

## Submission form for the Proactive and Informal Release of Information in the Victorian Public Sector Discussion Paper

### About this form

The Office of the Victorian Information Commissioner (**OVIC**) is seeking agencies' views on its discussion paper on proactive and informal release of information in the Victorian Public Sector.

OVIC encourages agencies to use this form when making a submission. This form contains space to provide comments on the questions listed in the discussion paper, and space for other general feedback.

More information on the proactive and informal release discussion paper can be found on OVIC's website [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).

### Collection of personal information

You are not required to provide any personal information in order to make a submission to OVIC's discussion paper. All fields on this form relating to personal information are optional. Where you choose to provide personal information, OVIC may use it to provide you consolidated feedback on the submissions we receive, seek clarification on your submission or follow up with you where you have indicated you wish to be involved further in OVIC's work. If you choose to provide personal information, we ask that you do not include this information anywhere other than the designated fields on this form.

If you choose to make your submission by email, we may be able to identify you from your email address. If you prefer to remain anonymous, you can post your submission to OVIC.

OVIC will not disclose your personal information without your consent, except where required to do so by law. You may contact OVIC to request access to any personal information you have provided to us by emailing [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au).

For further information on how OVIC handles personal information, please review our privacy policy [here](#).

### Publication of submission

OVIC intends to publish submissions received on the discussion paper but will not do so without prior consent. Please indicate below whether you would like your submission to be made public in full, public with personal information removed, or not made public.

Please indicate below if this submission can be published:

<input type="checkbox"/>	Publish in full	<input checked="" type="checkbox"/>	Publish but do not include personal information	<input type="checkbox"/>	Do not publish
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### Information about who is making this submission

All fields below are optional.

Name:	██████████
Email:	████████████████████

If you are making this submission on behalf of an agency or organisation please identify below.

Agency / Organisation:	City of Whittlesea Council
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This submission is made by a:

<input checked="" type="checkbox"/>	Public sector agency subject to the FOI Act	<input type="checkbox"/>	Private organisation / Not for profit
<input type="checkbox"/>	Public sector agency outside of Victoria	<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	Member of Parliament	<input type="checkbox"/>	Other

### Participating in future work with OVIC

A reason for seeking submissions on the discussion paper is to identify future work for OVIC in relation to the proactive and informal release of information in the Victorian public sector.

Please indicate below if you would be interested in participating in future OVIC work, events, or provide additional information to OVIC regarding proactive and informal release in your agency.

If you are interested in being involved in OVIC's work further, please provide your name and contact details in the fields above so we can contact you.

- I am interested in participating in a future OVIC event (for example, a roundtable discussion on proactive and informal release).
- I am interested in being involved in future OVIC work in relation to proactive and informal release.
- I am willing to provide additional information about my agency's proactive and informal release practices (for example, a proactive and/or informal release policy).

### Completing this form

To complete this template, insert your response to individual questions, or provide general comments on proactive and/or informal release in the space provided.

### Submitting this form

Submissions must be provided to OVIC by **5pm, Friday 1 May 2020**. You can make a submission by:

- **Emailing** your submission to [policyteam@ovic.vic.gov.au](mailto:policyteam@ovic.vic.gov.au)
- **Posting** your submission to:  
Policy team  
Office of the Victorian Information Commissioner  
PO Box 24274  
Melbourne VIC 3001

**Do you have any overall comments on the Proactive and Informal Release of Information in the Victorian Public Sector Discussion Paper?**

It would be beneficial if the discussion paper was tailored to the different types of agencies and outlined what documents could be proactively and informally released outside of the FOI process.

**Do you have any comments on specific questions listed in the discussion paper?**

<i>Question No.</i>	<i>Question</i>	<i>Comments</i>
1.	Does your agency proactively release information outside of the Act? If yes, what kind of information does your Agency release proactively?	<p>Council typically releases various types of documentation outside of the Freedom of Information process. This includes:</p> <ul style="list-style-type: none"> <li>• Documents relating to the personal affairs of the individual requesting access</li> <li>• Consultants reports such as town planning studies and heritage assessments</li> <li>• Council policies such as the Procurement Policy</li> </ul>
2	Does your agency collect and or retain data about its proactive release of information? If yes, what kind of data is collected and/or retained?	Whenever Council advises an applicant that documentation can be accessed outside of the Freedom of Information process, we file a record of this on our online system in the relevant financial year that the request occurred in. We keep a copy of the Freedom of Information Application form alongside a letter/correspondence provided to the Applicant to advise their requested documentation can be accessed outside of the Freedom of information process.
3	Does your agency's proactive release of information result in receiving fewer FOI requests?	It results in fewer FOI request as some of the documents being sought are available outside FOI and requests can be dealt with and finalised quickly as we don't have to go through the formal process of discovery of documents and preparing a decision letter, etc.

