



**Office of the Victorian
Information Commissioner**

Local Government FOI Forum 2020

Public Transparency and Integrity in Local Government

5 November 2020

In today's presentation

- **Keynote Address**
 - *Sven Bluemmel, Victorian Information Commissioner (OVIC)*
- **The role of transparency and access to information in ensuring integrity in local government**
 - *David Wolf, Deputy Commissioner, Independent Broad-based Anti-corruption Commission*
- **The Public Transparency Principles and the operation of section 125 in the *Local Government Act 2020 (Vic)***
 - *Hannah Duncan-Jones, Director Policy and Strategy, Local Government Victoria*
- **Interaction between the FOI Act and the new *Local Government Act 2020 (Vic)***
 - *Bryan Wee, General Counsel (OVIC)*
- **Best practice in administering the FOI Act**
- **Q&A Panel Discussion**



**Office of the Victorian
Information Commissioner**

A background image showing a blurred crowd of people walking on a paved surface, likely a public square or street. The image is split vertically: the left side is white with a grey overlay, and the right side is a gradient from purple to magenta. The text is overlaid on the right side.

*The Freedom of Information
Act and the Local Government
Act 2020*

*Bryan Wee
5 November 2020*

What I'll be covering

- The Local Government Act 2020 – transparency and secrecy
- How section 125 of the LG Act interacts with the FOI Act
 - Section 38 of the FOI Act
 - Overlap of the secrecy provision and FOI Act exemptions
- Interpreting section 125 to promote transparency



The Local Government Act 2020

Balancing Transparency and Secrecy

Transparency in the *Local Government Act 2020*

Transparency is one of the five principles used to develop the LG Act 2020, as reflected in:

- **Section 9** - Councils must give effect to overarching governance principles including that “transparency of Council decisions, actions and information is to be ensured” and take into account the “public transparency principle” in section 58 of the LG Act.
- **Section 58** - sets out the public transparency principles including requiring Council information to be publicly available unless it is confidential, or unless making information public would be contrary to the public interest.
- **Section 57** - Councils must adopt and maintain a public transparency policy by 1 September 2020.

Transparency in guidance

Key DEWLP published [Local Government Act 2020 – Principles of Public Transparency](#). This guidance states:

- the LG Act 2020 “assumes, instead, that all matters must be public, except in very specific and limited circumstances.”
- Councils must have regard to the principle underpinning the *Freedom of Information Act 1982 (FOI Act)* – “to provide a right of access to information ... limited only by exceptions and exemptions necessary for the protection of essential public interest.”

Section 125 of the *Local Government Act 2020*

The LG Act protects confidentiality through a secrecy provision – section 125:

125 Confidential information

*(1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is **confidential information**.*

Penalty: 120 penalty units.

(2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.

