



How to request WA government and local government documents

This guide explains the steps to seek access to documents held by Western Australian State and local government agencies under the *Freedom of Information Act 1992* (WA)(CI)(CKI) (**the FOI Act (WA)**).

Your right to access documents

The gives you a right to access Western Australian State and local government documents subject to some limitations. The right applies to documents held by most State government agencies (such as Departments, public hospitals, public university, and State government authorities), Ministers and local government. Together these bodies are referred to as 'agencies' in this publication.

Documents accessible under the FOI Act (WA) include (but are not limited to) maps, plans, diagrams, graphs, drawings, photographs, videos, audiotapes, CCTV footage and electronic records including emails. The access rights under the FOI Act (WA) do not apply to documents that are already publicly available for inspection or purchase.

You can also apply to have your own personal information in WA State and local government documents amended if that information is inaccurate, incomplete, out of date or misleading.

Terms we use in this guide:

The FOI Act (WA) - the *Freedom of Information Act 1992* (WA)(CI)(CKI)

Agency: the WA State or local government agency that that holds the information that you are trying to access. Examples of Western Australian agencies under the FOI Act (WA) are the Department of Education, the Shire of Christmas Island, the Shire of Cocos (Keeling) Island (**INSERT ANOTHER EXAMPLE BASED ON THE SDAS**).

FOI access application: a request for documents under The FOI Act (WA) (WA). The FOI Act (WA) states what must be included in your application.

Note: For information about accessing documents from a Commonwealth government agency contact the Office of the Australian Information Commissioner – www.oaic.gov.au

Steps to access WA State and local government documents

1. Contact the relevant agency

Before you make an FOI access application, check with **the agency** about whether you can obtain the documents without the need for an FOI access application. Ask **the agency** if the documents are publicly available or if the documents can be provided without an **FOI access application**.

Many agencies have policies about documents that can be given out without the need for an FOI access application. If the documents are not provided to you, or the agency asks you to formally apply under the FOI Act (WA), you will need to lodge an **FOI access application**.

If you are not sure which agency holds the documents you want, contact the agency you think should hold them. Most agencies have a nominated FOI Coordinator who can assist you.

2. Make an FOI access application under the FOI Act (WA)

If required, make an access application under the FOI Act directly to the agency that holds the documents.

Under [section 12](#) of the FOI Act your application must:

- (a) be in writing

No special form is required - you can use email; a letter; or an agency application form (if available).

- (b) give enough information to identify the documents you are seeking;

Clearly describe the documents you want. The agency's FOI Co-ordinator may be able to assist you. Try to be specific about the documents you want. Agencies are required to assist you to make a valid FOI access application. Remember, you are asking for documents. An application that simply asks a question is not valid under the FOI Act (WA).

- (c) give an Australian address for notices to be sent;

If possible, include your telephone number and email address in addition to your postal address. A telephone number and email address can allow for quicker and easier contact with the agency if they need to check anything about your application. An address in the Indian Ocean Territories is an address in Australia.

- (d) be lodged at the agency with the appropriate fee.

No application fee or charges apply if you are seeking personal information that is just about you (such as information about you in your medical records or details of your employment). If your application is limited to personal information that is just about you, the agency may delete all other information from the documents that is not personal information just about you (for example, the names of anyone

else appearing in the documents) (such as information about you in your medical records or details of your employment).

If you wish to access information that is not just about you, you must pay a \$30 application fee and the agency may impose other charges but only as set out in Schedule 1 to the *Freedom of Information Regulations* 1993.

3. Talk to the agency

The agency may contact you to help it understand the kind of documents you are seeking, to try to reduce the scope of your access application or to seek additional time to deal with your access application. It is in everyone's interest for you and the agency to work together to be clear about what you are asking for and what the agency is able to provide. Good discussions may help you to get the documents you are really seeking and help the agency to deal with your application efficiently.

If you need the documents by a certain date for some specific purpose, you can ask the agency to provide you with a decision on access within a shorter period than the maximum 45 days allowed by the FOI Act. The agency is not required to reduce the time but it may be willing to do so.

If you and the agency are unable to agree on a shorter period, you can ask the Information Commissioner to reduce the time allowed to the agency to deal with the access application under the FOI Act.

4. Consider any charges and respond

If your FOI access application includes a request for information that is not only about you (defined as 'non-personal information'), the agency may impose charges and require that you pay a deposit to deal with your access application (section [16](#) and [18](#)). Any charges are separate from the required application fee.

You may ask for an estimate of charges when you make your access application. The agency must notify you if the charges are likely to exceed \$25 and it will ask if you want to proceed with the application ([section 17](#)).

You must respond to the notice about charges within 30 days and advise the agency if you wish to proceed. If you do not, you will be taken to have withdrawn your access application ([section 19](#)).

Sometimes, the agency may advise you that you are required to pay a deposit. If you do not pay the deposit within 30 days after being given the notice, you will be taken to have withdrawn your access application. You can seek review of an agency's decision to impose a charge or require a deposit that you think is unreasonable.

5. Consider the agency's decision

The agency is required to give you written notice of its decision about your application as soon as practicable but in any event within 45 days after receiving a valid application – unless you have both agreed to extend the time to deal with your application, or the

Information Commissioner has approved another period ([section 13](#)). The agency's decision may be to:

- give access to the requested documents in full;
- give access to edited copies of the requested documents;
- refuse access to the requested documents – this includes refusing access on the basis that the documents cannot be found or do not exist ([section 26](#));
- defer giving access to the requested documents (in certain circumstances ([section 25](#)));
- give access to your medical information through a suitably qualified medical practitioner in certain circumstances ([section 28](#) and [regulation 7](#)); or
- impose a charge.

The agency's notice of decision must include details of your rights to have the decision reviewed.

6. Internal review

If you disagree with a decision made by an agency, you can ask for an **internal review** of the decision by the agency ([section 39](#)). There are no charges for an internal review.

You must apply in writing within 30 days after being given the agency's written notice of decision ([section 40](#)).

The internal review must be conducted by an officer who is not subordinate to the person who made the original decision ([section 41](#)).

The agency must advise you in writing of the outcome of the review within 15 days after it is lodged ([section 43](#)).

Internal review is not available if the original decision-maker was the principal officer of the agency or a Minister. In that case, you can apply directly to the Information Commissioner for external review of the agency's decision.

7. External review

After internal review, if you still disagree with the agency's decision, you can apply to the Information Commissioner for an external review of the agency's decision ([section 65](#)).

You must apply in writing within 60 days after being given notice of the agency's internal review decision ([section 66](#)) or notice of the agency's initial decision if it was made by the agency's principal officer.

Note: If you are a third party who objects to disclosure of your information then you must apply within 30 days after being given notice of the agency's internal review decision.

Your external review application must include a copy of the agency's internal review decision ([section 66](#) and [regulation 8](#)). If the initial decision was made by the agency's principal officer or a Minister, include a copy of the initial notice of decision.

8. What about delays?

If an agency does not give you a decision within the timeframes allowed under the FOI Act, you may be able to seek review of a 'deemed decision'. For more information, see our publication – *What if an agency delays making a decision?* - available on our website at <https://www.oic.wa.gov.au/en-au/FTP016>.

Do you have further questions?

If you have any general enquiries about the FOI process, please see our website or contact our office.

Do you need an interpreter?

If you require an interpreter to contact us, call TIS (Translating and Interpreter Services National) on 131 450.

Note: This Information Sheet is intended as a general guide only and should not be viewed as legal advice. The Information Commissioner considers each complaint on its merits and according to the relevant circumstances.

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