

HR-PRO-010 INFORMATION STATEMENT

Freedom of Information Act 1992

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1 Purpose

This Information Statement - Freedom of Information is to ensure compliance with the requirements of the *Freedom of Information Act 1992 (WA)*, (**FOI Act**), Sections 94 to 97.

Mid West Ports Authority (**MWPA**) under the Act is required to an Information Statement that includes:

- A statement of structure and functions of the agency;
- A description of the kinds of documents that are usually held by the agency; and
- Freedom of Information (**FOI**) procedures.

The procedure details the roles and responsibilities of MWPA Directors, Staff Members and Contractors in relation to the search for, identification and provision of information in order to administer an FOI Application.

2 Objective

The objective of this procedure is to ensure that all MWPA Directors, Staff Members and Contractors are aware of their responsibilities to aid MWPA's designated FOI Officer process an FOI Application.

3 Scope

This procedure applies to all MWPA Directors, Staff Members and Contractors

4 Duties and Responsibilities

FOI Officer	<p>General Counsel is MPWA's designated FOI Officer.</p> <p>The FOI Officer provides oversight of the FOI process and sign off for all FOI correspondence between MWPA and the Applicant.</p> <p>In the absence of the General Counsel, FOI applications are assigned to the General Manager Sustainability, Culture and People.</p>
General Counsel	<ol style="list-style-type: none"> 1. Investigate and source information within the scope of an FOI Application received by MWPA. 2. Liaise with MWPA Staff Members in the search for, identification and provision of information sought within the scope of an FOI Application; 3. Drafts all correspondence between MWPA and the Applicant in relation to an FOI Application.
MWPA Directors, Staff Members and Contractors	<p>On request MWPA Directors, Staff Members and Contractors must aid in the search for, identification and provision of information requested within the scope of an FOI Application.</p>

5 Definitions

Applicant (as defined within the FOI Act)	<i>Means the person by whom or on whose behalf an access application has been made.</i>
Document (as defined within the FOI Act)	Document means: <i>(a) any record; or</i> <i>(b) any part of a record; or</i> <i>(c) any copy, reproduction or duplicate of a record; or</i> <i>(d) any part of a copy, reproduction or duplicate of a record.</i>
FOI Officer	MPWA's General Counsel
Record (as defined within the FOI Act) <i>Note: Record is also defined within the State Records Act 2000</i>	<i>Record means any record of information however recorded and includes the following:</i> <i>a) any paper or other material, including affixed papers on which there is writing;</i> <i>b) any map, plan, diagram or graph;</i> <i>c) any drawing, pictorial or graphic work, or photograph;</i> <i>d) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;</i> <i>e) any article or material from which sounds, images or writing can be reproduced whether or not with the aid of some other article or device; and</i> <i>f) any article on which information has been stored or recorded, either mechanically, magnetically or electronically.</i>

6 Legislative Requirements

6.1 FREEDOM OF INFORMATION ACT 1992 (WA)

The objectives of the Act are achieved by:

- a) "creating a general right of access to State and local government documents;*
- and*
- b) providing means to ensure that personal information held by State and local governments is accurate, complete, up to date and not misleading; and*
- c) requiring that certain documents concerning State and local government operations be made available to the public."*¹

The FOI Act requires to MWPA to:

- d) "(a) assist the public to obtain access to documents; and*

¹ Section 3 of the FOI Act 1992

*e) (b) allow access to documents to be obtained promptly and at the lowest reasonable cost”.*²

6.2 RECORDS MANAGEMENT

In accordance with the *State Records Act 2000 (SR Act)*, MWPA maintains a Record Keeping Plan (QTY-PLN-002) setting out the matters about which records are to be created by MWPA and how records are kept and stored.

MWPA’s Records Management Policy, together with the Record Keeping Plan and other supporting documents, require that complete, reliable and accurate records are accessible for as long as required for operational, accountability and compliance purposes.

6.3 CORPORATE INFORMATION

Corporate Data is defined as **any and all records**³ created by, and or, in the possession of, any MWPA Director, Staff Member or Contractor.

Information (Corporate Data) requested through an FOI Application may be in the form of a physical or electronic copy of a document, an email (sent or received), meeting notes, a Power Point presentation or as otherwise described within the FOI Act and SR Act.

7 Freedom of Information Application Process

7.1 FOI OPERATIONS

It is MWPA’s aim to make information available promptly and at the least possible cost, and, whenever possible, documents will be provided outside the FOI process. The MWPA enables public access to information and publications, including annual reports, via its website. Hardcopy publications are available and on display at the Administration Office.

If information is not routinely available, the FOI Act provides the right to apply for documents held by the MWPA subject to certain exceptions relating to for example personal information (not personal to the person seeking the information) and information that is commercial-in-confidence.

7.2 FOI APPLICATIONS

Access applications must be in writing and can be made using the Freedom of Information Application Form (HR-PRO-010 FRM01). Applications must:

- Include the full name of the person requesting the information;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable.

