Freedom of Information 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 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*.

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. 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* and *Freedom of Information (Fees and Charges) Regulations 2018* from the South Australian legislation website at www.legislation.sa.gov.au.

FOI APPLICATION FORM

Request for Access to Documents Held by the Eyre and Far North Local Health Network (EFNLHN)

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(s) of the Health Services/Sites within EFNLHN you are seeking to access documents from:

Details of Applicant

Surname:

Given Names:

Australian Postal Address:

Suburb: Post Code:

Email *(preferred contact method)*:

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 necessary.

*If you are applying for access to the personal information of another person, the **'EFNLHN Authority for the release of Personal Information'** form must also be completed and lodged alongside any supplementary documentation with this application.*

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 via email ☐ Yes ☐ No I require a copy of the documents posted or delivered ☐ Yes ☐ No

the actual costs incurred by the agency in posting or delivering the documents will be charged to the applicant.

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 ☐ Cheque ☐ Cash ☐ Money Order

☐ Electronic Funds Transfer (EFT)

☐ Credit Card

Do you require a fee waiver? ☐ Yes ☐ No

Is evidence of the need to waive fees attached? ☐ Yes ☐ No
(e.g. a copy of your concession card)

Do not send cash through the mail

To pay via credit card please do so in person or call the EFNLHN FOI Unit on 0466 549 780 to pay over the phone.

To pay via Electronic Funds Transfer (EFT) please transfer to:
Account name: EFNLHN Operating Account
BSB: 015-101
Acc: 838568521
Ref: (Please include the name of the person whose records you seek)

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, email 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…...