

Executive Summary

12.4 Freedom of Information Summary

Enquiries: (Brianna Alcock: Corporate and Commercial Services)

Council Plan

Level 1:	6. Progressive and Engaged City
Level 2:	6.2 Enhance strategy, policy and plan development and identify alignment to allow for prioritisation of services that are efficient, well planned, accessible and meet community needs

Purpose

To provide a summary to Council of Freedom of Information requests received in 2020/2021 and 2021/2022.

Recommendation (Director Corporate and Commercial Services)

That Council:

1. Notes for the item relating to Freedom of Information (FOI) in the Accountability and Transparency Reform (ATR) document, resolved by Council in 2020, a report of summary data about FOI requests is provided to Council annually; and
2. Notes the summary of FOI requests received in 2020/2021 and 2021/2022.

Key Points / Issues

- At its meeting on 29 June 2020, it was resolved that Council:
 1. *Notes the updates in the Accountability and Transparency Reform (ATR) document;*
 2. *Notes the items in the ATR have been actioned or will be in place by December 2020, as detailed in the ATR document;*
 3. *Notes the items that have an ongoing obligation, will be raised within Council's Legislative Compliance system and a summary provided in the CEO's report, to ensure these continue to be actioned; and*
 4. *Resolves that this is the final update to Council on the ATR document.*
- The ATR document proposed that information about Freedom of Information (FOI) requests received by Council be available online to allow the wider public to peruse Freedom of Information outcomes.
- Unlike FOI legislation in some other jurisdictions, the Victorian *Freedom of Information Act 1982* (FOI Act) does not provide for outcomes of specific FOI requests to be made public. Consequently, for the item relating to FOI in the ATR, it was proposed that a report of summary data about FOI requests be provided to Council annually. The report would include summaries of the general types of documents requested and the data reported to the Office of the Victorian Information Commissioner (OVIC) regarding FOI operations.
- Freedom of Information provides a statutory right of access to documents held by government agencies. Anyone can seek access to any record held by Council. There is no requirement to explain the reason for the request. Protections for the rights of other parties, such as for personal privacy and commercially sensitive information, are provided in the legislated FOI processes to balance this very broad right of access.

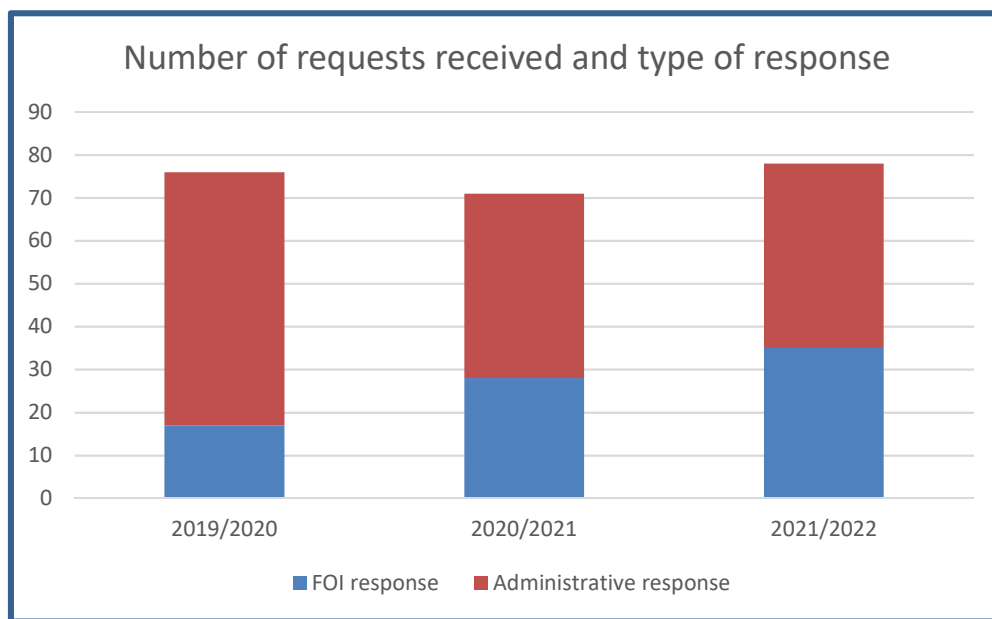
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- The FOI Act establishes a formal statutory process for responding to requests, including appeal rights for all parties.
- Where possible, Council FOI staff release information and documents administratively outside of the formal FOI process. This option can provide the applicant with a quicker, cost free response that is tailored to their needs. It is also a less resource intensive option as formal FOI requests may take weeks or months to process and then proceed to review at OVIC and the Victorian Civil and Administrative Tribunal (VCAT).
- This report includes a summary of access requests, including formal FOI requests, received in 2020/2021 and 2021/2022 and also compares that data with the data previously reported for 2019/2020. Not all of the access requests received were finalised in the same year and not all applicants pursued their request to the end of the process. The report would include summaries of the general types of documents requested and the data reported to the Office of the Victorian Information Commissioner (OVIC) regarding FOI operations.

