

July/August 2026

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IAID
International Access
to Information Day

28 September 2026
ovic.vic.gov.au/iaid

OVIC
Office of the Victorian
Information Commissioner

International Access to Information Day

Join us on 28 September as we celebrate International Access to Information Day (IAID).

IAID is a global campaign led by UNESCO, to raise awareness of the community's right to access government-held information.

The right of citizens to access information held by the Victorian Public Sector and ministers is important in a democracy. It allows people to access their own information, and to scrutinise, participate in and have confidence in the work and decisions of government. Transparency builds trust.

See below for links to help you get involved in our IAID celebrations!

[Read more about IAID on the OVIC website](#)

The ideal state of Freedom of Information in Victoria

Following on from last year's IAID event, OVIC is presenting 'Part 2' of this series discussing recommendations from the IOC's inquiry into the operation of the FOI Act that focus on supporting a culture of open access in Victoria.

The presentation will cover the ways in which the current FOI Act is failing, and initiatives that will help support a culture of open access, including training, information management, access by design, independent oversight and sanctions.

You can register to attend this free webinar via the link below.

[Register to attend](#)

Download the IAID artwork starter pack!

We've developed a suite of digital resources to help get your organisation involved in IAID!

This year's pack contains:

- IAID logos and branding
- email signature
- social media images
- presentation deck holding slides (OVIC branded and unbranded)
- video call backgrounds

Raise awareness and get the conversation started in your organisation by using our artworks your way.

[Download the IAID starter pack](#)

Get your agency involved by sharing our Daily Tips!

Government agencies have the responsibility to facilitate timely and low cost access to information.

FOI officers can find it difficult to get buy-in from other agency staff who may not be familiar with the process or requirements of the Act.

For IAID, we've created a pack of simple daily tips that you can share with your colleagues to help encourage good information storage, collection and disclosure practices.

Each daily tip contains an image tile and an accompanying message. Simply copy and paste the image and accompanying text into the communications format of your choice, such as an all-staff email or a Microsoft Teams group.

[Download the Daily Tips pack](#)



Freedom of
Information

Annual FOI survey - collection complete

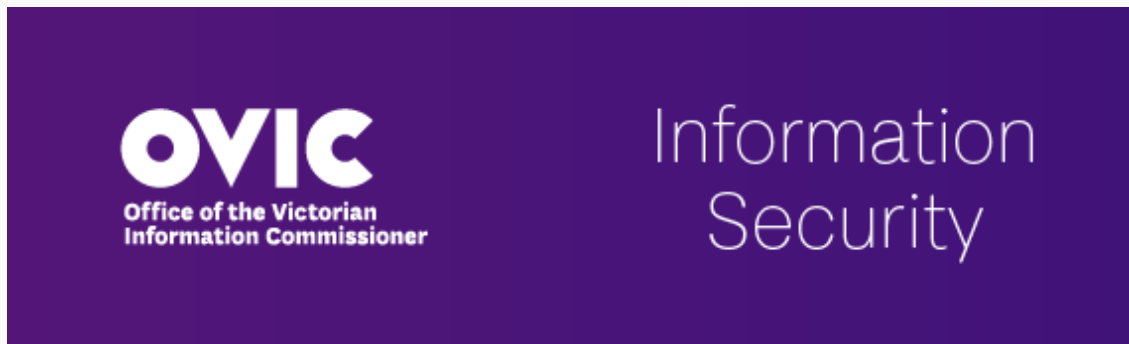
Each year, OVIC conducts an online survey to collect information and data from each Victorian agency and minister on the administration and operation of the FOI Act.

This survey is undertaken to help fulfil the Information Commissioner's annual reporting requirements as set out in section 64 of the FOI Act.

The survey covering the 2024-2025 financial year closed in mid-August and we are busy crunching the responses received.

We extend our thanks all who participated in this year's survey.

Collated information from survey responses received will tabled in Parliament via OVIC's annual report.



2026 Protective Data Security Plan submission window is open

In 2026 agencies and bodies subject to Part 4 of the PDP Act are required to submit a current copy of their Protective Data Security Plan (**PDSP**) to OVIC, which includes an Attestation signed by the public sector body Head, between **1 July and 31 August 2026**.

