBAC will assess it to ensure it meets the requirements of the FOI Act. If it is deemed not valid, we will notify you within 21 days from the date of receipt. If your request is valid, we will begin processing it.

## Documents that cannot be accessed under the FOI Act

The FOI Act does not apply to a large number of documents held by IBAC because of exclusions under section 194 of the *Independent Broad-based Anti-corruption Commission Act 2011*, section 78 of the *Public Interest Disclosures Act 2012* and section 174K of the *Firearms Act 1996*.

**Documents held by IBAC that cannot be accessed under the FOI Act include documents that disclose information relating to:**

* a complaint (including a complaint made to IBAC by you);
* an IBAC investigation or recommendation;
* a report, including a draft report, on an IBAC investigation;
* a preliminary inquiry;
* a notification made to IBAC under a mandatory notification provision; or
* a public interest disclosure.

## Timeframes

We have 30 days from the date you make a valid request to provide you with a decision. This time may be extended up to 15 days if we need to consult with third parties whose information may be contained in the requested documents. We may also extend this time by up to 30 days with your agreement. We will let you know if the timeframe changes.

## Other charges

In addition to the application fee, you may be required to pay certain charges eg for the provision of copies of the document(s) or supervising an inspection of the document(s). If these charges exceed $50.00, we will notify you and request that you pay a deposit before proceeding with your request.

## Collection, use and disclosure of your personal information

Please see our [website privacy statement](https://www.ibac.vic.gov.au/general/website-privacy) for further details

Application form

1. **Contact details**

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| **Your details**  |
| Title: |  | First Name(s): |  | Surname: |  |
| Organisation (*if applicable*): |  |
| Email address: |  |
| Contact number(s):  |  |
| Postal address:  |  |
| Suburb: |  | State/Territory: |  | Postcode: |  |
| Preferred contact method:  |  |
| Do you need an interpreter?  |  | If yes, what language? |  |

1. Details of your representative (if applicable)
Hover mouse cursor over heading above to see arrow, click to expand and fill in if applicable.

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| Eg. parent, guardian, lawyer or any other person who is acting on your behalf, please advise who they are. If you are completing this form as the applicant’s representative, advise who you are. |
| Title: |  | First Name(s): |  | Surname: |  |
| Organisation (if applicable): |  |
| Email address: |  |
| Contact number(s):  |  |
| Postal address:  |  |
| Suburb: |  | State/Territory: |  | Postcode: |  |
| Preferred contact method:  |  |
| Relationship to applicant:  |  |

1. Your authority for representative to act (if applicable)
Hover mouse cursor over heading above to see arrow, click to expand and fill in if applicable.

Please complete this section if a representative is assisting you with your request and attach a certified copy of your photo identification with this authority to act.

I give permission and authorisation for my representative to act on my behalf and have access to any information concerning my request.

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| Applicant  |  |  | Representative  |  |
| Name: |  |  | Name: |  |
| Signature: |  |  | Signature: |  |
| Date: |  |  | Date: |  |
| Witness  |  |  | Witness |  |
| Name: |  |  | Name: |  |
| Signature: |  |  | Signature: |  |

1. **The documents you are requesting access to**

Please identify, describe or outline the document(s) you are seeking access to.

Your request must provide sufficient information for us to be able to identify and locate all relevant document(s). Please be specific about the document(s) you are seeking and include as much information as possible.

what the document(s) relate to (for example, a complaint you made, or a particular project);

the date range in which the document(s) may have been created;

where the document(s) might be located (eg, in a particular email account, with a specific person, or held by a business or work unit); and

the type of document(s) you seek (for example, an email, report, CCTV footage).

Please avoid using wording such as ‘all documents’ because your request may end up being too large for us to process, or it may not be specific enough for us to identify the document(s). If you are not sure how to frame your request, please contact us.

**Please note you cannot access certain documents held by IBAC under the FOI Act, including documents that disclose information relating to:**

* a complaint (including a complaint made to IBAC by you);
* an IBAC investigation or recommendation;
* a report, including a draft report on an IBAC investigation;
* a preliminary inquiry;
* a notification made to IBAC under a mandatory notification provision; or
* a public interest disclosure.

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1. **Additional information to assist us**

*Optional*: please provide background or contextual information to assist us in processing your request. This could include your reasons for seeking access to the document(s) and what you intend to do with the document(s). Providing additional information may assist us to identify and locate document(s) relevant to your request. It may also assist us to identify other ways you may access the requested document(s) outside of the FOI Act.

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It may be helpful to exclude certain documents or information from your request if it isn’t particularly necessary or relevant. This may allow us to process your request more quickly by potentially reducing the number of documents to assess or removing the requirement for us to consult with third parties. Do you require access to:

* draft documents [ ]  Yes / [ ]  No
* duplicate documents: [ ]  Yes / [ ]  No
* commercial information relating to third parties: [ ]  Yes / [ ]  No
* personal information relating to third parties: [ ]  Yes / [ ]  No
1. **Proof of identification (if applicable)**

If the documents you are seeking access to relate to you personally, you may need to provide us with a certified copy of your identification. We may not be able to provide access to the requested document(s) if we cannot verify that you are the person the subject of the document(s).

1. **Edited copies and Form of access**

The document(s) you request may contain exempt or irrelevant information. We can provide redacted copies of these documents if you indicate you will accept such a document(s), and if it is practicable for us to make redactions. If you do not agree to receive a redacted copy, we may decide the entire document is exempt and refuse access to it in full, even if there is some information that could be released to you.

[ ]  I agree / [ ]  I do not agree to receive access to a copy of a document with exempt or irrelevant information removed in accordance with section 25 of the FOI Act.

1. **Form of access**

Please tell us how you would like to receive a copy of the document(s) if we decide to release to you. We will try to accommodate your request but may have to provide access in another way.

[ ]  inspection of documents [ ]  hardcopy by post [ ]  copy by email

1. **Application fee**

As at 1 July 2023, the application fee for making a request for access under section 17 of the FOI Act is $31.80.

You can pay the application fee by bank deposit; details will be provided upon request.

If paying the application fee would cause you hardship, you may request a waiver in part or in full. If requesting a waiver, please provide evidence to show why paying the fee would cause you hardship, eg. concession or healthcare card, bank statement, or statutory declaration outlining why payment would cause hardship. We will assess your fee waiver request and let you know the outcome.

1. **Submitting your request**

You can send your request by email or post. If you are unable to send your request via these methods, please contact us to discuss other options.

Email:  FOI@ibac.vic.gov.au

Mail your completed form to:
Independent Broad-based Anti-corruption Commission
Freedom of Information Officer
GPO Box 24234
Melbourne VIC 3001

**Further assistance**

If you have a question about making a request or want to discuss your request further, please contact us on 1300 735 135 or FOI@ibac.vic.gov.au.