Number of access requests received per year

- As shown in the chart below, the number of access requests received each year has remained at a similar level, however the number of requests requiring a formal FOI response has slightly increased.



2020/2021

- Council received 71 requests for access to records in 2020/2021. No requests for amendment of records were received.
- Of the 71 requests, 28 were responded to formally under FOI and 43 (61%) were responded to administratively.
- 45 requests were from individual residents, property owners and visitors and 11 requests were from lawyers. The remaining requests were from a variety of applicants including planning consultants, insurance investigators, students, interest groups and businesses.
- The majority of requests were from individuals seeking information relating to their own interaction with Council. Topics for broader, non-personal requests for records

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included property ownership data, pet registration data, event approvals, food outlet data and home based registered food businesses.

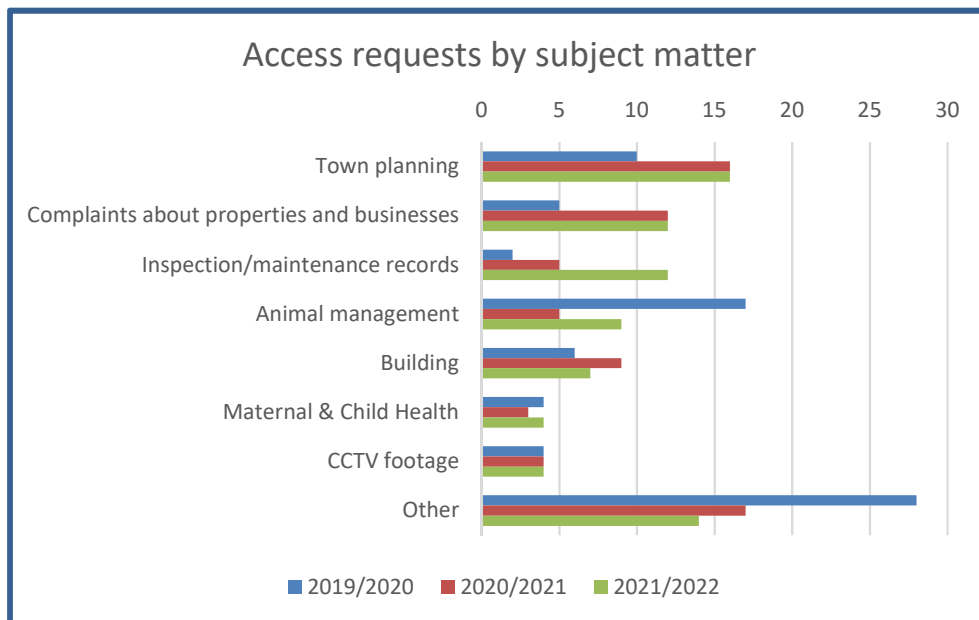
- The Victorian Civil and Administrative Tribunal (VCAT) made a determination on a review of one FOI request, affirming Council’s decision.