This PDSP documents the development of an information security program that addresses the protection of public sector information.

VPS agencies or bodies

To access a copy of the *VPS single organisation 2026 PDSP template*, please click [here](#).

OVIC encourages organisations that have questions about this reporting cycle to review the [VPS How-to Guide: Completing the 2026 PDSP](#) or [watch](#) a video recording of the Victorian Information Security Network event held in February

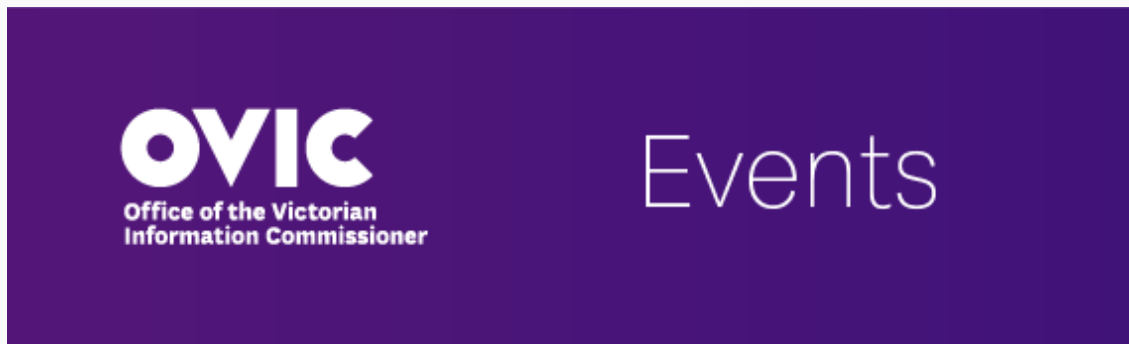
2026.

Class B cemetery trusts & Committees of management

To access a copy of the:

- *Class B cemetery trust 2026 PDSP template* and How-to guide, please click [here](#)
- *Committee of management 2026 PDSP template* and How-to guide, please click [here](#)

In February 2026, the Information Security Unit held an information session for Class B cemetery trusts and Committees of management. You can watch this video recording [here](#).



Information Access Series: The ideal state of Freedom of Information in Victoria (IAID)

As part of IAID celebrations, OVIC is presenting 'Part 2' of this series discussing recommendations from the IOC's inquiry into the operation of the FOI Act that focus on supporting a culture of open access in Victoria.

The presentation will cover the ways in which the current FOI Act is failing, and initiatives that will help support a culture of open access, including training, information management, access by design, independent oversight and sanctions.

The presentation will also celebrate IAID and discuss the importance of access to information.

Key details

When: Thursday 1 October

Time: 10:00am – 10:45am AEST

Where: Online - Microsoft Teams

[Register to attend here](#)

Upcoming FOI and Privacy training

We offer free monthly training webinars for Victorian public sector staff on freedom of information and privacy in Victoria.

See below for the next available sessions.

Please note this training is for Victorian Public Sector (VPS) and organisations with obligations under the *PDP Act and the FOI Act*. You may be contacted to confirm your agency prior to this training.

Introduction to Information Privacy and the Privacy and Data Protection Act 2014 (PDP Act) - November

Introduction to Information Privacy and the Privacy and Data Protection Act 2014 (PDP Act) looks at interpreting information privacy and the Act, whilst also providing public sector employees with a detailed understanding of each stage of the information lifecycle.

Key details

When: Wednesday 4 November, 2026 (Module 1-3)

Time: 10:00am - 3:30pm AEST

Where: Online

Audience: Victorian public sector (**VPS**) staff only

[Click here to register your attendance.](#)

Administering the Freedom of Information Act 1982 (Vic) (FOI Act)

– September

The Administering of the Freedom of Information Act 1982 (Vic) (FOI Act) webinar has been developed to provide VPS employees with a general understanding of the FOI Act and guide them through how to process a request. These sessions include live chats, polls and surveys to enhance the interactivity and ensure positive learning outcomes.

