



Freedom of Information

Department of Human Services

The **Freedom of Information Act 1982** (the FOI Act) gives you the right to access information held by Ministers and State government department's (agencies). The Department of Human Services (the department) holds health, welfare and housing information about many Victorians.

What information can you have access to?

You have the right to apply for access to information held by the department including:

- Documents relating to your own personal affairs regardless of the age of the documents.
- Documents of a non-personal nature, which are not older than 5 July 1978.

Examples of personal documents held by the department include:

- Ward of the state and child protection client files
- Psychiatric patient files from some closed hospitals
- Disability services client files
- Public housing loan and tenancy files.

Are there any fees and charges?

An application fee of \$23.40 (as a cheque or money order made payable to the Department of Human Services) is required by the FOI Act, and must be sent with your request.

The application fee may be waived in certain circumstances as follows:

- If payment is likely to cause hardship and evidence of hardship can be provided. In most cases a copy of a Current Health Care Card or Pension Benefit Card will be sufficient.
- You are a former ward of the state and you want access to your own information.

Are there other charges that might apply to your FOI request?

There is provision in the FOI Act for the department to charge, where reasonable, for access to documents. Access charges may apply depending on the nature of the request and could include:

- Search fees - \$20 per hour
- Photocopying – 20c per page
- Providing written transcripts of a recorded document - \$20 per hour
- Supervising an inspection of documents - \$5 per quarter hour.

If the access charges are more than \$50, you will be required to pay a deposit. In this case the department will notify you in writing. You can then choose whether to proceed with your request and pay the deposit or withdraw your request.

Please note: Access charges do not apply for FOI requests regarding your own information.

What information might you be denied access to?

The FOI Act requires that access to certain information may be refused in certain circumstances. This is called exempt information and includes documents which:

- affect the personal affairs of another person (FOI Act section 33)
- contain information given in confidence (FOI Act section 35)
- concern law enforcement information (FOI Act section 31)
- are privileged in legal proceedings (FOI Act section 32)
- are internal working documents of the department (FOI Act section 30)
- contain information that is prohibited from release under other acts (FOI Act section 38)
- are commercially confidential (FOI Act section 34).



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Correction of personal information

You have the right to apply to have your personal information that is held by the department amended if you believe that it is inaccurate, incomplete, out of date or misleading. A request to amend information must be made in writing with details of why the information is considered incorrect.

Timeline for processing FOI requests

Once your FOI request has been received (together with the application fee or evidence of hardship) the FOI Act requires that the department respond with a notice of decision no later than 45 days from the date your request was received. A decision in relation to a request to amend personal records must be made no later than 30 days after the request was received.

Reviewing a Decision

If the department denies you access to the documents you have requested, refuses an amendment of personal records, or you are not satisfied with the decision made, you can apply for an internal review of the decision. Your request for an internal review must be in writing and be lodged within 28 days of the date of the original decision. The original decision will be reviewed and a decision sent to you within 14 days of the receipt of the internal review request.

If you wish to appeal further, you may apply to the Victorian Civil and Administrative Tribunal (VCAT). Appeals to VCAT must be lodged within 60 days of the date you are notified of the result of the internal review.

The Ombudsman also gives you a means to address other aspects of your request if you are not happy with the outcome of your FOI request.

How to make a request to access documents

- Contact the Corporate Integrity, Information and Resolutions Unit directly by phone (9096 8449) to have an application pack sent to you.
- Write a letter giving the full details of your request. This letter should set out clearly and list the information you are asking for. You will also need to include your personal details (full name, address and date of birth), the application fee if applicable and proof of your identity (driver's licence, passport or health care card).

Applications should be sent to:

Corporate Integrity, Information and Resolutions Unit
Department of Human Services
GPO Box 4057
Melbourne VIC 3001

Need more information?

For further details about how to apply for documents held by the Department of Human Services, please telephone (03) 9096-8449.

For additional information about Freedom of Information, you may wish to visit the Department of Human Services FOI website <http://www.dhs.vic.gov.au/foi/>.

This Fact Sheet was created for information purposes only by the CIIR Unit of the Department of Human Services. It is not a replacement for independent legal advice.

