

9 August 2023

Mr Peter Francis
Manager, Standards and Policy
Public Records Office Victoria

By email only: peter.francis@prov.vic.gov.au

Dear Mr Francis,

Proposed Changes to the Public Records Regulations

We understand that the *Public Records Regulations 2013* (Vic) will expire in November 2023 and must be remade. Thank you for the opportunity to comment on the changes Public Record Office Victoria (**PROV**) proposes to make in the new Public Records Regulations (**new Regulations**).

The Office of the Victorian Information Commissioner (**OVIC**), has combined oversight of freedom of information, privacy and information security, administering both the *Freedom of Information Act 1982* (Vic) (**FOI Act**) and the *Privacy and Data Protection Act 2014* (Vic).

OVIC strongly supports open access to government held information as a key mechanism for facilitating and supporting public participation in democracy.

Proposed changes to copying services fees

In OVIC's view, Victorian public sector agencies should facilitate public access to information at the lowest reasonable cost, or at no cost wherever possible. OVIC is therefore pleased to read the proposal to reduce the fees to receive digital copies of records.

With respect to receiving digital and paper copies of records, OVIC understands that the proposed changes will reduce the copying costs for orders over 20 pages, but increase the copying cost for orders less than 20 pages. OVIC supports the proposed fee reduction for orders over 20 pages, but queries increasing the financial cost to individuals who only need to use the digital and paper copying service for orders less than 20 pages. Whilst we understand that most people who use the copying service are researchers who request access in bulk, OVIC encourages PROV to reconsider its proposal to increase copying costs for orders less than 20 pages under the new Regulations.

In PROV's guidance material on the proposed changes, we could not locate the proposed fee to receive a paper copy only (ie. no digital copy). Given that it is now easier for PROV to make copies of

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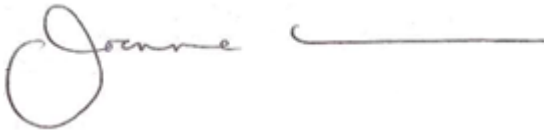
records, OVIC submits the fee to receive a paper copy be reduced under the new Regulations, or at least not exceed the existing fee listed on PROV's website.¹

Proposed changes to remove priority surcharge for copying services

OVIC agrees that charging fees for priority service creates equity issues, as it acts as a barrier to timely access to public information for individuals on lower incomes. OVIC is pleased to read PROV's proposal to remove its existing priority surcharge for copying services and instead provide free priority service to individuals who request it and have a valid reason. OVIC considers this is an equitable proposal that provides priority service based on need rather than financial means.

If you would like to discuss this submission, please do not hesitate to contact me directly or my colleagues Emma Stephens, Acting Principal Policy Officer at emma.stephens@ovic.vic.gov.au or Jenna Daniel, Senior Policy Officer at jenna.daniel@ovic.vic.gov.au.

Yours Sincerely



Joanne Kummrow

Public Access Deputy Commissioner

¹ See the Public Record Office Victoria's existing table of fees for copying services at: <https://prov.vic.gov.au/copying-services-public-users>.