Key details

When: Module 1 & 2: Tuesday 17 November | Module 3 & 4: Thursday 19 November 2026

Time: 10:00am - 1:30pm AEST

Where: Online

Audience: Victorian public sector (**VPS**) staff only

[Click here to register your attendance.](#)

Latest OVIC FOI review decisions

OVIC publishes de-identified decisions made by the Information Commissioner and Public Access Deputy Commissioner under the FOI Act on our website and via Australasian Legal Information Institute (**AustLII**). We currently have over [830 decisions published on our website.](#)

‘GJ9’ and Victorian WorkCover Authority (Freedom of Information) [2026] VICmr 33 (19 May 2026)

In this decision, the Public Access Deputy Commissioner decided that parts of WorkSafe’s Field Guide were not exempt from release under section 31(1)(d) of the FOI Act. The Deputy Commissioner considered if disclosing

the exempted parts of the Field Guide would allow people to find ways to thwart an inspection, evade obligations under the OHS Act or related laws, conceal breaches of the law, and/or endanger the safety of Agency officers and other persons at a workplace.

The Deputy Commissioner was not satisfied that releasing information would or would be likely to result in any prejudice to the effectiveness of how WorkSafe conducts its duties using the methods and procedures set out in the Field Guide.

[Click here to read the full decision.](#)

‘GJ8’ and Department of Health (Freedom of Information) [2026] VICmr 32 (20 May 2026)

In this decision, the Public Access Deputy Commissioner was satisfied that information stored in the Client Management Interface and Operational Data Store, which is a public health client information system, would be exempt from release under section 38 of the FOI Act due to a secrecy provision in the Mental Health and Wellbeing Act 2022 (Vic).

[Click here to read the full decision.](#)

Latest VCAT review decisions

Melbourne Health v Fiamengo [2026] VCAT 405

This was a directions hearing to consider the scope of the review.

As background – this matter relates to a request for a file related to mental health at any Melbourne Health facility. The Agency refused access relying on

a number of exemptions including section 33(4). The Applicant sought review at OVIC – OVIC's PV was that s 33(4) did not apply and the Agency advised that it no longer wished to rely on that exemption.

OVIC's decision was made on different grounds to the Agency and released certain information including personal affairs information of the staff of Melbourne Health.

The Agency sought review at VCAT on the basis that section 33(1) should apply to that personal information. The Applicant wanted VCAT to consider the fact that a mandatory process contained in the Health Records Act (HRA) was not followed by the Agency when it relied on section 33(4).

The issue at the directions hearing was whether the application for review is confined to the issue identified by the Agency or whether VCAT could consider additional concerns that had been raised by the FOI Applicant.

VCAT found it was confined to the issues raised by the Agency. Firstly, based on VCAT's decision in *Monash City Council v Drake* [2022] VCAT 1293, VCAT is confined to consider the part of the decision of which review is sought by the Agency. Secondly, even if VCAT were able to consider the whole of the OVIC decision, section 33(4) was not part of OVIC's decision. OVIC's decision supersedes the Agency's decision and so it is OVIC's decision under review. Finally, the FOI Applicant argued that the Agency's failure to follow the HRA process was procedurally unfair, infecting the application for review. This argument was rejected – while a decision made at first instance might be invalid by reason of a breach of natural justice, once an application for review is brought in the tribunal, it obtains an independent jurisdiction in relation to the decision.

The outcome was that the review will not include consideration of section 33(4) of the Act.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Kotsopoulos v Western Health [2026] VCAT 422

The Agency was seeking summary dismissal on the basis that VCAT did not have jurisdiction.

For background – the Applicant and his ex-wife are separated. In November 2024 the ex-wife took their son to ED for medical assessment following an accident at home. The Applicant then sought documents relating to the ED visit. The Agency released documents in part, refusing access to a document titled ‘Social Work Psychosocial Assessment’ under 33(2A). OVIC’s decision was the same however the document was exempt under 33(1).

After the Applicant sought review at VCAT, the Agency lawyers wrote to the Applicant saying that the passages in dispute were outside the terms of the request, therefore there was no decision refusing access to the documents and so VCAT did not have jurisdiction. The Agency’s submission was that the disputed document did not relate to the ED visit but was a social work assessment and so did not fall within the terms of the Applicant’s request.

