

## FREEDOM OF INFORMATION

### ACCESSING AND AMENDING DOCUMENTS

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#### USEFUL CONTACTS

VLA Freedom of Information Officer	<a href="mailto:Uaa@vla.vic.gov.au">Uaa@vla.vic.gov.au</a> or 9269 0234
Freedom of Information On-line	<a href="http://www.foi.vic.gov.au">www.foi.vic.gov.au</a>
<i>Freedom of Information Act</i> (Vic) 1982	Victorian Legislation and Parliamentary documents - <a href="http://www.dms.dpc.vic.gov.au">www.dms.dpc.vic.gov.au</a>

#### INTRODUCTION TO FREEDOM OF INFORMATION

If you wish to access documents held by Victoria Legal Aid (VLA) or you want to ask that we change the personal information that we hold about you, you can do so using Freedom of Information (FOI).

Under the *Freedom of Information Act* 1982 (Vic) you have the right to:

- ask for access to documents held by VLA
- ask for changes be made to your personal information which is held on file by VLA.

For example:

We get requests from many people including past clients who want to access documents about themselves. They may wish to change some of their personal information that they think is wrong or out of date. A common freedom of information request we get is for documents about an unsuccessful application for a grant of legal aid.

#### ACCESSING DOCUMENTS

##### What documents can I access?

You can get copies of any documents from VLA if:

- the documents are not already publicly available (for example in a library or on a public register)
- the document is not considered an 'exempt' document.

### **What is a document?**

In FOI, a document may be:

- A book, map, plan, graph or drawing
- A photograph
- A multimedia material capable of recording sound and/or images
- A document that is printed (in electronic or written format).

### **Which documents can't I access?**

You cannot have access to exempt documents. 'Exempt' means that the document is not covered by the Freedom of Information Act. Either the whole document or parts of it may be exempt. You can ask for these documents but we may not give them to you or we may delete the information in the document, which is exempt.

### **Exempt' documents include:**

- some Victoria Legal Aid **internal working documents**, if we think releasing them is against the public interest;
- **law enforcement documents** that may, if we release them, prejudice the proper administration of the law or the conduct of a fair trial;
- documents covered by **legal professional privilege**, such as legal advice (unless the client says it's okay);
- documents with **personal information** about other people;
- documents with information given **to VLA in confidence**;
- documents with information given to a VLA when carrying out a business, commercial or financial transaction;
- documents which are covered by **secrecy provisions** in other legislation.

### **What about my case file?**

A case file is one that has information about your legal matter. As it generally has information discussed between you and your legal aid lawyer, it means that you may

not have to go through FOI to get these documents. If you are unsure, you should ask your lawyer or the VLA Freedom of Information Officer.

To get copies of documents in your case file you need to:

1. name the specific documents you want;
2. contact your legal aid representative to talk about your request; and
3. if you are unsure who your representative is, contact the Freedom of Information Officer.

Addresses for all VLA offices can be found at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

## THE FOI APPLICATION PROCESS

### What do I need to do to get access to documents?

First, you need to contact the FOI Officer. They will:

- Take your request and decide if you can have the documents through FOI.
- Find the information and documents you have asked for.
- Tell you that you can have the decision reviewed if you are not happy with it. For example, if you do not get the documents you have asked for.

You should also remember this important information:

#### **You must write to us**

If you would like copies of documents through FOI, you must write to the FOI officer to ask for them. You can't ask by speaking to VLA staff or the FOI officer.

#### **Application fee**

FOI requests cost \$22.00. You may also have to pay for photocopying (20c per page) or for searching (\$20 per hour). You can send a cheque or money order. Do not send cash in the mail.

### What if I can't afford it?

If you are on a low income and cannot afford to pay for the FOI application, you should speak to the FOI officer before you send in your request. We will most likely ask you to provide evidence to show us your low earnings.

### STEP 1: Tell us the documents you want

Because VLA has so much information and so many documents, it is important that you think carefully about the specific documents that you would like. The more information you can provide to us, the quicker we will be able to respond to you.