4	<p>How does your agency proactively release information? For eg Is it free of charge or a fee?</p>	<p>Certain documentation can be obtained free of charge such as Ordinary Council Meeting Minutes which can be accessed via our website and we will usually provide the applicant with instructions on how to obtain the Council meeting minutes online.</p> <p>However, for documentation relating to building plans or rate related information, this usually is subject to a fee to release these types of documents and the relevant departments at Council charge a fee for obtaining this type of documentation.</p> <p>For example, where an applicant seeks copies of building plans we request them to email or contact the Building Department at Council to advise of their question and let them know there will most likely be a fee involved.</p>
5	<p>What factors influence the proactive release of information? Does your agency have a process, policy or procedure in place for determining whether information can be proactively released? If yes, please specify the role(s) of agency staff who determine or authorise whether information should be released proactively, and any process, policy or procedure supporting this and how it was developed.</p>	<p>Council does not have a policy or procedure in place for determining proactive release of information.</p> <p>FOI applications are reviewed at the time of receipt and the relevant department is consulted on whether the documents sought can be made available outside the FOI process.</p>
6	<p>Are there any barriers that affect your agency proactively releasing information? If yes, what kind of barriers exist?</p>	<p>The barriers that I consider would exist would be trying to ensure that privacy/confidential requirements are met. For instance, we would not want to release in full documents that contain personal information about individuals or we would not want to release confidential council meeting documentation as we need to satisfy the requirements of the Local Government Act.</p>

7	Does your agency have concerns, or experience challenges, with proactively releasing information? If yes please describe them.	I refer to my answer from question 6 – as I mentioned in that answer we have to ensure privacy/confidential requirements are met before releasing documents in full.
8	What factors, assistance, or support would assist your agency to begin or improve proactively releasing information?	I think what would assist our agency to improve proactively releasing information would be if OVIC developed a thorough guide that was tailored to the various agencies. For example, if OVIC developed a guide for Council's outlining in detail what documents could be proactively released and why. At this current time it is a matter of checking with the subject departments at Council to ask them if they provide documents outside of the FOI process which is not an efficient way of working.
9	OVIC has published a practice note on their website regarding proactive release. How can this be improved to better meet the needs of your Agency?	It would assist if OVIC would provide examples of what types of documents could be proactively released by the various agency types i.e Council.
10	Does your agency informally release information outside of the FOI Act? If yes, what kind of information does your agency release informally? What kind of information does your Agency release under the FOI Act and why?	<p>Yes – sometimes we receive emails from members of the public requesting a copy of an Ordinary Council Meeting Minute from the early 2000's which is not available on our website as we only retain the last five or so years on our website. Therefore, I will respond to the applicant via email and provide them with a copy of the minutes they are after.</p> <p>In regard to what kind of information does our Agency decide to release under the FOI Act – we will release information that cannot be obtained outside of the Act i.e the relevant subject department does not offer its release outside of the Act. This includes documentations such as written correspondence i.e. internal emails or photographs of trip and fall scenarios, claim related documentation etc).</p>
11	Does your agency collect or retain data about its informal release of information? If yes, what is collected and or retained?	Yes, we keep it on our file and we will retain the request and what our response was to the request.

12	Approximately how often/ what proportion of information or FOI requests are responded to informally?	About 10% of FOI requests are dealt with informally.
13	How does your agency informally release information?	Refer to first paragraph of the answer to question 10.
14	What factors influence the informal release of information by your agency?	It depends how the request was provided to us initially – i.e if it was provided via email and they were requesting a document such as council minutes we have that publicly available online so I would just email them the link to access this.
15	Are there barriers that affect your agency informally releasing information? If yes, what kind of barriers exist?	Nil
16	Does your agency have concerns, or experience challenges with informally releasing information? If yes, please describe them.	A challenge our agency experiences is not knowing initially at the start of receiving the request if the information can be informally released if we are not the subject experts of the document/s.
17	What factors, assistance or support would assist your agency to begin or improve informally releasing information?	As I mentioned in a previous answer above, if OVIC could develop a thorough guide to informally releasing information that concerns Councils so that confirms more broadly to us what can be released informally to reduce processing time for Councils.

18	OVIC has published a practice note on the informal release of information on its website. How can this practice note be improved to better meet the needs of your agency?	Similar response to question 9. I would say if there could be more detail tailored specifically to each agency type of what document/s can be released informally.
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