VCAT found that the document did fall within the scope of the request. The request was for documents ‘in relation to’ the ED visit, which is not limited to documents produced while the son was in the ED, it would extend to documents created later than the ED visit, if they related to the ED visit. Although the redacted part of the released information relates to a social work assessment undertaken under the ED visit, it would be open to VCAT to infer that the assessment made 7.5 hours after the ED visit would include information about the ED visit.

On its proper construction, the terms of the FOI request is not limited in the way contended by the respondent and the disputed document is within scope of the request. VCAT has jurisdiction to hear and determine the matter.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Battin v Victoria Police [2026] VCAT 586

By way of background, in 2019 the Victoria Police Enterprise Bargaining Agreement (EBA) was being negotiated. One of the proposals was to move to a 9x9 roster (members would work 9 hour shifts across a nine-day fortnight) (9x9 proposal). The negotiations progressed with approval of the Budget and Finance Committee of Cabinet. There was a dedicated Project Team which considered the implications of the 9x9 proposal. Ultimately, the proposal was never implemented.

The Applicant requested reports, ministerial briefings, deeds and any advice received in relation to the 9x9 proposal. The Agency did not make a decision in time and the matter went to VCAT on a deemed refusal. The Agency later identified 17 documents, released 5 in part and denied access to 12 in full. By the time of hearing 8 documents were in dispute.

Document 1 – Final draft report relating to 9x9 proposal

The Agency submitted that this document was exempt under 30(1). The report was prepared by the Project Team to report to the Steering Committee to identify measures that would enable the effective implementation of the proposal. The report was never put before the steering committee.

DP Proctor decided that some further information could be released.

- Specific position types on page 29 because it was about a proposal aimed at reassessing labour between members and civilians, an issue which is ongoing.
- A redaction about station clusters because it was clear from the text that it was a proposal and it was not established that disclosure would be contrary to public interest.

Docs 2, 3 and 4 – Ministerial briefings

DP Proctor accepted Agency evidence and found that these were exempt under 28(1)(ba).

Docs 9 and 10 – Speaking notes

DP Proctor accepted Agency evidence and found that these were exempt under 28(1)(b).

Doc 15 – feedback from internal stakeholders about 9x9 proposal

The agency gave evidence that the document was prepared by the Project Team and summarises feedback from internal stakeholders and members concerning the potential impact of the proposal. The evidence was that the feedback was provided on the basis it was to be used by the Project Team and Steering Committee for the purposes of the project and that it was not intended for release. Members contributing feedback would have believed the content would remain confidential and disclosure would undermine confidence of members providing feedback in the future.

DP Proctor found that the document was exempt under 35(1)(b).

Doc 16 – Gender impact statement about the proposal

The Agency submitted the document was exempt under sections 30 and 35(1)(b). The evidence was that the assessment was undertaken for the internal working purpose of informing considerations of the Project Team and Steering Committee. It included summaries of feedback from members of employee networks. The agency submitted that the feedback was provided on the basis that feedback was for internal use and never intended for public release. The representatives of the networks emphasised that the feedback should not be taken as representative of a cohort.

DP Proctor found that the document was exempt under 35(1)(b).

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Draper v Victoria Police [2026] VCAT 600

In January 2023, the Applicant made an FOI request for:

1. His LEAP person history report; and
2. An audit for his LEAP profile

The Agency refused this request under section 24A on the basis that parts of the request were the same as a request made in October 2021. The October 2021 request was for:

1. His LEAP person history report;
2. LEAP incident reports recorded in his LEAP profile

3. An audit for his LEAP profile

The Agency refused this decision under section 25A. VCAT affirmed this decision in 2023.

It should also be noted that there were two other, similar FOI requests subsequently made. The third request was refused under 25A, VCAT set aside that decision. The fourth request was also refused under 25A and is currently the subject of proceedings in VCAT.

The Agency refused the Jan 2023 request on the basis that it was the same as the Oct 2021 request. The Applicant sought review at OVIC which agreed with the Agency's decision. The Applicant then sought review at VCAT.

The Agency submitted that VCAT should refuse to review the decision because the request was for the same document or information as the first access request which had been the subject of full consideration in *Draper v Victoria Police* (Review and Regulation) [2023] VCAT 114. The omission of one part of the request did not make a material difference to the processing time and voluminous nature of the request and the purpose of making the request was the same as the purpose of making the first request.

