# FREEDOM OF INFORMATION FACT SHEET

## Request for Access to Documents

Under Section 13 of the *Freedom of Information Act 1991 (SA)*

Please read this fact sheet before completing the attached application form

### FREEDOM OF INFORMATION

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

Applications must be made in writing in accordance with Section 13 of the FOI Act. Applications are lodged with, and processed by, the agency that holds the documents you are seeking to access.

You can use the attached form to make an application to access documents or alternatively you can send a letter or email to the agency that hold the documents.

*Forward a completed application to the Freedom of Information Officer at the health unit/ site where the documents are located.*

### 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 agency's FOI Officer for assistance.

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.

If you are dissatisfied with a fee or charge calculated by the agency, you are entitled to request a fee review by the agency. Such a review is free of charge. If you are still dissatisfied with the outcome of the fee review, you can seek a further review from the Ombudsman.

Generally agencies accept payment by cash, money order or cheque. If you would like to pay by credit card you will need to ask the agency if they are able to accept credit card payments.

Further information about fees and charges applicable under the FOI Act can be found in the *Freedom of Information (Fees and Charges) Regulations 2003*.

### 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 as to 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. 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 that you sent your FOI application to.**

### 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 the State Records of SA website at www.archives.sa.gov.au

You can also download a free copy of the legislation from the South Australian legislation website at www.legislation.com.au

- *Freedom of Information Act 1991 (SA)*
- *Freedom of Information (Fees and Charges) Regulations 2003*

## Application for Access to Documents

## Flinders and Upper North Local Health Network

Under s13 of the *Freedom of Information Act 1991 (SA)*

**Health service/ site where documents may be located**

*If you require documents from more than one site you will need to contact each site separately.*

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*Forward a completed application to the Freedom of Information Officer at this location.*

**Details of Person whose documents are being requested**

Surname: *Mr/ Mrs/ Miss/ Ms* .....

Given Names: .....

Maiden/ Other Names Used: ..... Date of Birth: .....

Address: .....

Email: ..... Post Code: .....

Telephone *Home:* ..... ..... Telephone *Mobile:* .....

**Details of Agent requesting documents of a third party** *i.e: Individual or Organisation*

Organisation: *if applicable* .....

Contact Name: *Mr/ Mrs/ Miss/ Ms* .....

**If you are seeking access to information of another person you must provide a signed authority to access the documents, signed by the person whose documents you are requesting, or their personal representative/ guardian, specifically naming the individual or organisation.**

Australian Postal Address: *to send notice of determination and documents*

.....

..... Post Code: .....

This person is subject to a Court Order or Guardianship Order ☐ *If yes, please tick, and provide a copy of the Order.*

The records sought are that of a deceased person ☐ *If YES, please tick, and provide a copy of the following documents:*

*Relevant page of the deceased's last will which names the Executor/s*
*Copy of the death certificate and name of the closest living relative/s (if not named on death certificate).*

**Details of Request**

*Describe the documents to which you seek access. Please provide sufficient information to assist with identification of documents, i.e. by date range, specific hospitalisations, outpatient attendance etc.*

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**Application for Access to Documents**

**Flinders and Upper North Local Health Network**

Under s13 of the *Freedom of Information Act 1991 (SA)*

**Form of Access** *place tick in appropriate box.*

| | | |
|---|---|---|
| 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 |

Specify:.....

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**Fees and Charges**

An application fee of **$38.25** must be submitted with the completed application form, unless you are seeking to have the application fee waived. If this is the case, please attach evidence supporting why the fee 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 fee attached? | ☐ Yes | ☐ No | |
| Application fee is in the form of<br>*Do not send cash through the mail* | ☐ Cheque | ☐ Cash | ☐ Money Order |
| Do you qualify for fee waiver? | ☐ Yes | ☐ No | |
| Is proof attached? | ☐ 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 the fee is not attached and you do not qualify for a waiver of the fee then this application **will not be processed** until the application fee has been received by the agency.

**Proof of Identity**

A copy of **your personal identification** must be attached *e.g. Driver's Licence, Birth Certificate, or Passport Identification page.*

**Full name**.....

**Signature**.....

Date …... / …... / 20…...