

# Freedom of information

We are committed to open and accessible government and will make every effort possible to assist people to make a valid request under the Freedom of Information Act 1982 (Vic) (FOI Act) and to release documents that can be provided in a timely manner.

## 1. Purpose

Under the FOI Act everyone has the right to request documents held by Victorian public sector agencies. This right of access is subject to limited exceptions and exemptions.

As public sector agencies, the Victorian Legal Services Board and the Victorian Legal Services Commissioner (collectively referred to as VLSB+C) are subject to the FOI Act.

This policy details how to request documents held by the VLSB+C and what you can expect to receive.

## 2. Scope

This policy has been developed to assist people who want to make an application under the FOI Act and to guide FOI officers involved in processing applications.

## 3. Freedom of information requests

### 3.1 Before making a request

Before you make a formal request for information under the FOI Act, you may wish to consider:

#### Is the information you are seeking in a document?

The FOI Act gives you the right to request documents. You cannot request information that does not exist in a document, as defined in the FOI Act. If the information you are seeking is not in a document, and you are asking for answers to questions, you could make an enquiry instead. Although making an enquiry is not the same as making an FOI request, it may serve your purpose and avoids the need for a formal FOI request. Please keep in mind that when responding to an enquiry, we must comply with our obligations under the Privacy Act and the Legal Profession Uniform Law Application Act 2014 (our governing legislation).

Information about making an enquiry is available:

 <https://lsbc.vic.gov.au/consumers/consumer-enquiry-form>

 (03) 9679 8001

#### Does the VLSB+C have the document you are looking for?

Before you make a FOI request, you can email our records staff and ask if we have the document you are looking for. In some cases we may be able to tell you how to obtain the document without a formal request.

You can email or call our records staff:

 [records@lsbc.vic.gov.au](mailto:records@lsbc.vic.gov.au)

 (03) 9679 8036

### Is the document you are looking for publicly available?

Sometimes people are looking for publicly available documents. It is a good idea to search our [website](#) before making an FOI request.

### Why do you want to access the document?

You might like to let us know why you want the document, or if you plan to use it for a specific purpose. This can help us when we consider whether we can informally release a document to you. To see if a FOI request is necessary before you make an application, you can email us:

 [foi@lsbc.vic.gov.au](mailto:foi@lsbc.vic.gov.au)

## 3.2 Documents which are exempt from release

Some documents we hold are exempt from release under the FOI Act. The FOI Act permits us to refuse access to certain types of documents, which under the FOI Act are called Exempt documents. You can find out which documents are exempt by looking at [Part IV of the FOI Act](#). If we consider a document is exempt, we are happy to tell you why we consider it to be exempt.

## 3.3 Making a request

### 3.3.1 Requests

You can apply for access to the following documents held by the Board and Commissioner:

- documents relating to your own personal affairs, regardless of the age of the documents; and
- documents of a non-personal nature which are not older than 5 July 1978 and which are not exempt.

You can also request the amendment or removal of incorrect or misleading information held about you.

### 3.3.2 How to make a request

To make a request for access to documents under the FOI Act you must:

- make your request in writing (via an email or letter), and
- provide sufficient information about the documents you are requesting so that we can locate the relevant documents, and
- pay the application fee (see [www.foi.vic.gov.au](http://www.foi.vic.gov.au) for the current application fee), or ask us to waive the fee due to hardship.

### 3.3.3 Where to send your request

You can send your request to:

 [foi@lsbc.vic.gov.au](mailto:foi@lsbc.vic.gov.au)

or

 FOI Officer  
Victorian Legal Services Board and Commissioner  
Level 5, 555 Bourke Street  
Melbourne VIC 3000

### 3.3.4 What needs to be included with your request

If you are requesting your personal information, you should provide proof of your identity, such as a copy of your driver's license or other identification. If you do not do this we may not be able to release the documents you have requested.

You should also include your application fee.

### 3.3.5 How to make your request as clear as possible

It helps us if you are clear and specific about the documents you are requesting access to and provide as much information as possible. It is helpful if you can tell us:

- what the documents relate to (for example, a complaint you have made or a particular project);
- the date range in which the documents may have been created; and
- the type of document you are looking for (for example, an email or a report).

If your request is not clear enough we will contact you and help you clarify which documents you want to access.

### 3.4 Paying the application fee

You can pay the application fee by direct deposit into our bank account:

**Bank name:** Commonwealth Bank of Australia  
**Bank address:** 385 Bourke Street, Melbourne VIC 3000  
**BSB:** 063010  
**Account number:** 12412167  
**Account name:** Victorian Legal Services Board — General Account

As the application fee increases each year on 1 July it's a good idea to check how much the fee is before you submit your application. You can find out how much the current fee is by looking at the website of the Office of the Victorian Information Commissioner (OVIC) at <https://www.vic.gov.au/make-freedom-information-request>.

The application fee for requests from 1 July 2022 to 30 June 2023 is \$30.60.

If you are experiencing financial hardship you can ask for the application fee to be waived.

### 3.5 After a request has been made

When your request is received our FOI Officers will review the request and determine if it is valid.

#### **If we cannot help or if your request is not valid**

If your request is not valid, we will contact you within 21 days and let you know why. If possible, we will assist you to make a valid request.

If we advise you that your request is not valid, we will give you at least 21 days to make a valid request. If you have not consulted with us about how to make your request valid, or you have not made a valid request after 21 days, then we are not required to begin processing your request.

#### **If your request is valid**

If your request is valid, we will begin processing it. We can take between 30 to 45 days from the date you make a valid request to provide you with a decision.

The time frame depends on whether we need additional time to consult with third parties whose information may be contained in the requested documents. The time frame can be extended beyond the 30 to 45 day period if you provide your consent.

If you do not receive a decision after 30 days, we will provide you with an update.

#### **Who makes decisions?**

There are a number of VLSB+C FOI Officers. These persons can make decisions on requests at first instance. Their decisions may be subject to review by the OVIC.

### 3.6 After you receive a response from us

If you are not happy with our decision you can appeal.

You can appeal when a decision is made under the FOI Act to:

- refuse or deny access in full or in part to a document;
- refuse to amend a record containing your personal information;
- defer access to a document; or
- not waive or reduce an application fee.

### 3.7 Appeals

You can seek a review by OVIC of a decision made by an FOI Officer. To submit a review application you must contact OVIC in writing within 28 days of receiving our decision. You can do this via an online review form: <https://ovic.vic.gov.au/resource/foi-review-form/>

### 3.8 Additional charges

You may be charged for access to documents (in addition to the application fee) in accordance with section 22 of the FOI Act. For example, you may be asked to pay for photocopies of documents.

### 3.9 Proactive release

The Board and Commissioner are committed to being open and accessible in our work. From time to time, we review all requests received and handled under the FOI Act to assess what information has been released and what information could be made generally available to the public.

## 4. Approval

Version	2.0
Effective	24 May 2023
Renewal due	30 June 2024
Owner	Executive Director, Shared Services & Digital Transformation
Author	Manager, Corporate Governance
Approved by	Executive Leadership Team, 24 May 2023