

Freedom of Information Making a request

Factsheet

The *Freedom of Information Act 1982* (the Act) provides a right to access documents held by ministers and state government departments. The Department of Health and Human Services (the department) holds documents, such as child protection and housing files, that contain information about people who are (or have been) clients of the department. The department also holds some patient files from closed hospitals and psychiatric/mental health institutions, as well as some investigation files regarding communicable diseases.

How to make a request to access personal documents

- contact the Freedom of Information unit on (03) 9096 8449 or 1300 650 172 to have an application pack sent to you; or
- apply online at www.foi.vic.gov.au; or
- write to the Freedom of Information unit at the address provided below. Your letter should clearly describe the documents you are seeking. You will need to include your personal details (full name, address and date of birth), the application fee (or you may request the application fee to be waived by providing a statement of how payment of the fee would cause you hardship, if applicable) and certified proof of your identity, such as a certified copy of photo identification. If you do not have photo identification, certified copies of two other documents that show your identity may be provided. If you require further information, a Certified ID fact sheet is available upon request.

Applications should be sent to:

Freedom of Information unit
Department of Health and Human Services
GPO Box 4057
Melbourne Victoria 3001

What documents can you have access to under the Act?

You have the right to apply for access to documents held by the department including:

- documents relating to your own personal affairs regardless of the age of the documents
- documents of a non-personal nature that were created since 5 July 1978.

Examples of personal affairs documents held by the department include:

- ward of the state and child protection client files
- disability services client files
- public housing loan and tenancy files
- psychiatric patient files
- patient files from some closed hospitals

- documents relating to some communicable disease investigations.

Examples of non-personal documents held by the department include:

- briefings and correspondence
- policy documents
- documents relating to expenditure.

Can I be refused access to any of the documents I have requested?

The Act provides that access to certain information may be refused in certain circumstances. For further information, a Freedom of Information Exemptions fact sheet is available upon request.

Application fee

An application fee of \$27.90 (as a cheque or money order made payable to the Department of Health and Human Services) is payable and must be sent with your request unless the department has agreed to waive the application fee. For further information, a Fees and Charges fact sheet is available upon request.

Are there other charges that might apply to your freedom of information request?

The Act provides for the department to charge (where reasonable) for access to documents. Further details can be found in the Fees and Charges fact sheet.

Correction of personal information

If the department holds personal information about you, you have the right to request that it be amended if you believe it to be inaccurate, incomplete, out of date, or misleading. A request for amendment must be made in writing, detailing why the information is considered incorrect. A decision relating to a request to amend personal records must be made within 30 days of receipt of the request.

Timeline for processing freedom of information requests

The Act requires the department to respond to your application with a notice of decision no later than 45 days from the date of receipt of a valid request.

Any outstanding access charges are generally payable before documents can be released to you. You will be advised if this is the case. Further information is contained in the Fees and Charges fact sheet.

If the department does not provide a decision within 45 days of receipt of a valid request, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) on the grounds of a 'deemed refusal'.

Reviewing a decision

If you are not satisfied with the department's decision, you have the right to seek a review of this decision from the Freedom of Information Commissioner (the Commissioner).

The Commissioner can review the following decisions:

- refusal to grant access to documents or parts of documents
- deferral of access to documents
- amendments of personal records
- refusal to waive an application fee.

Requests for review must be made in writing within 28 days of receipt of the department's decision. Contact details and review application forms are on the Commissioner's website: www.foicommisioner.vic.gov.au

Decisions of the Commissioner are reviewable by VCAT. If you wish to seek a review your application must be lodged with VCAT within 60 days of the date of receipt of the Commissioner's decision.

In addition to requests for review, the Commissioner can also receive complaints about the processing of freedom of information requests. Complaint application forms can be found on the Commissioner's website.

Need more information?

For more information on making a freedom of information request, please call (03) 9096 8449 or 1300 650 172.

Your privacy

The Department of Health and Human Services (the department) is committed to protecting your privacy. We collect and handle personal information in a Freedom of Information application for the purposes of processing the application.

For more information on the department's privacy collection statement, please refer to the following websites: www.dhs.vic.gov.au/privacy and www.health.vic.gov.au/privacy

To receive this publication in an accessible format phone (03) 9096 8449, using the National Relay Service 13 36 77 if required, or email foi@dhhs.vic.gov.au

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