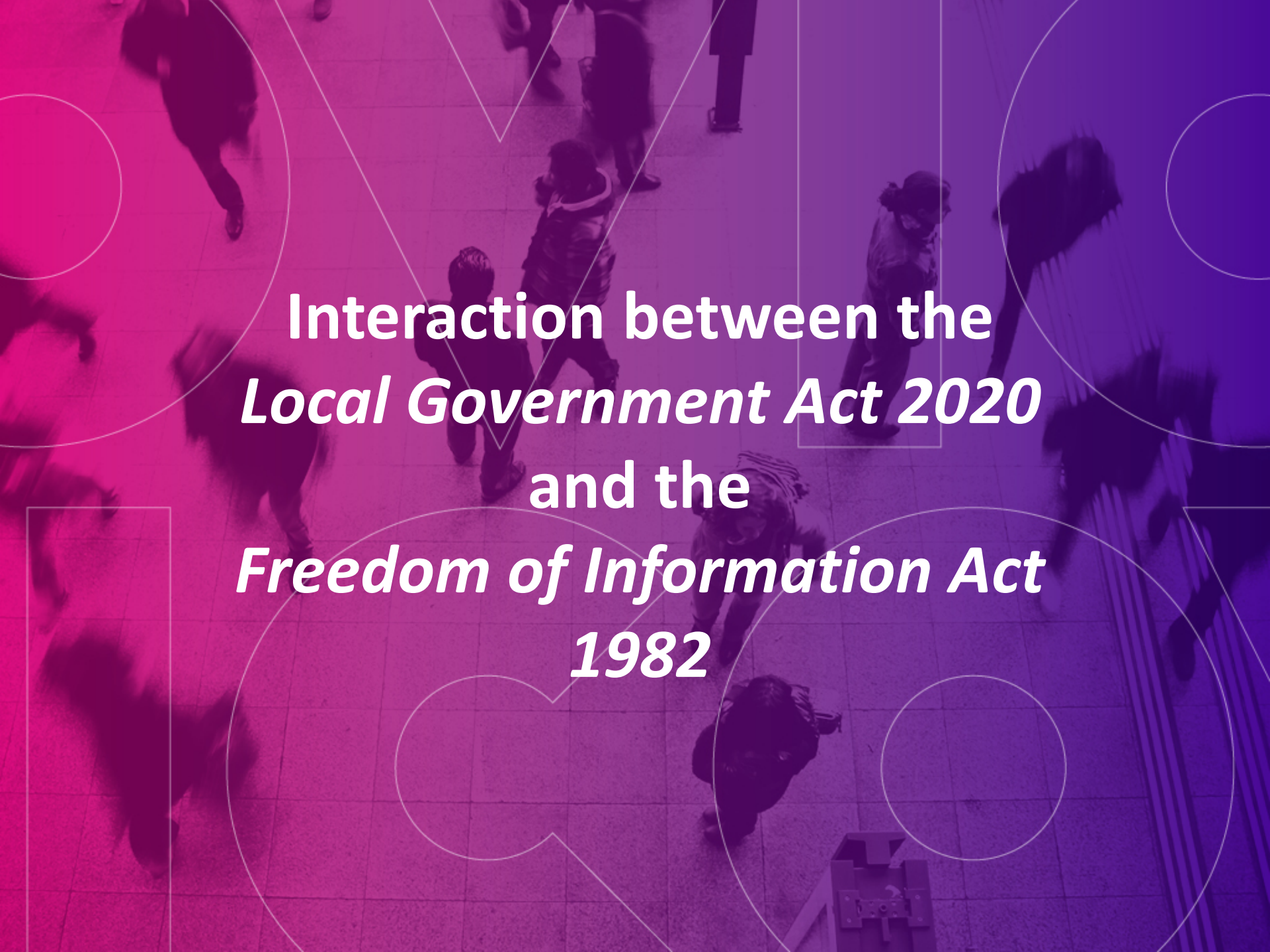
(3)... [Range of circumstances where disclosure is allowed.]

This section commenced on **24 October 2020**

Confidential information is defined in section 3 of the LG Act. There are 12 types of information in subsections (a) to (l).

Section 3 defines: “Confidential information”

Type	Description
(a) Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
(b) Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
(c) Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
(d) Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
(e) Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
(f) Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
(g) Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
(h) Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information
(i) Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
(j) Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter
(k) Prescribed information	Inactive – no information currently prescribed
(l) Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the Local Government Act 1989



**Interaction between the
Local Government Act 2020
and the
Freedom of Information Act
1982**

Section 125 of the LG Act and section 38 FOI Act

Under the FOI Act, a council must generally disclose a document upon request unless it is exempt. Section 38 of the FOI Act exempts a document if:

- there is a secrecy provision in force in another Act,
- that applies specifically to information of a kind in the document, and
- prohibits persons from disclosing that information.

OVIC considers that each of these pre-conditions would be met after section 125 commences:

- section 125 of the LG Act came into force on 24 October 2020,
- each subsection in the definition of confidential information applies section 125 to that information with sufficient specificity, and
- section 125 prohibits Councillors and Council staff from disclosing confidential information.

Overlap between the FOI Act and section 125

Some of the twelve types of “confidential information” in subsections (a) to (l) overlap with existing exemptions in the FOI Act. The overlap was intended to partly align the secrecy provision with the FOI Act. There are three types of overlap:

- **Similar** - The secrecy provision and FOI exemption(s) are similarly worded, but actually capture different documents.



