

## Purpose

1. The purpose of the Freedom of Information Policy (“**the Policy**”) is to outline the Workplace Injury Commission’s (WIC) commitment and process to responding when a request for information is received under the Victorian *Freedom of Information Act 1982* (“**the Act**”) and facilitating public access to information.

## Policy Statement

2. The Act provides members of the public with the right to request documents held by government agencies and Ministers. The Act also gives individuals the right to request access to, and correction of, information held by WIC about themselves.
3. WIC is committed to facilitating public access to information. WIC will provide access to information in a voluntary and cooperative manner, to the extent that it is legally permissible and/or appropriate without the need for a formal FOI request.
4. In response to a valid FOI request, WIC will release information, unless the information is exempt under the Act.

## Legislative Framework

5. This Policy provides the framework for WIC to fulfil its legislative obligations under the *Freedom of Information Act 1982* (Vic) and other relevant legislation including the *Workplace Injury and Rehabilitation Act 2013* (Vic), *Health Records Act 2001* (Vic), *Privacy and Data Protection Act 2014* (Vic) and the *Public Records Act 1973* (Vic).
6. The term ‘document’ is defined broadly under the Act and refers to written material in hard copy or digital format, as well as photographs, plans, drawings and audio and visual recordings. Documents, or information, may be stored in business systems, on official files, in email accounts, and network and local drives. Documents may also be in the possession of individuals. Examples include, but are not limited to:
  - a. Emails, text messages, chat messages
  - b. Data and information stored in business systems
  - c. Case notes, handwritten notes, diaries, notebooks
  - d. Surveillance, CCTV footage, audio recordings
  - e. Medical reports and imagery
  - f. Drafts and versions of documents, a copy or part of a document



## Scope

7. This policy applies to all WIC employees, Directors, agency staff and contractors (“**Employees**”).

## Professional Standards

8. Professional standards issued under the Act establish the requirements for the management of FOI functions within public sector agencies. The standards provide specific guidance regarding the management of requests from receipt through to decisions. The standards also document broader requirements for agencies to provide access to government information, to ensure the FOI function is appropriately resourced and to work with the Victorian Information Commissioner as required.
9. WIC complies with the professional standards. WIC’s management of FOI requests in accordance with the standards is documented in WIC’s FOI Procedures Manual.

## Public release of information

10. As part of providing access to government information outside of the Act, WIC publicly releases or publishes information where possible. WIC’s release activities include:
  - a. Publication of information on the WIC website including reports, policies, fact sheets, forms and contact information;
  - b. Information published in accordance with Part II of the Act – including specific statements that include guidance and contact information for the submission of FOI requests, information about WIC management and functions, types of documents managed by the organisation, and links to specific publications, policies and reports accessible from the WIC website; and
  - c. Lodging some digital publications, such as the annual report, with the State Library of Victoria to support ongoing discovery of government publications.

## Informal release of information

11. In accordance with the Act and professional standards, WIC supports the informal release or provision of information, outside of the formal FOI process where possible.
12. The Freedom of Information (FOI) Officer is responsible for assessing all requests for information. Prior to the informal release of information, the FOI Officer will consider factors such as the:
  - a. Purpose of the request;
  - b. Nature of the requested information or document; and
  - c. Possibility of providing the information or document, if some information is redacted
13. Where a request for information cannot be managed as an informal request for information, the request will be managed as a formal FOI request.



## FOI request management and response

14. WIC manages FOI requests, in accordance with legislative requirements and timeframes. The FOI Officer will confirm their authority to make decisions, before proceeding with an FOI request.
15. An FOI request must be lodged in writing to the FOI Officer, and may be submitted either:
  - a. Email: [foi@wic.vic.gov.au](mailto:foi@wic.vic.gov.au); or
  - b. Post: Workplace Injury Commission, GPO Box 251, Melbourne 3001
16. FOI requests must be accompanied by the application fee outlined in the Act, unless the fee is waived or reduced due to hardship.
17. FOI requests must be sufficiently clear to enable WIC to identify the documents sought.
18. All correspondence and communications with applicants about an FOI request will be managed by the FOI Officer or delegate.
19. Once a FOI request is made, the FOI Officer must conduct a thorough search and record the process undertaken and outcomes.
20. Certain documents may be regarded as exempt. These are outlined in sections 30 to 38 of the Act. The FOI Officer shall assess whether a document is exempt.