SM Cohen considered the interpretation of section 50(6) which allows it to refuse to review a decision if it is satisfied that it has previously reviewed a decision to refuse access to the same document or same information. SM considered that the wording of access requests does not need to be identical and the question is whether they are substantively the same. SM Cohen found that both requests seek access to substantively the same document or same information.

SM Cohen then found VCAT should refuse to review the decision of OVIC because the primary reason for the second access request was an attempt to have VCAT review the 2023 VCAT decision. SM Cohen also noted that OVIC's decision on the matter had been the correct and preferable one. The orders were to refuse to review the decision under section 50(6) FOI Act.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Smeaton v Victorian Ombudsman [2026] VCAT 501

The Applicant had made many complaints to the Victorian Ombudsman (**VO**) and requested documents relating to their complaints for the purposes of making a claim to Integrity Oversight Victoria. VO provided the applicants with a summary of the complaints they had made and advised them to make an FOI request for documents. The Applicant then made an FOI request for complaints submitted to VO about WorkSafe and responses from to VO related to each complaint. VO refused to release the requested documents relying on section 29A of the *Ombudsman Act* which states that the FOI Act does not apply to documents to the extent the documents disclose information that relates to a complaint, enquiry, recommendation or report under the Ombudsman Act.

The Applicant sought review at OVIC, then went to VCAT on OVIC's deemed refusal. The Agency then made an application for summary dismissal under section 75 VCAT Act.

Member Fleming first considered whether VCAT had jurisdiction to hear the matter. Member Fleming found that VCAT did have jurisdiction based on the previous decisions of *Luck v IBAC* [2013] VCAT 1805 and *Risson v IBAC* [2014] VCAT 742 which considered similar provisions, finding that the decision under consideration is a decision of an officer of an agency as specific in the FOI Act and engages section 48 of the VCAT Act and s 50(1) of the FOI Act.

Member Fleming also found that the earlier informal release by the Agency did not mean that VO had waived their rights to rely on s 29A Ombudsman Act, and that their choice to release documents informally was not inconsistent with the Ombudsman's response to FOI requests.

Member Fleming then considered whether to summarily dismiss the matter. Given that the information sought was clearly precluded from release by section 29A, the matter was clearly doomed to fail. The application was summarily dismissed.

[Read the full VCAT decision on the AustLII website \[external link\].](#)

Colbert v Department of Energy, Environment and Climate Action [2026]
VCAT 651

The Applicant is a member of the West Wimmera Action Group (WWAG), being a leader of the Dingo Focus Group (DFG) within that entity. In August 2025, he made an FOI request to the Agency for Authority to Control Wildlife (ATCW) Applications. He later narrowed the scope of the request to one ATCW lodged by Mr Alan Bennett. When he narrowed the scope, he included an email from Mr Bennett which said that he consented to the release of information and that the Applicant was acting on his behalf.

The Agency did not make its decision in time and the Applicant applied to VCAT on their deemed refusal. The Agency latterly made a decision and the Applicant applied to VCAT for its review to extend to that decision. The Agency applied for summary dismissal for want of jurisdiction as it was their view that the FOI request was not made by the Applicant, but as an agent for Mr Bennett or alternatively for WWAG, such that he had no standing to apply to VCAT.

The Agency submitted that this was the case because the Applicant had used the WWAG's letterhead, signed off correspondence with references to his role at WWAG, and the fact that Mr Bennett had said that the Applicant was acting on his behalf.

Member Slater found on the facts that WWAG was not the FOI Applicant. This was on the basis that the Applicant was interested in the information and documents and acting on his own behalf in making the FOI request. In numerous times during correspondence, he used his personal details and referred to himself in the first person. Additionally, the Agency did not query the identity of the Applicant.

Member Slater then found that the Agency had not established that the Applicant been displaced as the applicant by Mr Bennett. There was no statement by which the Applicant withdrew his request, nor that the Agency recorded its decision as made in reliance on a representation that the applicant was a person other than the Applicant.

Having found that the Applicant was the applicant, Member Slater dismissed

the Agency's application for summary dismissal.

[Read the full VCAT decision on the AustLII website \[external link\].](#)