- **Same** - The secrecy provision captures all documents captured by the FOI exemption(s).



- **None** - The secrecy subsection has no directly comparable FOI exemption.


Dealing with overlap – the secrecy provision takes precedence

Where the same document is captured by both the secrecy provision and an FOI Act exemption, the secrecy provision should be primarily claimed. Consequently, FOI requests for the three types of overlap should be processed differently.

- **Similar** – Separately apply the secrecy provision and any other exemption(s). Potentially remove the exemption(s) where both the secrecy provision and exemption apply to the same document.
- **Same** – Apply and claim the secrecy provision (using section 38) rather than the exemption(s).
- **None** – Apply the secrecy provision (using section 38).

Summary sheet

SUBSECTION OF "CONFIDENTIAL INFORMATION"	TYPE	FOI ACT
(a) Council business information	Similar	ss34(4)(a) & 36(2)(b)
(b) Security information	Same	s31(1)(e)
(c) Land use planning information	Similar	ss30 & 36(2)(a)
(d) Law enforcement information	Similar	ss31(1)(a) & 31(1)(b)
(e) Legal privileged information	Same	s32
(f) Personal information	Same	s33
(g) Private commercial information	Similar	s34(1)
(h) Confidential meeting information	None	
(i) Internal arbitration information	None	
(j) Councillor Conduct Panel confidential information	None	
(k) Prescribed information (inactive)	None	
(l) Confidential information under the 1989 Act	None	



**Intepreting the *Local
Government Act 2020*
To promote transparency**

Interpreting section 125 to promote transparency

When interpreting section 125, remember the object of the LG Act and use these key tools:

- Consider and use section 125(2) of the LG Act – should the information be secret?
- Carefully apply the terms of the subsection
- Don't reinvent the wheel – use FOI jurisprudence
- Consult when you can – the more you know, the easier it is

Consider and use section 125(2) of the LG Act

- Section 125(2) allows Council to determine that types of information should be publicly available.

Section 125 of the *Local Government Act 2020*

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Penalty: 120 penalty units.

(2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.

(3)... [Range of circumstances where disclosure is allowed.]

This section commences on **24 October 2020**

Confidential information is defined in section 3 of the LG Act. There are 12 types of information in subsections (a) to (l).

Consider and use section 125(2) of the LG Act

- Section 125(2) allows Council to determine that types of information should be publicly available.
- The power to make documents publicly available can be delegated by Council to the CEO or other appropriate Council staff.
- OVIC encourages Councils to consider information regularly sought to determine if they should be publicly available to limit the secrecy provision and promote transparency.

Carefully apply the terms of the subsection

When relying on each subsection, Councils should carefully read and apply the terms of the subsection to ensure each pre-condition is met.

OVIC will issue guidance about pre-conditions for each subsection. For example:

(b) security information, being information that if released is likely to endanger the security of Council property or the safety of any person;

1 – Likely to – “Likely” means the chance of occurrence is “probably” or “more likely than not”.

2A – endanger the security of Council property – “Endanger” means “to bring into danger or peril”. Consequently, the risk must be more than just damage, but loss or serious damage. Councils should specifically identify the security risk, the council property affected and why that risk is “likely”.

2B – the safety of any person – Councils should specifically identify the safety risk, the person affected, why the risk is “likely” and how the risk “endangers” the person’s safety.

Use FOI jurisprudence

Given that the secrecy provision was drafted to align with the FOI Act, OVIC encourages Councils to use FOI jurisprudence for the same tests or phrases in the secrecy provision.

- **Tests** – such “likely”, “reasonably likely to prejudice”, “would prejudice”, “unreasonable” in the context of personal information or “unreasonably expose to disadvantage” in the context of commercial information.
- **Phrases** – such as “law enforcement”, “personal affairs” or “trade secrets”.

