

FREEDOM OF INFORMATION

The *Freedom of Information Act 1982 (Vic)* (Act) gives members of the public the right to request information held by the Ports Victoria (PV).

What information is available?

PV's FOI Part II Statements contain further information about the types of documents held by VP. These include:

- Documents created by PV.
- Documents supplied to or received by PV by an external organisation or individual.

What documents could be exempt from disclosure under the Act?

The Act allows PV to refuse access to certain documents or information, such as:

- Cabinet documents.
- Documents which, if disclosed, would prejudice relations between the State and the Commonwealth or any other State or Territory or would divulge information communicated in confidence.
- Documents which, if disclosed, could cause damage to the security of the Commonwealth or a State or Territory, the defence of the Commonwealth or international relations.
- Material generated internally within PV for consideration and deliberative purposes, the disclosure of which would be contrary to the public interest.
- Documents which, if disclosed, could affect or prejudice the proper conduct of enforcing, investigating or administering the law and associated processes.
- Documents covered by legal professional privilege, such as legal advice.
- Documents containing personal information about other people where the disclosure of that information would be unreasonable.
- Documents about trade secrets, or other information of a business, commercial or financial nature, provided to PV by a business, and disclosure would be likely to expose that business unreasonably to disadvantage.
- Documents containing trade secrets of PV, or information relating to PV of a business, commercial or financial nature, and disclosure would be likely to expose PV unreasonably to disadvantage.
- Documents containing information provided to PV in confidence, where disclosure would be reasonably likely to prejudice the future ability of PV to obtain similar information.
- Documents which, if disclosed, would be reasonably likely to have a substantial adverse effect on the Victorian economy or would disclose the internal processes of an agency.
- Documents containing information of a type which other legislation specifically prohibits particular persons disclosing.

How to make a request

Applications for information under the Act must:

1. Be made in writing and addressed to:
Freedom of Information Officer
Ports Victoria
GPO Box 1135
Geelong VIC 3220
Applications can be submitted by email to: foi@ports.vic.gov.au
2. Be sufficiently clear to enable PV to conduct a thorough and constructive search for the documents sought.
3. Be accompanied by the application fee or provide evidence that payment be waived because paying it would cause hardship. The fee is \$30.58 (to 30//23) or \$31.80 (after 30//23)
The application fee can be paid by cheque or direct transfer. For direct transfer, please contact PV for bank account details.

If your request does not satisfy any of the above requirements, it cannot be processed under the Act. PV will provide reasonable assistance to assist you in making a request that satisfies the requirements of the Act.

Processing the request

Once PV has received a valid request, a decision on whether to grant access to the documents will be provided within the time limit stipulated in the Act. This is normally 30 days, but longer time limits are permitted in certain circumstances. A decision may be made to grant access to all documents, some documents, parts of documents, or no documents. If a decision is made not to grant access to one or more documents or parts of documents, PV will notify you of your rights.

If it is decided to release the documents, arrangements will be made for access, being either supply of photocopies of the documents, supply of electronic copies of the documents or inspection of the documents at PV's offices. The form of access may be nominated by the person making the request.

Access charges calculated in accordance with the Act and the *Freedom of Information (Access Charges) Regulations 2014* must be paid before access to the documents may be granted (except in limited circumstances set out in the Act). If the access charges are likely to exceed \$50.00 PV will seek a deposit from you and will notify you in writing of the anticipated total access charges, the deposit amount required to continue processing the request, and to enquire as to whether you wish to continue with your request.

Processing costs that may be charged by PV for the financial year 2020-21 are as follows:

- Search charges for locating the documents – \$22.90 (to 30/6/23) or \$23.90 (after 30/6/23) per hour
- Supervision charges for inspection of the documents – \$22.90 (to 30//23) or \$23.85 per hour (after 30/6/23) (to be calculated per quarter hour or part of a quarter hour)
- Photocopying charges for copies of the documents – 20¢ per black and white A4 page.

For more information please contact

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