2021/2022

- Council received 78 requests for access to records in 2021/2022. No requests for amendment of records were received.
- Of the 78 requests, 35 were responded to formally under FOI and 43 (55%) were responded to administratively.
- 57 requests were from individual residents, property owners and visitors. 9 requests were from personal injury lawyers. 6 requests were from insurance investigators. The remaining 6 requests were from a variety of applicants including planning consultants, sporting clubs and former staff.
- The majority of requests were from individuals seeking information relating to their own interaction with Council. Topics for broader, non-personal requests for records included Council’s insurance arrangements, Council’s agreement with a sports club and data related to parking infringements.
- No applications were made to OVIC for reviews of Council FOI decisions.

Types of records requested

The most common types of records requested remained fairly consistent as shown in the chart below.



Data reported to the Office of the Victorian Information Commissioner (OVIC)

- Data reported annually to OVIC relates to access requests that meet the legislative requirements to be classed as valid FOI requests. The data also includes FOI requests carried over from the previous year. Access requests responded to administratively are not included in the data.

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2020/2021

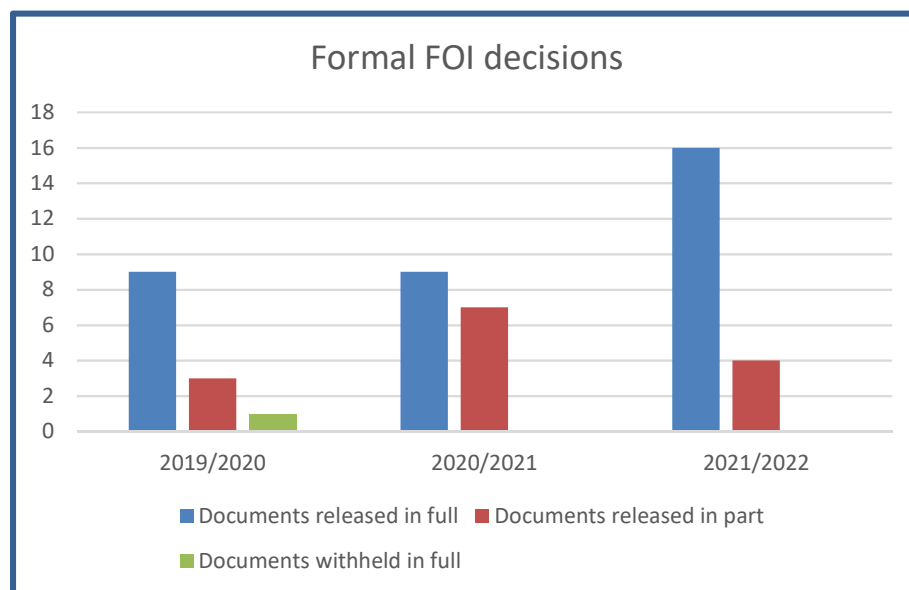
- Council reported 8 requests carried over from the previous year and 19 new FOI requests.
- The number of FOI requests received by other Victorian councils in 2020/2021 varied widely and ranged from a council that did not receive any FOI requests through to a council that received 96 requests. Victoria-wide the number of FOI requests made to agencies has continued to steadily increase since the FOI Act was introduced.

2021/2022

- Council reported 3 requests carried over from the previous year and 28 new FOI requests.

Decisions regarding release

- The decisions made in relation to finalised FOI requests are summarised in the chart below.



Financial Impact

There are no financial implications associated with this report.

Consultation

1. External Stakeholders

Further information about the Victorian Information Commissioner's reports to Parliament on the operation of the Freedom of Information Act in Victoria can be found at ovic.vic.gov.au.

2. Other Stakeholders

Nil

Analysis (Environmental / Economic / Social Implications)

The right to seek access to, and amendment of, Council records under the *Freedom of Information Act* contributes to transparency and accountability in relation to Council

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operations. It also gives effect to the privacy right to access in relevant privacy legislation.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

All matters relevant to the Charter of Human Rights and Responsibilities have been considered in the preparation of this report and are consistent with the standards set by the Charter.

Legal

This report summarises how Council has exercised its statutory obligations under the *Freedom of Information Act*.

Policy Impacts

There is no impact on Council policies.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There is no risk associated with this report.

Conclusion

It is recommended that Council notes the summary of Freedom of Information activity.

ATTACHMENTS

Nil

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Officers' Assessment