Consult where you can and its appropriate

- Sections 31, 33 and 34(1) of the FOI require consultation.
- The LG Act 2020 does not require consultation, but OVIC encourages Councils to consult with affected third parties, because:
 - A business will have better insight into whether release of its information would “unreasonably expose it to disadvantage”.
 - An individual can give explain whether release of their personal affairs information is “unreasonable” or not.
 - A prosecuting agency would know whether disclosure of information could prejudice its prosecution.
- The third party’s opinion is important to help Councils decide a matter, but is not determinative.

Key takeaways

1. Section 125 commences on 24 October 2020. It applies to all Council information from that date regardless of when the information is created.
2. Section 125 of the LG Act is a secrecy provision under the FOI Act. If section 125 applies it should be used together with section 38 of the FOI Act as the primary exemption.
3. When processing FOI requests check to see if the secrecy provision applies to captured documents, then based on which subsection of confidential information applies, consider how the other FOI Act exemptions should be used.
4. Make sure that the secrecy provision actually applies to the documents – look at each element of the secrecy provision and use FOI jurisprudence. Consult if you can so you understand the documents better.
5. As part of your transparency policy, use section 125(2) regularly and generously.



**Office of the Victorian
Information Commissioner**

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Overview of FOI trends, regulatory policy and online resources

Tyrrell Davidson
Principal Case Manager

Administering the FOI Act

- FOI applications in Victoria
- OVIC complaints and reviews
- OVIC regulatory policy and priorities
- Online resources

FOI requests in Victoria – all agencies

A record **40,951** FOI requests were made.

A record number of **34,895** FOI decisions were made in 2019-20.

Increase in the number of decisions where documents were **released in full** (65.85%).

The top 30 agencies received a total of 35,095 FOI requests, or 85.69% of all requests received.

FOI requests in Victoria – all agencies

Agencies reported that **79.02%** of requests were processed in time.

This has decreased from last year.

Agencies also reported that **7.78%** of requests were processed more than **45 days** outside of required timeframe. This has increased from last year.

OVIC reviews – all agencies

Reviews

OVIC received **646** review applications

OVIC also finalised **712** review applications compared to 735 last year.

Of the **420** review decisions made by the Commissioners this year, 209 decisions differed to decisions originally made by an agency or Minister (**49.76%**).

OVIC complaints – all agencies

Complaints

OVIC received **522** complaints, a 3.16% increase compared to 2018-19.

OVIC also finalised **556** complaints, the largest number of complaints finalised in the past five years.

Online resources

OVIC regulatory action policy

- Independent – OVIC exercises its regulatory powers independent of government.
- Collaborative – OVIC engages with the public and regulated bodies openly and constructively.
- Targeted and proportional – OVIC targets issues based on how likely they are to occur and how severe the impact would be if they did occur. OVIC takes action that is proportionate to the issue being addressed.
- Transparent and consistent – OVIC's decisions, actions and performance are clearly explained and open to public scrutiny. OVIC's regulatory action is consistent in similar circumstances.

Regulatory priorities



Compliance with the FOI Professional Standards



Prompt FOI decision making and information release



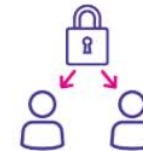
Identification and **assessment** of the security value of information



Privacy and security in Victorian law enforcement



The **protection** of personal information in the Victorian higher education sector



Privacy and **outsourcing**

FOI review published decisions

- Published to OVIC website and Austlii

15

June
2020
*Date of
Decision*

'BQ5' and City of Darebin (Freedom of Information)
[2020] VICmr 157 (15 June 2020)

FREEDOM OF INFORMATION – council documents – complaint – dog attack – investigation – Domestic Animals Act 1994 (Vic) – personal affairs information

04

June
2020
*Date of
Decision*

'BP7' and Moyne Shire Council (Freedom of Information) [2020] VICmr 150 (4 June 2020)

FREEDOM OF INFORMATION – council documents – building permit – building plans – neighbourhood dispute – personal affairs information

Procedural Practice Notes

[Procedural Practice Note 1: The Professional Standards](#)

[Procedural Practice Note 2: Proactive release of information](#)

[Procedural Practice Note 3: Receiving an access request – valid requests and early considerations](#)

[Procedural Practice Note 4: Processing a request for an amendment of personal records](#)

