

Executive Summary**12.3 Freedom of Information Annual Summary 2022-2023**

Enquiries: (Louise Bugiera: 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 2022/2023.

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;
2. Notes for the item relating to Freedom of Information in the Accountability Transparency Reform III document, resolved by Council in October 2023, a copy of this report will be added to the Transparency Hub; and
3. Notes the summary of FOI requests received in 2022/2023.

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.*
- At its meeting on 23 October 2023, as part of the notice of motion 2023/NOM Accountability and Transparency Reform (ATR) III, it was resolved that Council:
 4. *Notes the following is to occur, no later than December 2023:*
 - b) *The following components are added to the Transparency Hub in the spirit of good governance, transparency and accountability:*
 - v. *A summary of broader Freedom of Information (FOI) outcomes achieved, which is currently reported annually to Council, subject to any privacy, confidentiality and legislative requirements;*
- 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.

12.3 Freedom of Information Annual Summary 2022-2023**Executive Summary**

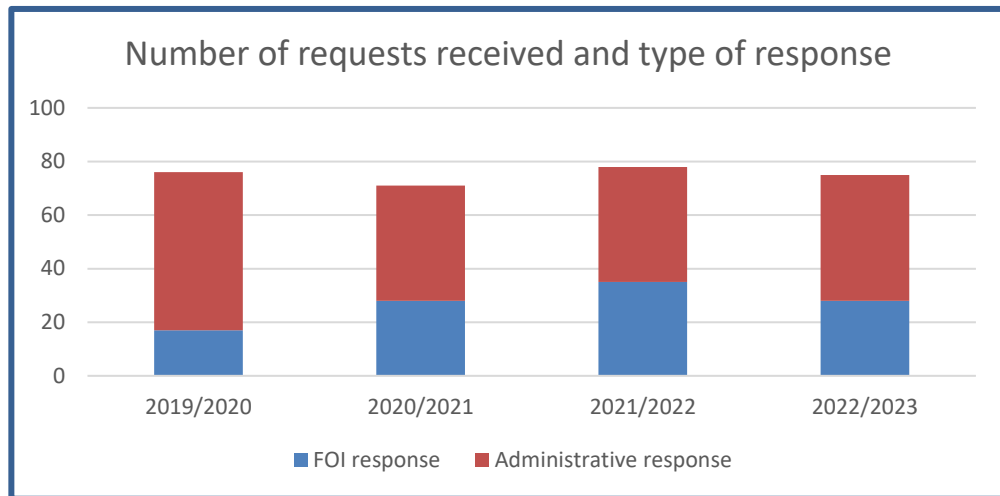
- Unlike FOI legislation in some other jurisdictions, the Victorian *Freedom of Information Act 1982* (FOI Act) does not provide for outcomes of specific FOI requests to be made public. Consequently, for the item relating to FOI in the ATR, it was proposed that a report of summary data about FOI requests 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.
- 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). Council's commitment to FOI being a last resort for seeking access to information and records is reflected in the low numbers of FOI requests received in comparison to other metropolitan councils.
- This report includes a summary of access requests, including formal FOI requests, received in the 2022/2023 financial year and also compares that data with the data previously reported for the preceding three years. 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.

Number of access requests received

- Council received 75 requests for access to documents in 2022/2023. No requests for amendment of records were received.
- Of the 75 requests, 28 were responded to formally under FOI and 47 requests (63%) were responded to administratively, outside of the formal FOI process.
- The chart below compares this with the number of access requests received in previous years.

