



National Trust

WESTERN AUSTRALIA

Freedom of Information

The Western Australian Freedom of Information Act 1992 gives the community the right to apply for access to documents held by State Public Sector agencies.

As a statutory authority, the National Trust of Australia (WA) (the National Trust) is required to assist the community to obtain access to documents at the lowest reasonable cost, and to ensure that personal information held is accurate, complete, up-to-date and not misleading.

The community's right to apply for access to information is not affected by any reasons they may have for wishing to obtain access or the agency's belief as to what their reasons are for applying.

The kinds of documents the community may request access to includes paper files, computer records, maps, plans, photographs, tape recordings, films, video tapes and electronically stored information.

Any member of the community may also apply for access to personal information about themselves that is contained in agency documents. They have the ability to correct that information if it is considered incorrect, inaccurate, out of date, or misleading. Personal information is information about the person applying for the information whilst non-personal information concerns other people or subjects.

FOI Exemptions

Schedule 1 of the FOI Act lists categories of information, which are exempt under the Act:

1. Cabinet and Executive Council – agendas, minutes and other records of an Executive Body (Cabinet, Committees of Cabinet, sub-committees of Cabinet and Executive Council)
2. Intergovernmental Relations – that may damage relations between the Government and other governments and the revelation of confidential information communicated in confidence
3. Personal information
4. Commercial or Business Information
5. Law enforcement, Public Safety and Property Security Deliberative Processes – opinions, advice or recommendations, consultation of the government, a minister or an agency
6. Legal Professional Privilege
7. Confidential Communications – revealing information of a confidential nature obtained in confidence and reasonably expected to prejudice the future supply of that kind of information to the Government
8. The State's Economy
9. The State's Financial or Property Affairs
10. Effective Operations of Agencies

11. Contempt of Parliament and the Courts
12. Information as to the Adoption or Artificial Conception
13. Information Protected by certain Secrecy Provisions
14. Information as to Precious Metal Transactions.

Overview of FOI Process

Outlined below is the process the National Trust takes for handling requests under the FOI Act.

- The National Trust usually has a maximum of 45 calendar days to deal with an FOI application and to decide if access to the documents will be granted.
- The applicant can negotiate a shorter or longer period, or they can apply to the Information Commissioner to reduce the time allowed for the National Trust to deal with the application.
- The National Trust must provide a written notice of its decision to the applicant informing them whether they will be provided with access to all or some of the documents requested. If access is refused to any documents or parts of any documents, the written notice must provide the applicant with the reasons for the decision and explain the applicant's rights of review under the FOI Act. If the applicant is dissatisfied with the National Trust's decision, they have 30 days to make an application for an Internal Review.
- The National Trust then has 15 calendar days to conduct an Internal Review. Another person in the agency, who is not subordinate to the original Decision Maker, must make the decision in respect to the outcome of the Internal Review.
- If the applicant is dissatisfied with the decision coming out of the Internal Review they may lodge a complaint with the Information Commissioner within 60 days of receiving the National Trust's Notice of Decision.
- The Information Commissioner may, as a result of the applicant's complaint, conduct an External Review.

FOI Costs

No fees or charges apply to applications for personal information or the amendment of personal information about the applicant (such as their medical records; details of employment and the like).

Applications for other documents (such as those which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged, and there may be other charges imposed by the National Trust.

The National Trust does not usually apply a charge, apart from the \$30 application fee, for FOI Applications unless the task is considered to be unusually large and time consuming.