[Procedural Practice Note 5: Deleting irrelevant and exempt information under section 25](#)

[Procedural Practice Note 6: Informal release of information](#)

[Procedural Practice Note 7: Routine requests for information and documents](#)

[Procedural Practice Note 8: Timeframes and extensions of time when processing an access request](#)

[Procedural Practice Note 9: What is a document and what is actual or constructive possession?](#)

[Procedural Practice Note 10: Conducting a thorough and diligent search](#)

[Procedural Practice Note 11: Estimating and calculating access charges](#)

[Procedural Practice Note 12: Practicability and third-party consultation and notification](#)

[Procedural Practice Note 13: Substantial and unreasonable requests – section 25A\(1\)](#)

[Procedural Practice Note 14: Requests for documents that are obviously exempt – section 25A\(5\)](#)

[Procedural Practice Note 15: Drafting a freedom of information decision letter](#)

[Procedural Practice Note 16: How to assist the freedom of information complaints process](#)

[Procedural Practice Note 17: How to assist the freedom of information review process](#)

[Procedural Practice Note 18: Principal officer responsibilities and obligations under the FOI Act](#)

[Procedural Practice Note 20: Overview of the Freedom of Information Act 1982 and the responsibilities of all Victorian public sector officers](#)

Exemption Practice Notes

Exemption Practice Note 1: Section 28 – Cabinet documents or information

Exemption Practice Note 2: Section 30 – Opinion, advice, recommendation, consultation or deliberation

Exemption Practice Note 3: Section 31(1)(a) – Prejudice the investigation of a breach of the law

Exemption Practice Note 4: Section 31(1)(a) – Prejudice the enforcement or proper administration of the law

Exemption Practice Note 5: Section 31(1)(b) – Prejudice the fair trial of a person or the impartial adjudication of a case

Exemption Practice Note 6: Section 31(1)(c) – Confidential source of information in relation to administration of the law

Exemption Practice Note 7: Section 31(1)(d) – Methods for preventing, detecting, investigating breaches of the law

Exemption Practice Note 8: Section 31(1)(e) – Endanger the life or physical safety of confidential source of information

Exemption Practice Note 9: Section 32 – Document or information subject to legal professional privilege

Exemption Practice Note 10: Section 33 – Unreasonable disclosure of personal affairs information

Exemption Practice Note 11: Section 34(1)(a) – Trade secrets of an undertaking

Exemption Practice Note 12: Section 34(1)(b) – Business, commercial or financial information of an undertaking

Exemption Practice Note 13: Section 34(4)(a)(i) – Trade secret of an agency

Exemption Practice Note 14: Section 34(4)(a)(ii) – Business, commercial or financial information of an agency

Exemption Practice Note 15: Section 35(1)(a) – Exempt information communicated in confidence

Exemption Practice Note 16: Section 35(1)(b) – Disclosure would impair ability to obtain information in future

Exemption Practice Note 17: Section 38 – A secrecy provision prohibits disclosure of the information

FOI and COVID-19 FAQs for agencies

What can I do if staff can't search for documents because they are working from home? ^

What can I do if I can only find some of the documents in response to an FOI request? ^

What should I do if my agency receives a new FOI request? ^

What should I do about FOI requests that are currently being processed? ^

Which FOI requests should the FOI team prioritise? ^

Can I defer FOI requests or not accept them? ^

What if I need to speak to someone about my concerns? ^

Will OVIC give my agency an extension of time? ^

I'm from a smaller agency and the only FOI Officer, what do I do? ^

Our FOI staff are being diverted to other work in this emergency. What do we do about FOI requests?
Can we stop processing FOI requests? ^

How is OVIC supporting agencies? ^

Can I use section 25A(1) of the FOI Act to refuse requests due to changed working conditions? ^

What can I do about processing payments for application fees and access charges remotely? ^

What should I do if my agency or business unit is completely closed or shut down? ^

How can I verify the identity of an applicant who's made an FOI request for their own personal information? ^

For OVIC reviews, how do I produce documents claimed to be exempt under section 28, 29A, 31 or 31A for inspection? ^



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Preparing decision letters in FOI & Examining the public interest