Applications and enquiries should be addressed to the Freedom of Information Officer, on (08) 9964 0518 or by post at PO Box 1856, Geraldton, 6531.

² Section 4 of the *FOI Act 1992*

³ As defined within the *FOI Act* and the *SR Act*

Applications will be acknowledged in writing and you will be notified of the decision within 45 days.

7.3 PERSONAL INFORMATION

An individual (or close relative of a deceased person) has the right to apply to have the information to that person amended if the information is inaccurate, incomplete, misleading or out of date.

7.4 SOURCING AND STORAGE OF INFORMATION REQUESTED

7.4.1 Sourcing

On request, all MWPA Directors, Staff Members or Contractors are required to aid in the search for, identification and provision of information requested within the scope of an FOI Application.

If a Director, Staff Member or Contractor is unable to aid in the search for Information, the FOI Officer, or their delegate, will undertake the search for information. Assistance from the Information Services Team may also be requested to aid in accessing and searching a Staff Member's or Contractor's computer/laptop or email database.

Prior to undertaking a search of this kind, information will be provided to the Staff Member or Contractor as to:

- the aim and scope (limitations) of the search;
- how the search will be undertaken; and
- who will undertake the search.

The Staff Member's or Contractor's General Manager will be notified of the FOI Application at the same time the Staff Member is advised.

7.4.2 Storage

Information obtained in response to an FOI Application is retained in Objective in a folder accessible only by the FOI Officer/General Counsel. All information will be retained in accordance with MWPA's recordkeeping procedures.

If a MWPA Staff Member has concerns regarding the search for information, after the above information has been provided, they should contact the FOI Officer within 48 hours of being so advised and discuss the matter further prior to the search commencing.

7.5 RELEASE OF INFORMATION

The release of information to the Applicant will only take place once MWPA is satisfied it has acted in accordance with the FOI Act and that:

- all allowable redactions to personal information and exempt matter has taken place;
- any third party or Government Agencies identified within the information have been consulted; and
- the Applicant has paid any charges associated with the Application.

7.6 FREEDOM OF INFORMATION CHARGES

Charges apply to all information that is not personal information about the applicant. The charges are as follows:

Personal information about the applicant	No Fee
Application fee (for non-personal information)	\$30.00
Charge for time dealing with the application (per hour, or pro rata)	\$30.00

Access time supervised by staff (per hour, or pro rata)	\$30.00
Photocopying staff time (per hour, or pro rata)	\$30.00
Per photocopy	\$ 0.20
Transcribing from tape, film or computer (per hour, or pro rata)	\$30.00
Duplicating a tape, film or computer information	Actual Cost
Delivery, packaging and postage	Actual Cost

7.7 DEPOSITS

Advance deposit may be required of the estimated charges. 25%

Further advance deposit may be required to meet the charges for dealing with the application. 75%

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25% once a prescribed concession card is sighted.

7.8 ACCESS ARRANGEMENTS

Access to documents can be granted by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recording, shorthand or encoded document from which words can be reproduced.

7.9 NOTICE OF DECISION

A Notice of decision will be provided within 45 days a notice of decision will be provided which will include details such as:

- the date which the decision was made;
- the name and the designation of the officer who made the decision;
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document;
- information on the right to review and the procedures to be followed to exercise those rights.
- whether access is granted, granted on an edited basis or refused; and
- if access is refused or granted on an edited basis, the reason for the refusal or editing;

7.10 REFUSAL OF ACCESS

Applicants who are dissatisfied with a decision of the agency are entitled to ask for an internal review by MWPA. Application should be made in writing within 30 days of receiving the Notice of Decision.

The Applicant for review will be notified of the outcome of the review within 15 days.

If the Applicant disagrees with the result that person can apply to the Information Commissioner for an external review, and details would be advised to applicants when the internal review decision is issued.

8 FOI Record Keeping / Communication

MWPA captures all internal and external communication regarding and FOI Application in accordance with MWPA's Recordkeeping Plan.

9 Associated Documents

Document	Title
Policy 05	Records Management Policy
QTY-PLN-002	Record Keeping Plan
HR-PRO-010 FRM01	Freedom of Information Application Form

Location - Mid West Ports Intranet – [Document Centre](#)

10 References

Act or Reg	Description
Freedom of Information Act 1992 (WA)	Sections 94 to 97
State Records Act 2000 (WA)	

Location: Western Australian - <https://www.legislation.wa.gov.au/>

11 Monitoring, Evaluation and Review

This document is required to be reviewed every **two years** from the last scheduled review date.

Minor updates made within this two year period, will not be taken as a *full review*.

The Document Custodian is responsible for conducting the review in accordance with **QMS-WI-001 Controlled Documents Review and Approval Process**.

12 Administration

Document Custodian:	HR Manager
Document Approver:	General Counsel
Approval Date:	23 November 2020
Document Review Period:	2 yrs