



16 August 2024

Ben Fairless

By email: [foi+request-11877-026020f6@righttoknow.org.au](mailto:foi+request-11877-026020f6@righttoknow.org.au)

Dear Ben,

### **Freedom of Information Request – FOI 24 10713 - Acknowledgment**

Thank you for your request received 13 August 2024 , in which you are seeking access to documents under the [Freedom of Information Act 1982 \(Vic.\) \(the FOI Act\)](#).

In order to be valid under Section 17 of the Act, a request must satisfy three criteria:

- 1) The request must be in writing.
- 2) The request must be accompanied by the necessary application fee; *and*
- 3) The request must be sufficiently clear to enable us to undertake a search for relevant documents.

### **IN WRITING**

Your request clearly meets the first criterion.

### **FOI APPLICATION FEE (AUD \$32.70 effective from 1 July 2024)**

In order to meet the second criterion, the fee can be paid by credit card online at <https://ecommerce.unimelb.edu.au/foi-application-fee>.

If you are unable to pay the fee on the basis of hardship, please state your reasons in writing and provide any evidence that you believe supports your claim (e.g. health care card, pensioner card). You will be informed as to whether your hardship claim is accepted or not.

### **SUFFICIENTLY CLEAR TERMS**

The third criterion requires us to determine whether your request is sufficiently clear to enable us to undertake searches for the relevant documents. When making your request you should be clear and specific about the documents you are requesting access to, including as much information as possible including estimated date range, location within the University or any other context that might assist us to locate documents.

Once we have had an opportunity to consider your request in detail, we may need to contact you for further clarification of the terms of your request.

You should also note that FOI requests under the Act must be for documents which are in the possession of the University and does not cover the generation of new information at the request of applicants.

## **PROCESS AND TIMEFRAMES**

To assist you in understanding the FOI legislation, in particular the applicable statutory timeframes once a request is valid, I have outlined an explanation of some of the sections of the FOI Act below.

### a) Decision Making

When the relevant documents have been identified they will then be assessed, and a variety of exemptions will be considered. The main exemptions are:

1. Law enforcement documents.
2. Some internal working documents.
3. Documents attracting legal professional privilege, such as legal advice.
4. Documents affecting personal privacy.
5. Material obtained in confidence (but not business, commercial or financial information); and
6. Documents relating to trade secrets (both of University and external entities).

After the University's consideration of the exemptions under the Act, it could be that some of the relevant documentation requested cannot be provided to you.

### b) Third Parties

Under the Act there are a variety of timeframes applicable to different steps in the process. If practicable to do so, the University has an obligation to consult with third parties whose personal affairs information is contained in a document being considered for release through the Act.

Under section 33(9) of the Act, "*information relating to the personal affairs of any person*" includes information that identifies any person or discloses their address or location; or from which any person's identity, address or location can reasonably be determined.

Where consultations are necessary, the legislative timeframe may be extended by 15 days.

Personal affairs information may be exempted if it is considered unreasonable to release.

If a decision is made to release any personal affairs information within the documents (such as a person's name) and affected individuals do not provide consent to the release, section 33(3) of the Act requires that affected third parties be provided with 60 days in which to appeal the decision to the Victorian Civil and Administrative Tribunal (**VCAT**). Although a decision may be made to release the material, it must be withheld for 60 days pending the expiry of the appeal period.

If you are not seeking access to this type of material, then please advise me and the information will be removed from the pages as 'irrelevant material' before being provided to you.

Businesses and commercial entities are also entitled to appeal decisions. If the documents you are requesting contain business, commercial or financial information, consultation must be conducted in accordance with section 34 of the Act. Consultation is required to gain the views of each entity regarding any commercial disadvantage which might occur if the information was to be released.

If an entity objects to the release of the information and the University makes a decision to disclose, the entity then has the right to refer the matter to VCAT for review and has 60 days to do so. Until the 60 days expires, and it is determined that there have not been any appeals lodged, the documents cannot be provided to the FOI applicant.

Should consultation be required, and the legislative timeframe be extended by 15 days, you will be notified of this in writing.

c) Removal of Exempt or Irrelevant Material

Section 25 of the Act provides that exempt and irrelevant material may be deleted (usually referred to as a redaction) from documents provided to the applicant if:

- i. *It is practicable to do so, and*
- ii. *The applicant indicates that they want access to such documents (i.e. with the necessary redactions).*

Please advise me if you are willing to accept documents with exempt and irrelevant material deleted, or whether you insist on receiving unedited documents.

d) Access Charges

Under section 22 of the FOI Act and under the *Freedom of Information (Access Charges) Regulations 2014*, access charges are applicable to FOI requests. Access charges are the costs associated with obtaining the information you have requested and are in addition to the application fee. You will be advised of access charges when your request has been processed. These costs must be paid before the information is released.

Under section 22(4) of the FOI Act, if it is estimated that the charges may exceed AUD\$50.00, a deposit of AUD\$25.00 is required (if the calculated charge does not exceed AUD\$100.00) before the request is further processed. If the calculated amount will exceed AUD\$100.00, the required deposit amount is 50% of the estimated charge.

We will write to you and inform you if a deposit toward the access charges is required, an invoice with payment instructions will be included. If you do not wish to proceed with your application, you must notify us for the invoice to be withdrawn.

A summary of the charges is as follows:

<b>SERVICE CHARGED FOR</b>	<b>SERVICE DESCRIPTION</b>	<b>CHARGE</b>
Search Fees	If the request relates to a document other than a document in relation to which a charge is applicable under item 7—a charge in respect of the search time.	AUD\$24.50 per hour or part thereof
Providing a written document not available in a discrete form and the agency could produce a written document by:	(a) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or  (b) making a transcript from a sound recording held in the agency—a charge in respect of providing a written document	The reasonable costs incurred by the agency in providing the copy.

### What you need to do

Please pay the application fee of **\$32.70** using the payment method outlined above or provide evidence of hardship for a fee waiver or reduction by Friday 6 September 2024. If you have any questions about the application fee or requesting a fee waiver or reduction, please contact us.

If we do not hear from you by this date, we may close your request without processing it. If we close your request without processing it, you will need to make a new request if you wish to access the document[s].

If you have any questions, please contact the FOI Team at [FOI-Officer@unimelb.edu.au](mailto:FOI-Officer@unimelb.edu.au) and quote FOI 24 10713.

For further information, including documents covered by the Act, visit <http://go.unimelb.edu.au/9sfr>.

Kind regards,

FOI Team