## **STEP 2: Write to us and pay your \$22.00 application fee**

All FOI requests must be in writing and either typed or hand written. You cannot ask for documents over the phone, by speaking to a VLA staff member at their office or by speaking with the FOI officer.

There are three ways you can write to us:

<b>By post:</b>	<b>By e-mail:</b>	<b>By fax:</b>
<p><i>The FOI Officer</i></p> <p>Victoria Legal Aid 350 Queen Street MELBOURNE VIC 3000</p>	<p><a href="mailto:Ua@a@vla.vic.gov.au">Ua@a@vla.vic.gov.au</a></p> <p>(We will start working on your request when you have paid the \$22.00 fee)</p>	<p>03 9269 0381</p> <p>(We will start working on your request when you have paid the \$22.00 fee)</p>

When you pay your application fee, it is very important that you do not put cash in the post. You should either send a cheque or money order made out to 'Victoria Legal Aid', or you can pay by cash at the VLA office closest to you (see our web site for office locations). If you can't pay these fees you should discuss this with the FOI officer before you send in your application.

## **STEP 3: The FOI officer will work on your request**

Once we get your request and you have paid the application fee, we will send you a letter or e-mail advising you that we are working on your request.

If the FOI officer can work out what documents you want, we will let you know the outcome within 45 days. If the FOI officer has trouble understanding what you want or if there is a problem they will contact you to speak to you about it.

Although we can contact you to talk about your request, it is important to know that you cannot change your request over the phone. If you want to change your request you will need to write to us again. You don't have to pay the application fee again.

## **Problems with FOI requests**

There may be delays in responding to your application if you ask for:

- documents we don't have
- documents that are publicly available, for example in a public library or register
- 'exempt' documents
- a large number of documents that would take a long time to organise

- documents that we have already said you cannot have.

## **WHAT IF I AM NOT HAPPY WITH VLA'S DECISION?**

If you are not happy with the outcome of your FOI request, you can ask for an internal review. This means a senior person at VLA (other than the FOI officer) will look at your request again and they may decide something different to the FOI Officer.

You only have **28 days from the date you received our decision** to ask for internal review. If you would like an internal review you must write to us to tell us this.

We will let you know the outcome of the review within **14 days** of receiving your written request for a review.

If we do not get back to you within 14 days, or if you are not happy with the outcome of the review, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the original decision. You need to apply to VCAT within **60 days** of when we first sent you our decision to your original application.

## **CHANGING YOUR PERSONAL RECORDS**

We do our best to make sure our records are accurate, but sometimes there may be mistakes in the documents or information we hold about you. You can ask to have this information corrected if it is wrong, incomplete, out of date, or would give a misleading impression.

It doesn't cost anything to change this information.

### **What do I need to do?**

You can ask for your information to be changed by:

- writing to us (include an address so we can write back to you)
- tell us what you think is not correct
- tell us the changes you would like us to make

### **What will VLA do once we get your request?**

Once we get your request we will send you a letter or e-mail letting you know we have received it. We will then let you know the outcome of your request, and any changes we have made, within **30 days**.

### **What if I am not happy with the changes?**

If you are not happy with the changes we have made, then you can ask for an internal review. This means a senior person at VLA (other than the FOI officer) will look at your request and may decide something different to the FOI Officer.

You have **28 days** from the date you received our decision, to write to us and ask for a review. We will then let you know we have received your application and we will do an internal review of your original application.

We will let you know the outcome within **14 days** of receiving your application for review.

If we do not get back to you within 14 days, or if you are not happy with the outcome of the review, you have a right to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review of the original decision.

You need to apply to VCAT within **60 days** of when we first sent you our decision to your original application.

## **MORE INFORMATION**

Freedom of Information Online – [www.foi.vic.gov.au](http://www.foi.vic.gov.au)

VLA Freedom of Information Officer – [foia@vla.vic.gov.au](mailto:foia@vla.vic.gov.au) / 03 9269 0539

## THE FOI TIME LINE