Alana Palavikas

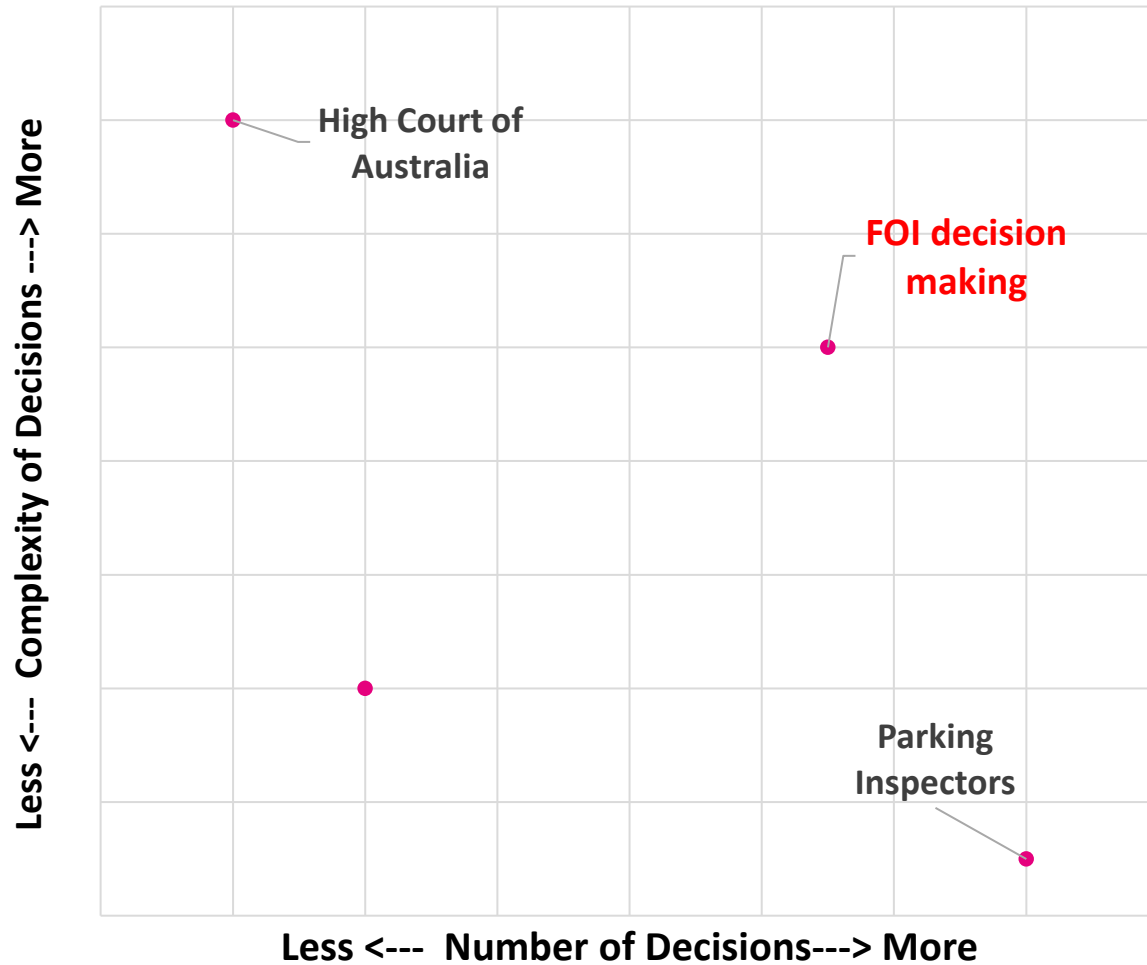
Principal Case Manager – Public
Access Reviews

Good Decision Making

A good decision...

- answers the question;
- demonstrates to an applicant the decision makers considerations;
- explains complex government processes in a manner that is easy to follow;
- can make an applicant feel heard;
- can save you the process of appeal/review;
- protects you; and
- promotes accountability and access to justice for individuals.

