



FREQUENTLY ASKED QUESTIONS (FAQ) - FREEDOM OF INFORMATION

1. What is Freedom of Information (FOI)?

Freedom of Information (FOI)¹ gives anyone, including young people in care or those who were in care, public rights of access to official government documents. The *Freedom of Information Act 1992* (the FOI Act):

- gives you a right to apply for access to documents held by government agencies and Ministers, and
- gives you a right to apply for amendment of personal information about you held by government agencies.

2. What is the Department of Communities Child Protection and Family Support Division's (the Department) Freedom of Information Unit (FOI Unit)?

The Department's FOI Unit provides decision makers with advice and support when dealing with applications for access to documents under the FOI Act.

The FOI Unit also advises applicants of the informal or existing ways to access information other than making an FOI request. Applicants still wishing to make a request are informed of how, and in what format, the application can be lodged. The FOI Unit undertakes a majority of the responsibilities associated with applications and has delegated responsibility for the administration and coordination of the FOI Act. FOI gives anyone, including young people in care or those who were in care, public rights of access to official government documents.

3. Which FOI office do I go to?

You need to contact the Department's FOI Unit to request the information you want. Refer to the FOI Unit's contact details at the end of this document.

4. What sort of information can I ask for or request?

You can request personal or non-personal information. Personal information includes information about you, such as your placement and time in care. Non-personal information includes government policy documents, research and data materials, and information about other persons (third party information). Ask the FOI officer if you are not sure about the name of the information that you are after or whether it is information you can access.

5. Is any information not available to me?

Under the FOI Act, the Department will, whenever possible, make information available to you. However, the FOI Act can also allow the Department to refuse anyone access to information or documents in certain circumstances. Such information is considered "exempt" and includes, but is not limited to, the following:

- documents containing information provided to the Department in confidence (for example, child protection notifications and investigations);
- documents concerning law enforcement and public safety;
- documents subject to legal professional privilege;
- documents subject to secrecy provisions in other legislation;
- documents containing information about the personal affairs of another person; and
- documents containing information about the business affairs of another person (third party) or organisation.

¹ FOI is Freedom of Information

6. How do I apply for information?

You can send a letter, email or the completed application form (available to download from the [Department's website](#)) to the Department's FOI Unit². The FOI Unit will acknowledge receipt of your application within three (3) working days.

It helps if you can provide as much information as possible about the documents or information you wish to access. You can ring the Department's FOI Unit and ask questions before applying. If you are still in care, contact your caseworker who will help you with your application. Refer to the FOI Unit's contact details at the end of this document.

7. What if I want to know information about someone else?

Information about other people including family members is 'third party' information. Due to the law under the FOI Act, you might find that your access to third party information is restricted, even if permission is given by that person, as some of the information is exempt. Exempt documents may include those relating to national security, material obtained in confidence, cabinet documents, or other matters set out in the FOI Act.

To request access to third party information you need to apply through the Department's FOI Unit. A worker from the FOI Unit will help you with your application.

8. Is there an application fee for personal information?

There is no application fee to access your own personal information.

9. Is there an application fee to request third party information about someone else, or government documents?

Yes, you will need to pay the application fee of \$30 at the time you make the application. Paying the fee does not automatically mean you will get access to the information.

10. Can the application fee be waived regardless if the person is alive or dead?

No. However, you may be able to get some financial assistance from the Department if you are eligible for leaving care services if you are under 25 years of age.

11. How long will my application take?

When your request has been processed, you will be sent a 'Notice of Decision' which will include the Department's reasons for making the decision. The FOI Act requires the Department to make that decision within 45 calendar days of accepting your application as valid. Even if the Department is unable to identify any documents relevant to your request, it must still notify you within the 45 calendar days.

12. What can I do if I am not notified within 45 calendar days, or not satisfied with the Department's decision?

If you do not receive a Notice of Decision within 45 calendar days, you will need to contact the FOI Unit to get an update on your application.

If you have received the Notice of Decision and disagree with the Department's decision about your FOI request, you have the right to apply for an internal review.

So, if you think information has been redacted (blanked or crossed out) which shouldn't be or if you think other documents should exist then you can apply for an internal review by the Department within 30 days of receiving the Notice of Decision. The Department will then have 15 days to provide a response.

² FOI Unit is the Department's Freedom of Information Unit

If you are not satisfied with the internal review, you have the right to seek an external review from the Office of the Information Commissioner. Refer to their website www.foi.wa.gov.au.

13. What if I have concerns that the information about me is not accurate?

If you are concerned that the information about you is not correct, incomplete, out of date or misleading, you should, if you are under 25 years old, contact the local district office. If you are still in care, inform your caseworker who will seek to correct the information or document on file your views as being different to what is recorded. If you are not satisfied with the outcome, or if you are over 25 years old, you should contact the FOI Unit³ for further advice. Under the FOI Act, you are able to apply to have personal information about yourself amended.

14. Contacting the Department of Communities FOI Unit

For further information, contact the FOI Coordinator by:

Telephone: (08) 9222 2555 Email: foi@cpfs.wa.gov.au

Postal address: FOI Coordinator, P.O. Box 6334, EAST PERTH, WA 6892

Website:

<https://www.dcp.wa.gov.au/ComplaintsAndCompliments/Pages/FreedomofInformation.aspx>

15. Further information

For further information please look at the resources below:

- [Access to Information \(Case files and Records\) flowchart](#)
- [FAQ – Information about my time in care.](#)

³ FOI is Freedom of Information