# Freedom of information request form

Under the *Freedom of Information Act 1982* (Vic) (the Act), every person has the right to request access to documents held by Victorian public sector agencies and Ministers. This right of access is subject to exceptions and exemptions necessary to protect essential public and private interests.

**Making a valid request**

Under section 17 of the Act, a request must meet three requirements to be valid:

1. your request must be in writing;
2. you must provide sufficient information about the documents you are requesting to enable us to identify and locate relevant documents; and
3. you must pay the application fee, or if payment of the application fee would cause you hardship you can request us to waive the fee in full or in part.

For more information on how to make a freedom of information request, visit the Social Services Regulator webpage on making a freedom of information request or visit the Office of the Victorian Information Commissioner’s (OVIC) website [how to make a valid FOI request](https://ovic.vic.gov.au/freedom-of-information/make-a-freedom-of-information-request/).

**After you submit a request**

After you submit a request, we will assess it to ensure it meets the requirements outlined in section 17 of the Act. If we determine that your request is not valid, we will notify you within 21 days from the date we received your request and provide you with assistance to help you make the request valid. If your request is valid, we will begin processing it.

**Timeframes**

We have 30 days from the day after we receive your valid request to provide you with a decision. However, we can extend this time by up to 15 days if we need to consult with third parties whose information may be contained in the requested documents. We may also extend this time by up to 30 days with your agreement. We will let you know if the timeframe changes.

**Other charges**

We may require you to pay certain charges before access is provided to the requested document(s). For example, we may charge for providing copies of the document(s) or supervising an inspection of the document(s). If these charges exceed $50.00, we will notify you and request that you pay a deposit before proceeding with your request.

**Collection, use and disclosure of your personal information**

The Social Services Regulator’s collection notice in accordance with Information Privacy Principle 1.3 of the *Privacy and Data Protection Act 2014* (Vic) is found below:

The Regulator collects personal and health information as necessary for the purposes of carrying out its objects, functions and powers outlined under the *Social Services Regulation Act 2021* (under sections 7, 13 and 14).

The Regulator collects personal and health information only by lawful and fair means and not in an unreasonably intrusive way. If it is reasonable and practicable to do so, the Regulator collects personal and health information about an individual only from that individual.

When collecting information directly from an individual and when collecting information from someone else about an individual, the Regulator will take reasonable steps to ensure the individual is aware of why the information is being collected (including the purposes for the collection and any relevant laws requiring the collection), who it may be disclosed to, the main consequences if the individual does not disclose the information (if collecting information directly from the individual), and how the individual may contact the Regulator and gain access to the information collected.

There may be exceptions in the Information Privacy Principles and the Health Privacy Principles in certain circumstances that do not require reasonable steps to be taken but this needs to be assessed on a case-by-case basis.

The Regulator typically collects information in the following ways:

* directly from the individual to which the information relates.
* where it is not reasonable or practicable to collect the information directly from the individual, information may be collected from a third party, such as the individual's authorised representative or a service provider.
* from social service providers, in the context of their notifications made to the Regulator to meet reporting requirements under the *Social Services Regulation Act 2021.*
* where information may be provided by a third party, such as individuals, other regulators or government agencies as permitted under the *Social Services Regulation Act 2021.*

The Regulator collects personal and health information for the purposes of carrying out its functions and meeting its statutory requirements. Unless the use or disclosure of personal or health information is for the primary purpose of collection, or it is for secondary purpose and one of the permissible exceptions under Information Privacy Principle 2.1 or Health Privacy Principle 2.2 applies, the Regulator removes identifying details from the information it collects.

**Collection of sensitive information**

The Regulator may collect sensitive information where:

* the individual has consented to the collection;
* the collection is required or authorised under law (such as under the Acts listed on page 1);
* the collection is necessary to prevent or lessen a serious threat to the life or health of any individual, where the individual whom the information concerns is physically or legally incapable of giving consent to the collection or physically cannot communicate consent to the collection; or
* the collection is necessary for the establishment, exercise or defence of a legal or equitable claim.

The Regulator may also collect sensitive information about an individual if:

* the collection is necessary for research or the compilation or analysis of statistics relevant to government funded targeted welfare or educational services; or
* the information being collected relates to an individual's racial or ethnic origin and the purpose of the collection is to provide government funded targeted welfare or educational services; and
* there is no reasonably practicable alternative to collecting the information for either purpose; and
* it is impracticable for the organisation to seek the individual's consent to the collection.

**Types of information collected by the Regulator**

The types of personal or health information the Regulator collects depends on the nature of the contact with the Regulator, services provided (where applicable) and statutory requirements of the department.

Personal information collected by the Regulator may include (but is not limited to):

name, address and contact details;

personal circumstances (age, gender and information about children);

financial matters (payment and bank account details);

identity (date and country of birth); and

government identifiers.

The Regulator also collects health information if it is necessary to carry out its objects, functions and powers outlined under the *Social Services Regulation Act 2021* (sections 7,13, and 14).

**Consultation with third parties**

Your personal information is collected for the purpose of processing your request. We may notify and consult with third parties in considering whether an exemption under sections 29, 31, 31A, 33, 34 or 35 of the Act applies. This may involve disclosing details such as your name, the terms of your request, and the documents falling within the scope of your request that concern the relevant third parties.

If necessary, we may transfer your request under section 18 of the Act to another agency or Minister who is better placed to handle your request. We will tell you if we do this.