## Decision letter

21. The FOI Officer must issue a decision letter to the applicant within 30 calendar days of the date of receipt of a valid FOI request, and payment of the application fee (unless exempt). If WIC has relied on an exemption to withhold information under the Act, the letter must explain how each exempt document (or part of a document) meets the criteria for exemption, including the public interest considerations considered and the weight given to them.
22. WIC may request an extension (up to 30 days) to this timeframe as outlined in the Act. The FOI Officer will issue a letter FOI applicant requesting an extension. The extension can only be exercised if the FOI applicant approves the extension.

## Consultation

23. In certain circumstances, the FOI Officer may be required to consult with people named on document(s) or who are the author of document(s) regarding the release of information contained in the document.
24. WIC may elect to enact the extension timeframe (up to 15 days) provisions as outlined in the Act.
25. The FOI Officer will issue a letter to the FOI applicant advising of the consultation and extension of the timeframe to issue the Decision Letter.
26. The FOI Officer will issue a letter to each person subject to consultation and take into consideration their response to whether information can be released, assessed as being exempt or redacted from the Decision Letter.



## Appeal

27. If an applicant is dissatisfied with the FOI Officer's decision not to release all or part of a requested document, the applicant has 28 days from receipt of the decision letter to seek a review by the Office of the Victorian Information Commissioner (OVIC).
28. Decisions of OVIC can be appealed to the Victorian Civil and Administrative Tribunal (VCAT). Generally, an application must be made within 60 days from the date of the notice of decision by OVIC.
29. WIC or any other Victorian government agency has 14 days to apply to VCAT for review of an OVIC decision.

## FOI requests and record-keeping

30. Records of in-process and completed FOI requests are securely managed and stored in a separate location from the source records. FOI records are retained for the minimum retention periods specified in relevant Retention and Disposal Authorities.

## Roles and Responsibilities

ROLE	RESPONSIBILITY
<b>Freedom of Information Officer (Chief Financial Officer)</b>	<p>The WIC Delegation of Authority Policy, documents who is the WIC nominated FOI Officer and who is authorised to make decisions under section 26 of the <i>Freedom of Information Act 1982 (Vic)</i>.</p> <p>Assessment of requests for information</p> <p>Implementation of policies and processes that are consistent with the Act</p> <p>Management of FOI requests and FOI reporting</p> <p>Provision of advice on FOI matters</p> <p>Where requested, review of FOI applications, enquiries and complaints</p> <p>Periodic review of FOI policy and procedures</p>
<b>Information Governance and Records Advisor</b>	<p>Assist with the management of FOI requests</p> <p>Assist with the periodic review and implementation of policies and processes.</p>
<b>All employees</b>	<p>Referring all FOI applications and enquiries to the FOI Officer</p> <p>Cooperating with the FOI Officer and providing relevant documents or advice promptly upon request</p>



## Reporting

31. WIC maintains a register of all FOI requests. Details of FOI requests are:
- Reported to the Department of Justice and Community Safety; and
  - Disclosed in WIC's annual report.

## WIC Related Documents and Legislation

WIC RELATED DOCUMENTS	LEGISLATION
Delegation of Authority Policy	Freedom of Information Act 1982 (Vic)
Freedom of Information Procedures Manual	Health Records Act 2001 (Vic)
Freedom of Information Statement (Part II Statements)	Privacy and Data Protection Act 2014 (Vic)
Freedom of Information Register	Public Records Act 1973 (Vic)
	Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)

## Breaches

32. Failure by WIC employees to behave in the ways described in this policy may lead to action under relevant performance management or misconduct processes as outlined in the *Code of Conduct for Victoria Public Sector Employees*.

## Questions about this policy

33. If you have any questions about this policy, please contact the FOI Officer (Chief Financial Officer).