

Freedom of Information

Rights to Access Documents

The Western Australian Freedom of Information Act 1992 (FOI Act 1992) gives applicants the right to documents held by the Shire of Christmas Island subject to some limitations. An applicant's right to seek access is not to be affected by their reason for wishing to obtain access, and there is no need to demonstrate a reason.

The Shire is required to:

- Assist in making an application
 - Assist in obtaining access to documents at a reasonable cost and;
 - Ensure that personal information captured in documents is accurate, complete, up to date and not misleading.
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- While the Act provides a general right of access to documents, documents are protected from disclosure because their release would have an adverse effect on the private and business interests of individuals, or would hinder the proper functioning of government. The kinds of documents that may be protected from disclosure are those documents that meet the exemption criteria in Schedule 1 of the FOI Act 1992, which includes (but is not limited to):
 - Personal information that identifies a third party
 - Information concerning trade secrets
 - Information of commercial value

Applying to access documents

- Apply in writing to the Freedom of Information (FOI) co-ordinator (our application form may assist you to make your application) –
- Identify or describe the documents you want. If you ask for “everything” on a particular subject, the FOI Co-ordinator may help you narrow the scope of your application to ensure that the work involved is reasonable. Otherwise an agency may refuse to deal with your application.
- Give an address in Australia where notices can be sent. If possible, include your telephone number/fax/email address as this will help the FOI Co-ordinator to contact you if necessary to assist with your application being dealt with efficiently.
- Lodge your application with the Shire with any applicable fee payable.

Download a copy of the [Shire of Christmas Island's Freedom of Information Statement](#) and [application form](#).

Applying to amend personal information

- Apply in writing to the Freedom of Information (FOI) Co-ordinator.
- Provide details to show how or why the agency's records are inaccurate, incomplete, out of date or misleading;
- There is no fee to make an application for amendment of personal information.

FOI Applications can be lodged by mail or email to:

Freedom of Information Co-ordinator
Shire of Christmas Island
PO Box 863
Christmas Island WA 6798

Email: admin@shire.gov.cx

Time Limits

Once the Shire has received a valid application, it is required to provide a Notice of Decision within 45 calendar days. The Shire aims to respond as soon as practicable to any application and will negotiate with the applicant on an extension to the 45 day limit should the application be unusually large or require consultation with a significant number of third parties.

Should the applicant not be satisfied with the decision provided in the Notice of Decision, they have 30 days in which to lodge an Internal Review application. Once the Internal Review application has been received, the Shire has 15 days in which to respond.

Should the applicant still not be satisfied with the outcome of the Internal Review, there is a 60 day period in which to lodge an External Review application with the Information Commissioner. Although the Act refers to 30 days, there is a qualifier - unless it is impractical to do so. Impractical and external reviews, generally take much longer than 30 days.

Charges

No application fee or charges apply if you are seeking personal information that is just about you.

Applications for documents that are not just about you are called non-personal applications and require a \$30 application fee to make a valid application. There may be other charges imposed to cover the administration costs associated with locating documents within the scope of your request.

You can ask the Shire for an estimate of charges when lodging an application. If the charges are likely to exceed the application fee we must give you an estimate of charges and ask whether you want to proceed with the application. You must notify the Shire (within 30 days) of your intention to proceed. In some instances, the Shire may request an advance deposit. The fees, charges, deposits, and possible reductions are set by the FOI Act and Regulations are listed in full in the FOI statement.

The Office of the information Commissioner has produced some guides that may assist you. www.oic.wa.gov.au

- *What documents can I ask for?*
- *Requirements for a valid access application.*
- *Steps for access applicants.*
- *How much does it cost?*
- *What if the agency says it doesn't have the documents ?*
- *Can the agency refuse to deal with my application?*
- *What if the agency delays making a decision?*
- *Review of agency decisions.*
- *What is personal information?*
- *How long should it take to deal with an access application.*
- *Amendment of personal information.*

These links may work as an electronic document but if this is printed they may not be much help. For further information regarding Freedom of Information visit www.oic.wa.gov.au