

Agency FOI Information Service Guidelines

Purpose

The purpose of this document is to set out the guiding principles for Victorian public sector organisations (**agencies**) utilising OVIC's Agency FOI Information Service (the **service**).

Overview

The service provides information and guidance to agency FOI practitioners on:

- the administration and operation of the *Freedom of Information Act 1982* (Vic) (**the FOI Act**); and
- an agency's obligations under and compliance with the FOI Professional Standards.

Information and guidance will be provided by experienced and skilled OVIC staff and compliments information available for agency officers on OVIC's website about the FOI Act and Professional Standards.

The service reflects the functions of the Information Commissioner and Public Access Deputy Commissioner under section 6I of the FOI Act, including to:

- promote understanding and acceptance by agencies of the FOI Act and the object of the FOI Act;
- provide advice, education and guidance to agencies in relation to compliance with the FOI Professional Standards; and
- provide advice, education and guidance to agencies in relation to the Commissioners' functions, such as the conduct of reviews and complaint handling.

Electronic mailbox

Agencies can access the service by submitting a request for information or guidance via email to a dedicated email address: AskFOI@ovic.vic.gov.au

Agencies that are uncertain as to whether their query can be answered by the service are encouraged to use the service in the first instance.

Responses to queries will generally be provided within 24 hours although, responses may take up to 5 business days, depending on the complexity of the query. If more time is required, OVIC staff will advise the agency.

Responses to queries will be provided by either email or telephone.

Availability of the service

- The service is available for use by agencies only.
- Queries from members of the public on the FOI Act should be directed to enquiries@ovic.vic.gov.au. Guidance is also available on OVIC's website at www.ovic.vic.gov.au

Information and guidance provided by the service

An agency FOI practitioner or decision maker can use the service to receive:

- information and guidance on how the FOI Act is to be interpreted, in accordance with the object of the Act;
- guidance on how the FOI exemptions should be administered and interpreted;
- information relating to previous similar decisions made by its Commissioners;
- advice on best practice in administering the FOI Act;
- information about an agency's obligations under and compliance with the FOI Professional Standards;
- information and guidance on the informal and proactive release of information.
- information regarding third party consultation requirements under the FOI Act.
- general information and guidance about estimating and calculating access charges.
- OVIC's a view on a hypothetical situation.

OVIC remains impartial and independent.

Limitations on the service

OVIC staff will not:

- provide legal advice.
- advise as to whether information or a document is exempt or not exempt under the FOI Act.
- advise an Agency on what decision to make.
- assess documents.
- review information or documents subject to an FOI request.
- advise on whether an FOI request is valid
- The service will not be used in relation to current complaints or reviews being considered by OVIC.

Information required to use the service

When accessing the service, an agency should include the following information to assist OVIC in responding to a query:

- The relevant section of the FOI Act or the general nature of your query.
- A short summary including any relevant background or contextual information to your query.
- Your question to be answered.
- The outcome sought to be achieved from the query.
- De-identified details of the subject matter and/or the applicant when discussing or describing the query with OVIC.

Agency FOI Information Service

- Any urgency or sensitivities in OVIC providing a response. For example, where a response is urgently required, please advise OVIC of the requested due date and reason why a response is required by that date.

Prior to accessing the service, agencies are encouraged to consider the resources currently available on OVIC's website:

- OVIC's practice notes at <https://ovic.vic.gov.au/freedom-of-information/for-agencies/practice-notes/>
- OVIC's published review decisions at <https://ovic.vic.gov.au/decision/>
- Any relevant VCAT cases available.
- OVIC newsletters available on OVIC's website and by subscription at <https://ovic.vic.gov.au/monthly-newsletters/>
- OVIC agency templates at <https://ovic.vic.gov.au/freedom-of-information/for-agencies/freedom-of-information-agency-templates/>