Nature of FOI decisions



Nature of FOI applicants

- FOI has a high proportion of self-represented litigants (SRLs).
- A Monash University study found the two most prevalent issues dealing with SRLs are:
 - SRLs lack legal skill, ability and understanding in often complex areas.
 - SRLs lack objectivity – individual perspective, not public policy, perspective.

Best Practice FOI Decision Making

OVIC

Statutory matters – must be included

- Your name and authority to make the decision (s 26).
- If section 25 redactions are applied, state the document is a copy from which exempt/irrelevant material has been deleted (s 27(1)(c)).
- Right of appeal, contact details of authority OVIC and time to appeal.
- Right to complain if the decision is that the document does not exist or cannot be located.

Statutory guidance for the decision

Section 27(1)(a) of the FOI Act tells us what an FOI decision needs to contain by way of reasons:

“the findings on any material questions of fact, referring to the material on which those findings were based and the reasons for the decision”

Findings, facts and materials relied upon

- Summary of the decision at the beginning.
- Summary of the applicant's request including variations and agreed time frames.
- **Searches conducted** to locate documents and what types of documents were found.
- Any consultation and how it affects the time frame.
- Your decision about each document, or part of the document.
- Relevant sections of the FOI Act that apply, particularly exemptions.
- Evidence and findings of facts that support the decision including the submissions and other material used to make the decision, particularly in relation to the **public interest**.
- Why it was not practicable to make deletions or redactions.
- Outstanding charges to be paid before release.



Section 30

Internal working documents

Three requirements of section 30

- (a) the document must disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers, Ministers or an officer and a Minister; and
- (b) such matter must be made in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government; and
- (c) disclosure of the matter would be contrary to the public interest

The exemption does not apply to purely factual material in a document (s 30(3))

Applicants' understanding of public interest

- a) “It’s in my interest, I’m a member of the public so it’s in the public interest.”
- b) “It’s in the public interest because I am doing this to expose corruption.”

(The agency is corrupt because I did not get the job, licence or project.)
- c) “It’s in the public interest because everyone wants to know [insert celebrity/sportsperson] wages.”

Public interest

FREEDOM OF INFORMATION ACT 1982 - SECT 11B Public interest exemptions-- factors

Public interest exemptions- Irrelevant factors

- (4) The following factors **must not be taken into account** in deciding whether access to the document would, on balance, be contrary to the public interest:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
 - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
 - (d) access to the document could result in confusion or unnecessary debate.

Public interest factors against disclosure

- Prejudice the fair treatment of individuals where the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct.
- Prejudice security, law enforcement, public health or public safety.
- Impede the administration of justice generally, including procedural fairness.
- Impede the protection of the environment.
- Prejudice the competitive commercial activities of an agency.
- Harm the interests of an individual or group of individuals.
- Prejudice the effective of government testing or auditing procedures.
- Impede the flow of information a law enforcement or regulatory agency.
- Prejudice an agency's ability to obtain information in confidence.
- Prejudice the conduct of investigations, audits or reviews.
- Prejudice the management or function of an agency.

Public interest factors favouring disclosure

- Promote objects of the FOI Act including public participation in government process.
- Inform debate on a matter, particularly a matter of public importance.
- Promote effective oversight of public expenditure.
- Allow a person to access his/her own info.
- Inform the community of the government's operations.
- Reveal misconduct or negligent, improper or unlawful conduct.
- Reveal the reason for a government decision or enhance scrutiny of government decision making.
- Contribute to the administration of justice and the enforcement of criminal law.
- Contribute to innovation and the facilitation of research.
- Advance the fair treatment of individuals in accordance with the law in their dealings with agencies.
- Reveal environmental or health risks of measures relating to the public health and contribute to the protection of the environment.