1. **Contact details**

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| **Your details**  |
| Title: |  | First Name(s): |  | Surname: |  |
| Organisation (*if applicable*): |  |
| Email address: |  |
| Contact number(s):  |  |
| Postal address:  |  |
| Suburb: |  | State/Territory: |  | Postcode: |  |
| Preferred contact method:  |  |
| Do you need an interpreter?  |  | If yes, what language? |  |
| **Details of your representative (*if applicable*)** |
| *If you are using a representative like a parent, guardian, lawyer or any other person who is acting on your behalf, please advise who they are. If you are completing this form as the applicant’s representative, advise who you are.* |
| Title: |  | First Name(s): |  | Surname: |  |
| Organisation (*if applicable*): |  |
| Email address: |  |
| Contact number(s):  |  |
| Postal address:  |  |
| Suburb: |  | State/Territory: |  | Postcode: |  |
| Preferred contact method:  |  |
| Relationship to applicant:  |  |
| **Your authority for representative to act (*if applicable)***  |  |
| *Please complete this section if a representative is assisting you with your request.*  |
| I give permission and authorisation for my representative to act on my behalf and have access to any information concerning my request.  |
| *Applicant*  |  |  | *Representative*  |  |
| Name: |  |  | Name: |  |
| Signature: |  |  | Signature: |  |
| Date: |  |  | Date: |  |
| *Witness*  |  |  | *Witness* |  |
| Name: |  |  | Name: |  |
| Signature: |  |  | Signature: |  |

1. **The documents you are requesting to access**

Please identify, describe or outline the document(s) you are seeking to access.

Your request must provide sufficient information for us to be able to identify and locate all relevant document(s). When writing your request, be specific about which document(s) you are seeking and include as much information as possible. Think about:

* what the document(s) relate to (for example, a complaint you made, or a particular project);
* the date range in which the document(s) may have been created;
* where the document(s) might be located (for example, in a particular email account, with a specific person, or held by a business or work unit); and
* the type of document(s) you seek (for example, an email, report, CCTV footage).

Please avoid using wording such as ‘all documents’ because your request may result in it being too large for us to process, or it may not be specific enough for us to identify the document(s). If you are not sure how to frame your request, please contact us.

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1. **Additional information to assist us**

*Optional*: please provide background or contextual information to assist us in processing your request. This could include your reasons for seeking access to the document(s) and what you intend to do with the document(s). Providing additional information may assist us to identify and locate document(s) relevant to your request. It may also assist us to identify other ways you may access the requested document(s) outside of the Act.

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It may be helpful to exclude certain documents or information from your request if it isn’t particularly necessary or relevant. This may allow us to process your request more quickly by potentially reducing the number of documents to assess or removing the requirement for us to consult with third parties. Do you require access to:

* draft documents [ ]  Yes / [ ]  No
* duplicate documents: [ ]  Yes / [ ]  No
* commercial information relating to third parties: [ ]  Yes / [ ]  No
* personal information relating to third parties: [ ]  Yes / [ ]  No
1. **Proof of identification (*if applicable*)**

If the documents you are seeking access to relate to you personally, you may need to provide us with a certified copy of your identification. We may not be able to provide access to the requested document(s) if we cannot verify that you are the person the subject of the document(s).

1. **Edited copies**

The document(s) you requested may contain exempt or irrelevant information. Under section 25 of the Act, we can provide edited copies of document(s) with exempt or irrelevant information removed. However, we are only required to do this if you indicate you will accept an edited copy of the document(s), and if it is practicable for us to make edits. If you don’t agree to receive an edited copy, we may decide the entire document is exempt and refuse access to it in full, even if there is some information that could be released to you.

In the event we consider the document(s) you requested contain exempt or irrelevant information, do you agree to receive an edited copy with the exempt or irrelevant information removed?

[ ]  I agree / [ ]  I do not agree to receive access to an edited copy of a document with exempt or irrelevant information removed in accordance with section 25 of the Act.

1. **Form of access**

Please tell us how you would like to receive a copy of the document(s) we decide to release to you. This might be inspecting the document(s), a hardcopy sent by post, a copy sent by email, the document(s) copied onto a CD or USB to be picked up or sent by post. We will try to accommodate your request but may have to provide access in another way.

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1. **Application fee**

The application fee for making a request for access under section 17 of the Act is $32.66 for the period 1 July 2024 to 30 June 2025. You can pay the application fee by bank transfer. The SSR will provide you with bank details upon acceptance of the FOI application. You **must** include in the description of the transaction ‘SSR FOI’ and your name. Email remittance advice to FOI@ssr.vic.gov.au.

Alternatively, if paying the application fee would cause you hardship, you may request that we waive the application fee in full or in part. If you request a waiver, please provide evidence to show why paying the fee would cause you hardship, such as a concession or healthcare card, bank statement, or statutory declaration outlining why payment would cause hardship. We will assess your fee waiver request and let you know the outcome.

1. **Submitting your request**

You can send your request by email or post. If you are unable to send your request via these methods, please contact us to discuss other options.

Email: FOI@ssr.vic.gov.au

Post: FOI Officer, Social Services Regulator, 145 Smith Street, Fitzroy, 3065.

**Further assistance**

If you have a question about making a request or want to discuss your request further, please contact us at FOI@ssr.vic.gov.au.