FOI FACT SHEET

Request for Access to Documents

Under Section 13 of the *Freedom of Information Act 1991*

Please read this fact sheet before completing the attached application form

FREEDOM OF INFORMATION

The South Australian *Freedom of Information Act 1991* (FOI Act) gives you a legal right to request access to any documents held by any 'agency' that the FOI Act applies to. An 'agency' includes South Australian State Government Agencies, Local Government Councils and South Australian Universities.

Applications for access to documents must be made in writing in accordance with Section 13 of the FOI Act and be lodged with the agency that holds the documents e.g. if you are seeking to access police records, you would lodge your application with the South Australia Police.

You can use the attached form to make an application to access documents or the online FOI application form at https://www.sa.gov.au/topics/about-sa/government/FOI-application. Alternatively, you can send a letter or email to the agency that holds the documents.

Requesting Access to Documents

When making an FOI application, you will need to provide enough information to enable the correct documents to be identified. If you are uncertain, it is recommended that you contact the relevant agency's FOI Officer for assistance e.g. South Australia Police for police records.

If you are seeking documents relating to your own personal affairs, you may be asked to provide proof of your identity. If you are seeking access to documents on behalf of another person relating to their personal affairs, you may be asked to provide written consent signed by that person.

Access to documents can be provided in different ways, depending on how the information is stored. The different ways you can access documents include:

- inspecting documents
- requesting a copy of documents
- hearing and viewing audio and video tapes.

Advice about how you would like to access the documents should be included in your FOI application.

How much does a FOI application cost?

There is a **$44.70** FOI application fee that must be paid to the agency that holds the documents at the time you lodge your application.

Processing charges may also be applicable. The agency will advise you of these charges once it receives your application and begins processing it.

Generally, agencies accept payment by cash, money order or cheque. The online FOI application form allows for payment by credit card for FOI applications to state government agencies and is available at https://www.sa.gov.au/topics/about-sa/government/FOI-application.

Further information about fees and charges applicable under the FOI Act can be found in the *Freedom of Information (Fees and Charges) Regulations 2018* and the annual *Fees Notice*.

What if I have a concession card or can't afford to pay?

If you are the holder of a current concession card, or if you can satisfy the agency that the payment of the fee or charge would cause financial hardship, the agency must waive or remit (reduce or refund) the application fee.

If you are a concession cardholder you will need to provide the agency with evidence. For example, you can attach a copy of your concession card to your completed FOI application form. Alternatively, you will need to provide written reasons why the payment of a fee or charge would cause you financial hardship.

Processing Requests for Access to Documents

After receiving your application, the agency is required to deal with it in accordance with the requirements of the FOI Act and provide you with a written decision. This is called a Notice of Determination. The Notice of Determination will include the agency's decision in relation to your request and, if access has been refused in full or in part, the reasons why this has occurred. The agency will advise you of your rights of review and appeal if you are unhappy with their determination.

In accordance with Premier and Cabinet Circular PC045, where documents are provided as a result of an FOI application for access to non-personal information, details of the application, and the documents to which access is given, may be published in the agency's disclosure log. A copy of PC045 can be found on the DPC website.

How long will it take?

A request for access will be dealt with as soon as practicable, or within 30 calendar days of it being received.

In certain circumstances the agency may extend the timeframe for dealing with your application under section 14A of the FOI Act. The agency will advise you within 20 calendar days if an extension is necessary, and why.

If the agency has not extended the timeframe for dealing with your application and you do not receive a determination within 30 calendar days, the legislation deems that the agency has refused your application. If this is the case, you are entitled to lodge an application for review. For further information you should speak to the FOI Officer at the agency you lodged your FOI application with.

Access to documents by Members of Parliament

A Member of the South Australian Parliament who applies for access to a document held by a State Government Agency, Local Government Council or University is entitled to access the document without charge unless the work generated by the application involves fees and charges totalling more than $1,000.

Further information

For questions specifically related to your application, contact the agency that holds the documents you wish to access, and ask for the agency's FOI Officer or Unit.

If you want more information about how FOI operates in South Australia, please visit www.archives.sa.gov.au.

You can also download a free copy of the *Freedom of Information Act 1991, Freedom of Information (Fees and Charges) Regulations 2018*, and *Fees Notice* from the South Australian legislation website at www.legislation.sa.gov.au.

FOI APPLICATION FORM

Request for Access to Documents

Under Section 13 of the *Freedom of Information Act 1991*

Please read the attached *'FOI Fact Sheet – Request for Access to Documents'* before completing and lodging your application

Agency Details

Name of the Agency you are seeking to access documents from*:*

Details of Applicant

Title:	Surname:

Given Names:

Australian Postal Address:

Suburb: Post Code:

Email *(optional)*:

Contact phone numbers:

Details of documents being requested

(Describe the documents you are seeking to access. If you are applying for access to personal information please provide enough information to assist with identification of documents, eg date of birth, previous names etc. Attach more pages if you cannot fit all of the information in this box.)

Do the documents you have described above contain information about your personal affairs?

YES / NO *(cross out whichever does not apply)*

Form of Access

(place a tick in the most appropriate boxes)

I wish to inspect the documents	☐ Yes	☐ No
I require a copy of the documents	☐ Yes	☐ No
I require access in another form	☐ Yes	☐ No *(If yes please specify below)*

Specify other form of access here if applicable, e.g transcript of a recorded document.

Fees and Charges

An application fee of **$44.70** must be submitted with the completed application form, unless you are seeking to have the application fee waived. If you are seeking to have the application fee waived, please attach evidence supporting why it should be waived e.g. attach a copy of your concession card or other evidence as proof of financial hardship.

In the following section please tick as appropriate

Is the application fee attached?	☐ Yes	☐ No	
Application fee is in the form of *(Do not send cash through the mail)*	☐ Cheque	☐ Cash	☐ Money Order
Do you require a fee waiver?	☐ Yes	☐ No	
Is evidence of the need to waive fees attached? *(e.g. a copy of your concession card)*	☐ Yes	☐ No	

If you wish to pay your application fee via credit card you will need to ask the agency you are applying to if they accept credit card payments.

If no fee is attached and you do not qualify for a waiver, then this application will not be valid until the fee has been received by the agency.

Applicant's Signature:

Date …... / …... / 20…...

Notes on lodging this FOI application

Now that you have completed all of the information required in this application form, post or deliver it (along with any required documents e.g. payment or proof of concession for fee waiver) to the agency that holds the documents you are seeking to access.

Please keep a copy of your application for your own reference.

OFFICE USE ONLY

Received on …... / …... / 20…...

Acknowledgment sent on …... / …... / 20…..

Determination sent on …../…../ 20……