

1. PURPOSE

To outline how Holmesglen will respond to requests to access information in accordance with the requirements of the *Freedom of Information Act 1982 (Vic)* (the Act).

2. SCOPE

Applies to all employees, learners and members of the public requesting access to information held by Holmesglen.

3. POLICY STATEMENT

Holmesglen collects, creates and holds information to meet its operational, regulatory and legal obligations and recognises the general right of access to information under the *Freedom of Information Act 1982 (Vic)*. Holmesglen is committed to:

- providing community access to documents and information to promote transparency and accountability and build trust and confidence
- making documents and information easily accessible and proactively releasing information and documents where possible
- providing employees, learners and members of the public with information about the types of documents and information it holds relative to the Institute's functions.

4. PRINCIPLES

Freedom of Information requests

- 4.1. Freedom of Information (FOI) requests to access to documents and amend personal information is facilitated in accordance with the Act and the *Freedom of Information Professional Standards* (the Professional Standards) made under Part IB of the Act.
- 4.2. Holmesglen encourages potential FOI applicants to make an informal request and ask for the information they want. Where the requested documentation is straightforward to access and not private or confidential, Holmesglen will provide applicants with the opportunity to them released outside the Act.
- 4.3. FOI requests must:
 - a) be in writing
 - b) clearly explain the document/s requested
 - c) be accompanied by the application fee or a request to waive or reduce the application fee.
- 4.4. Holmesglen encourages FOI applicants to use the Freedom of Information Request Form or the Amendment Request Form available from the Office of the Victorian Information Commissioner website in making an FOI request. Holmesglen will help applicants to make a FOI request and provides information on how to pay the application fee or apply for it to be waived or reduced to account for applicants' financial circumstances.
- 4.5. Holmesglen will support applicants to make a valid FOI request. This may involve discussions with the applicant to clarify the documents they are seeking, provide a list of possible documents that may contain the information the applicant is seeking, clarify the context to the request and/or ask about the relevant time period or business areas within Holmesglen to search.

- 4.6. Communication with applicants is managed by Holmesglen’s Freedom of Information Officer or delegate. Holmesglen will respond in writing to FOI requests as outlined in [Appendix 1](#) including:
- a) notification that an application is valid and is being processed
 - b) notification that an application is not valid and how the applicant can make a valid request
 - c) advice to extend the decision period to enable consultation with third parties
 - d) request to extend the decision period with permission of the applicant
 - e) notification of access charges in accordance with the Act and the *Freedom of Information (Access Charges) Regulations 2014*
 - f) the FOI decision letter that provides a summary of the searches undertaken and explains the search outcomes, decisions relating to exempt or irrelevant information, how documents will be released and the applicant’s review and complaint rights.
- 4.7. Holmesglen will conduct a thorough and diligent search for information in response to valid FOI requests including:
- a) applying a common-sense interpretation to the terms of an applicant’s request including considering the context in which relevant documents may have been created
 - b) determining which documents or types of documents the applicant is seeking access to, with reference to the terms of the applicant’s request
 - c) identifying the most appropriate business area/s or unit/s to conduct the search
 - d) conducting a search to locate all relevant electronic and hard copy documents
 - e) keeping records of searches
 - f) where relevant, explaining to an applicant why a document does not exist or could not be located, including the application of the Holmesglen’s Records Management Policy and Retention and Disposal Schedules.
- 4.8. Holmesglen will consult with third parties to obtain their views of the disclosure of information when considering the application of relevant exemptions as required under the Act and in accordance with the Professional Standards.
- 4.9. Holmesglen may refuse to release a document or information contained in a document if:
- a) it determines that the document or information is exempt
 - b) an applicant does not agree to receiving an edited version of a document to remove exempt or irrelevant information
 - c) the amount of work involved is considered unreasonable given the terms of the applicant’s search.
- 4.10. The decision to exempt a document or part of a document and the reasons for applying the exemption are clearly communicated to the applicant in the FOI decision letter.
- 4.11. FOI requests are considered lapsed and no further action will be taken to process the request when either:
- a) an invalid request is not actioned within the required timeframe
 - b) access charges are:
 - i. not accepted by the applicant
 - ii. the applicable deposit is not made, or contact initiated to discuss options to reduce the estimated access charges, within the required timeframe.

Publications

- 4.12. Holmesglen publishes or makes certain information or documents available as required under Part II of the Act. Holmesglen’s Information Statement (see [Appendix 2](#)) is reviewed annually.
- 4.13. Periodic reviews of publications are undertaken to ensure information accuracy.

FOI review and complaint process

- 4.14. Applicants may seek a review of Holmesglen’s decision to not release all or part of a requested document from the Office of the Victorian Information Commissioner.
- 4.15. Applicants may complain to the Office of the Victorian Information Commissioner, if Holmesglen denies access to requested documents because the document does not exist or cannot be found, or if the request has been delayed.