Case Study

Background:

Applicant sought access to an audit report regarding a language school

Agency identified one document falling within the terms of the request and refused access to the document under sections 30(1), 31(1)(a), 34(1)(b), 33(1) and 35(1)(b)

Section 30(1)(a)

The Public Access Deputy Commissioner was satisfied:

1. The document disclosed matter in the nature of opinion, advice or recommendation prepared by an officer of the agency, namely the auditor engaged by the agency to prepare a report, set out its findings and provide recommendations.
2. The document was created in the course deliberative process involved in the function of the agency, being an audit to determine compliance with accreditation

Public Interest Considerations – section 30(1)(b)

- the degree of sensitivity
- the stage of decision or policy development
- whether disclosure would inhibit communication between agency officers, essential for an agency to make an informed decision or participate fully in a process, or the agency's function or other statutory obligations
- the impact of disclosure not clearly representing a final position
- the public interest in the public being better informed in the way the agency carries out its functions



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Overview of the Professional Standards

Paul Pittorino

Manager, Complaints and
Professional Standards

Professional Standards

- History
- Themes
- Working with OVIC
- Resolution
- Case Study
- Project work

A brief history

- Amendments to the FOI Act in September 2017
- Developed by OVIC from late 2018
- 33 standards, based on 10 themes
- Commenced 2 December 2019
- Professional Standards matters = “Engagements”
- Identified in multiple ways

Themes



Time – Standard 2

- Concerns receiving a request
- An agency has a duty to assist an applicant to make a request in a manner that complies with section 17 of the Act – section 17(3) of the Act. An agency is also required to provide an applicant with a reasonable opportunity to consult where the request does not provide sufficient information, as is reasonably necessary, to enable the agency to identify the requested document – section 17(4) of the Act.

Time – Standard 2.4

- Prescribes an agency that receives a request that is not valid must take reasonable steps to notify an applicant within 21 days of receiving the request:
 - Why the request is not valid
 - Provide reasonable assistance
 - Advise the request may be refused

Time – Standard 5

- Concerns substantial and unreasonable diversion of resources
- An agency cannot rely on section 25A(1) of the Act unless it has provided an applicant with a reasonable opportunity to consult with the agency, and as far as reasonably practicable, provided any information that would assist the applicant to make a request in a form that removes the ground for refusal – section 25A(6) of the Act.

Time – Standard 5.1

- An agency must take reasonable steps to notify an applicant under section 25A(6) of the Act of its intention to refuse a request under section 25A(1) within 21 days of receiving a valid request
- 5.2 (b) provide a minimum of 21 days from the date of the agency's notice, for the applicant to respond.
- 5.2 (a) explanation as to why request would substantially and unreasonably divert the resources of the agency

Time – Standard 9

- Concerns resources, training and awareness
- An agency must administer the Act with a view to making the maximum amount of government information available to the public promptly and inexpensively – section 16(1) of the Act. This requires a principal officer to ensure their agency and its officers have the resources and training to administer the Act.

Time – Standard 9.1 & 9.2

- 9.1 Resources and Procedures in place to meet its statutory obligations under the Act, including:
 - Sufficiently resourced
 - Software and systems
 - Internal policies
 - Anything else reasonably necessary
- 9.2 Principal officer must ensure, or be actively working towards:
 - Appropriate skills & training to perform responsibilities

Other common engagements

- Standard 8, Decisions and Reasons for Decision
- 8.2 quality of decision letter, reasons for exemption or exception

- Standard 10, working with the Information Commissioner
- 10.3 provision of documents to OVIC within a timeframe
- 10.4 provision of documents to OVIC, quality of markings

Communication plans and FOI

- Often used to manage challenging behaviours
- Cannot impact FOI rights
- No jurisdiction to deal with complaints about communication plans / service restriction
- 2.1 – email as an option
- 2.3 – cannot refuse if a certain form is not used

OVIC's handling of an engagement

- Opportunity to provide new/relevant information
- Simple = delay
- More complex = multiple exchanges between parties
- The value of information = key to resolution

Case Study



Self assessment tool

- Currently in development
- Designed to promote compliance with the standards
- Allows for evaluation of practices
- Aiming to launch on 2 December 2020

The current environment and OVIC support

- The impact of COVID-19
- Impacting almost all aspects of FOI
- Alternative options where available
- Published FAQ's
- Availability of OVIC staff to assist

Contact us

OVIC contact details

T: 1300 00 6842

E: enquiries@ovic.vic.gov.au

www.ovic.vic.gov.au