12.3 Freedom of Information Annual Summary 2022-2023

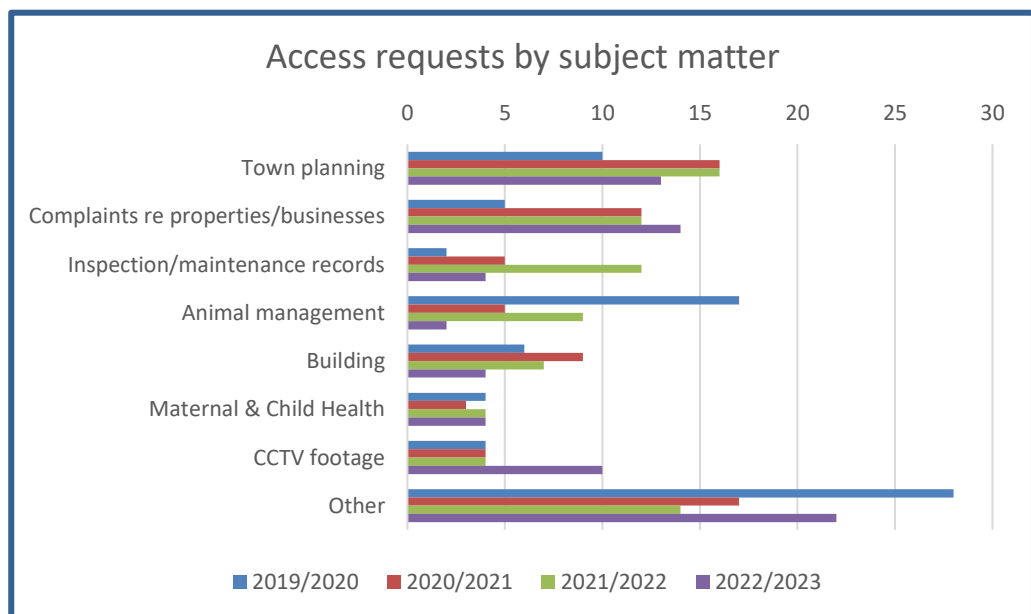
Executive Summary



- 42 requests were from individual residents, property owners and visitors, 6 requests were from lawyers and 6 requests were from interest/lobby groups. The remaining requests were from a variety of applicants including planning consultants, researchers, staff 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 included the proposed development of Long Street Reserve for a Child and Family Centre, Council expenditure, engagement with local government membership associations and workforce information.

Types of records requested

- The most common types of records requested each year are set out in the chart below. Of note is an increase in the number of requests for CCTV footage which was also accompanied by an increased number of Police requests for footage.



12.3 Freedom of Information Annual Summary 2022-2023

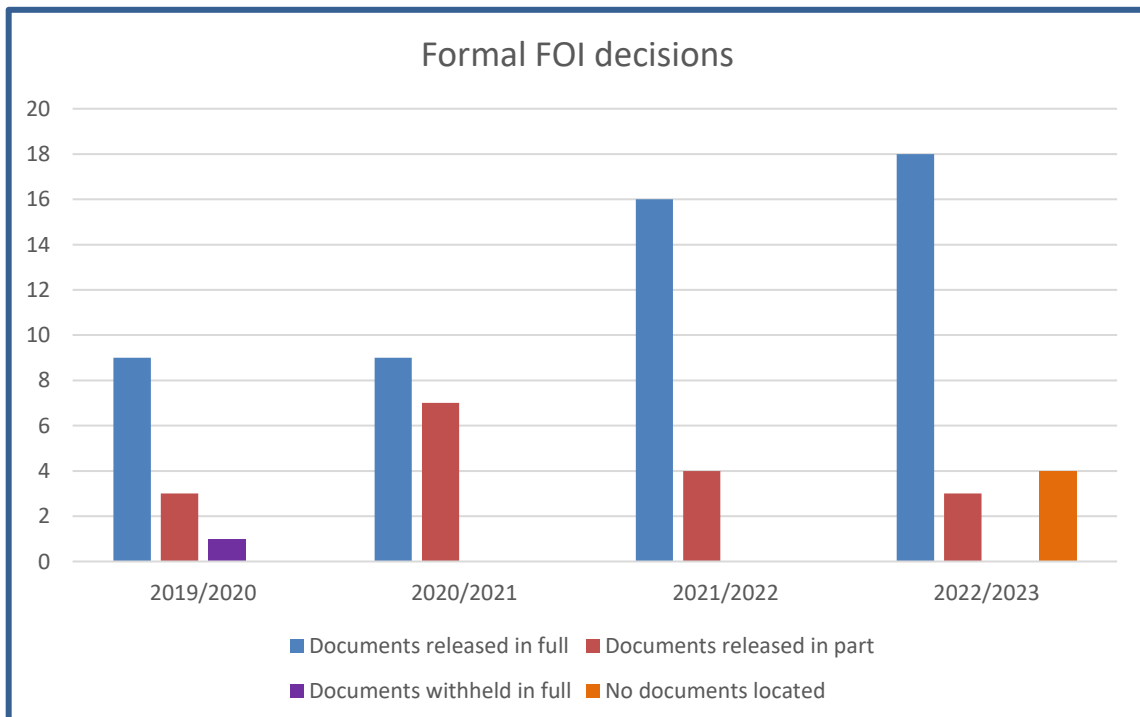
Executive Summary

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

- OVIC publishes detailed annual data on the operation of FOI in Victoria. OVIC reported a record high of 48,117 FOI requests received by Victorian agencies, including local councils, in 2022/2023.
- Data reported by Council 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.
- Council reported 7 FOI requests carried over from the previous year and 27 new FOI requests received in 2022/2023.
- The number of FOI requests received by other Victorian councils in 2022/2023 varied widely and ranged from one Council that did not receive any requests to a Council reporting 385 FOI requests.
- Of the 30 other metropolitan councils, only 2 councils reported receiving a lower number of formal FOI requests than Frankston City Council. This reflects the high proportion of access requests that Council responds to administratively. It demonstrates Council’s commitment to responding to requests for information and records informally where possible and making the maximum amount of government information available promptly and inexpensively. This aligns with the object of the FOI Act and the requirements of the FOI Professional Standards.

Decisions regarding release

- The decisions made in relation to finalised formal FOI requests are summarised in the chart below.
- One application was made to OVIC for review of an FOI decision. The application for review was dismissed.



12.3 Freedom of Information Annual Summary 2022-2023**Executive Summary****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 operations. It also gives effect to the right to access personal information 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