5. ACCOUNTABILITIES

Action	Accountability
Ensure the implementation of the requirements of this policy. Authorise the publication of relevant FOI information. Authorise persons to make FOI decisions under Section 26(1) of the Act.	Chief Executive (Principal Officer)
Review written FOI requests and manage the FOI access process. Communicate with FOI applicants as referenced in Appendix 1 . Consult with third parties where relevant exemptions are contemplated to obtain their views on the release of information. Seek extensions for FOI requests and transfer FOI applications to other agencies as appropriate Make FOI decisions in consultation with relevant stakeholders and provide access to information as relevant. Ensure appropriate training and awareness of all officers who respond to FOI requests. Ensure FOI publications are accurate and accessible to the public as referenced in Appendix 2 of this policy. Review Holmesglen’s Information Statement contained in Appendix 2 of this policy annually. Respond to FOI reviews or complaints being managed by the Office of the Victorian Information Commissioner (OVIC) in consultation with relevant stakeholders. Keep records of all FOI requests including all correspondence or consultation with the applicant, records of searches undertaken, third-party consultations and copies of released documents or marked-up versions.	Executive Officer Governance and Strategy (Freedom of Information Officer)
Ensure the necessary software or systems and appropriate access rights to enable the processing of FOI requests	Executive Director Corporate and Commercial Services

6. DEFINITIONS

Term	Meaning
Exempt document or information	<p>Holmesglen is required to provide access to documents requested under the Act unless the document is exempt or contains exempt information. Holmesglen applies the Act and decides if a document or information in a document is exempt in the context of the relevant facts and circumstances of the request. In Holmesglen's context, exempt information may include information that:</p> <ul style="list-style-type: none"> a) identifies another person or enables another person to be identified b) provides an opinion, advice or a recommendation, or shows consultation or deliberation, which if released would be contrary to the public interest c) has been provided in confidence to Holmesglen d) concerns another business' commercial, financial or business information e) relates to Holmesglen business, commercial or financial matters f) is subject to legal privilege g) would prejudice an investigation, the enforcement of the law or the trial of a person or adjudication of a case h) endangers the life or physical safety of persons engaged in law enforcement i) relates to Cabinet deliberations or decisions j) is subject to a secrecy provision in another piece of legislation k) relates to an IBAC investigation.
Lapsed	<p>Means that either:</p> <ul style="list-style-type: none"> ▪ Holmesglen has refused to comply with a request that is not valid under section 17(4) of the Act ▪ an applicant has not accepted any applicable access charges, paid a required deposit, or initiated contact to discuss options to reduce the estimated access charges, within the required timeframe as required under section 22 of the Act.
Personal information	<p>Includes information or an opinion that is recorded, whether true or not, about an individual whose identity is apparent, or can reasonably be found out, from the information or opinion. Such information may include but is not limited to emergency details, health records, sensitive information, residential information and emergency information. Personal information also relates to a deceased person.</p>

7. CONTEXT AND/OR REFERENCED DOCUMENTS

Internal

Access Control Policy

ICT Acceptable Use Policy

Information Security Policy

Privacy Policy

Public Interest Disclosures Policy

Records Management Policy

[Appendix 1 – Information for FOI applicants](#)

[Appendix 2 – Information statement](#)

External

Freedom of Information Act 1982 (Vic)

Freedom of Information (Access Charges) Regulations 2014

Freedom of Information Professional Standards

Freedom of Information Guidelines

Freedom of Information Practice Notes

Higher Education Support Act (HESA) 2003 (Cth).

Privacy and Data Protection Act 2014 (Vic)

Public Interest Disclosures Act 2012 (Vic)

Public Records Act 1973 (Vic)

8. REVIEW

This policy must be reviewed no later than three years from the date of approval.

The policy will remain in force until such time as it has been reviewed and re-approved or rescinded. The policy may be withdrawn or amended as part of continuous improvement prior to the scheduled review date.

9. VERSION HISTORY

Version Number	Date	Summary of changes
1	August 2020	Update to the Rule for Freedom of Information into a policy that reflects the Freedom of Information Act 1982 (as amended), the Freedom on Information (Access Charges) Regulations and the Professional Standards made under the Act. Update to assign the Associate Director Human Resources as the owner of this policy.
2	July 2023	Update to assign the Executive Officer Governance and Strategy as the owner and Freedom of Information Officer and other updates to reflect current FOI Guidelines and Professional Standards.

APPENDIX 1 – INFORMATION FOR FOI APPLICANTS

Under the *Freedom of Information Act 1982* (Vic) (the Act), everyone has the right to access documents held by Victorian public sector agencies and ask for your personal information to be amended if it is inaccurate, out of date, incomplete or misleading. TAFE institutes are a public sector agency covered by the Act. Therefore, you can request access to documents and your personal information held by Holmesglen.

Right of access does not extend to:

- (i) documents that are publicly available or available for purchase by the public
- (ii) documents available for public inspection at the Public Records Office, including documents that are duplicates of records held by an agency
- (iii) exempt documents within the meaning of the Act.

Applicants are encouraged to review the information provided on the Office of the Victorian Information Commissioner's website on how to make a Freedom of Information (FOI) request and Holmesglen's obligations under the Act. You are welcome to contact our FOI officer via email at foi@holmesglen.edu.au to discuss your request before making a formal application, as we may be able to provide you with the information you want outside of the Act. This is called proactive release or informal release.

Requests from employees and learners to routine information

Current and past employees and learners can access a range of information and documentation about themselves without the need to make an FOI request. For learners this includes replacement testamurs and other official documents such as statements of results and attainment, academic completion and transcripts. Information and forms on how to request these are available from the Holmesglen website or by contacting awards@holmesglen.edu.au. Current and past employees can contact Human Resources on hrrservices@holmesglen.edu.au to discuss the documents or information they are seeking.

Making a valid request

If you decide to make an FOI request, it must be in writing and clearly explain the document/s you want to access. We encourage you to use the Freedom of Information Request Form or the Amendment Request Form available from the Office of the Victorian Information Commissioner website.

Send your request to our FOI Officer, PO Box 42, Holmesglen VIC 3148 or via email to foi@holmesglen.edu.au.

The FOI Officer can also tell you how to pay the application fee or request a fee waiver or reduction.

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.

Collection, use and disclosure of your personal information

Your personal information is collected for the purpose of processing your request. We may notify and consult with third parties where their information is contained in the documents you have requested. 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 third party.

Applications to access documents containing your personal information or personal records should be accompanied by a certified copy of identification documentation (eg passport or driver license) or written authority if you give another person or agency permission to act on your behalf. The provision of identification documentation or written authority does not affect the validity of an FOI request, but it may impact our ability to release information.

If you are authorising a third-party to make an FOI request to access your personal information, the request must include a signed consent/authority notice that contains your date of birth and signature. You should also provide a certified copy of identification.

Timeframes

- If your request is not valid, we will contact you within 21 days and let you know why it is not valid. You should work with us to try and make your request valid.
- We will give you at least 21 days to make a valid request. If you do not begin consulting with us about how to make your request valid, or you have not made a valid request after 21 days, your request will have lapsed and we will finalise your request without processing it.
- Once you make a valid request, we will notify you that your request is valid that we will begin processing it.
- We have between 30 to 45 days from the date you make a valid request to provide you with a decision. The timeframe will depend on whether we need additional time to consult with third parties whose information may be contained in the requested documents.
- We may also ask for your consent to extend the timeframe beyond 30 to 45 days to ensure the search and decision process is thorough or if we experience delays. We will tell you if your request is delayed.

Access charges

We will tell you if access charges are payable for processing your request and providing access to documents as set out in the *Freedom of Information (Access Charges) Regulations 2014*. Access charges are different to the application fee.

We will estimate the access charges as soon as possible after we notify you that your request is valid. If the access charge is estimated to be more than \$50, we will tell you the estimated access charges, any deposit that is required and when and how to pay the deposit. We will also confirm if you want to proceed with the request and offer you the opportunity to discuss ways of altering the request to reduce the anticipated access charges.

APPENDIX 2– INFORMATION STATEMENT

Holmesglen is established under the *Education and Training Reform Act 2006* to provide vocational education and training and higher education programs, conduct applied research and provide facilities and services to support our learners and communities.

Under Part II of the *Freedom of Information Act 1986*, Holmesglen is required to publish certain information related to our functions, operations, and the information we hold.

Information available on Holmesglen's website includes our:

- Annual Report, including our structure, purpose, functions and establishing legislation
- board members and their biographies
- policies, procedures and guidelines that have the most significant impact on the public, including how to make a complaint or an FOI request
- strategic plan
- gifts, benefits and hospitality register
- Gender Equity Action Plan
- modern slavery statement
- forward procurement activity plan
- purchase order terms and conditions
- consultancy expenditure
- course information including the course duration, intakes, campus location, structure, entry requirements, outcomes and fees
- services and facilities that are open to the public including our libraries
- resources, services and information to assist learners apply, enrol and study with us
- online learning service standards
- tuition and other fees and information about how to pay course fees, including information that we are required to publish under the Commonwealth government student loan schemes
- career opportunities
- reports, statements, strategies and action plans where these are required to be made publicly available.

We also create, collect and store:

- records about learners' enrolment, participation and results in our courses and engagement with our services
- internal documents and records relating to our functions and operations such as review and complaint files, recruitment and employee records, staff training records, events records, business plans, budgets and financial records, procurement records, correspondence, corporate governance records, meeting minutes and agendas, registers, protective data security plans and attestations, and investigation, examination and audit reports and records
- reports and advice prepared by external consultants, third parties, and other organisations.

Where information is not available on the Holmesglen website, applicants should contact Holmesglen's Freedom of Information Officer at foi@holmesglen.edu.au and discuss the information sought. Where possible, we will release information informally outside of the Act.