

FOI Information Statement

This information sheet explains what an information statement is, what they must contain, and how an agency must publish them.

FOI Act Part 2

Section 9 of Part 2 of the *Freedom of Information Act 1991* (FOI Act) deals with the publication of information about an agency and the information an agency holds.

An up-to-date information statement must be published at least every 12 months by the Minister responsible for a State Government agency. Local Government Councils and Universities must also publish an up-to-date information statement at least every 12 months.

Agencies must make available for inspection and purchase copies of their most recent information statements and each of their policy documents.

There are two types of agencies described in section 11 of the FOI Act that do not need to publish information statements or comply with any part of section 9 or 10 of the FOI Act. These two types of agencies are: an agency that is a Minister, and an agency that is exempt by regulation from the obligations of Part 2 (sections 9 and 10).

What is an Information Statement?

The purpose of an information statement is to provide people wanting access to information held by State and Local Government and Universities with a snapshot of the types of documents held by the agency, what the agency does, and how a person can access the information from the agency.

What Must an Information Statement Contain?

Section 9 of the FOI Act sets out what an information statement must contain. Below is a summary of the information every agency must include in their information statement; for a more detailed description, please refer to section 9 of the FOI Act:

- » a description of the structure and functions of the agency
- » a description of the ways in which the functions of the agency affect the public
- » a description of any arrangements that exist to enable the public to participate in formulating the agency's policies and the delivery of its functions
- » a description of the various kinds of documents held by the agency available for inspection, purchase or free of charge
- » a description of the arrangements that exist to enable the public to obtain access to documents or to amend their personal records held by the agency; and

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- » a description of the agency's procedures in relation to giving access to documents and to the amendment of records containing personal information of individuals - this description should include the contact details of the officer to whom inquiries can be made and an address at which FOI applications should be lodged.

An information statement must also contain information about the agency's policy documents by:

- » identifying each of the agency's policy documents
- » specifying the designation of the officer to whom inquiries concerning the procedures for inspecting and purchasing policy documents should be made; and
- » specifying the address at which, and the times during which, policy documents may be inspected or purchased.

An agency is not required to publish information that could compromise its security or confidentiality requirements, or any other information, that would result in the statement being an exempt document.

Publication and Availability of Information Statements

The *Freedom of Information (General) Regulations 2002* prescribes that an agency must publish its information statement in its annual report or at a website maintained by the agency. However, agencies subject to Premier and Cabinet Circular 13, *Annual Reporting Requirements*, should publish their information statements on their website only.

Section 10 of Part 2 of the FOI Act requires that agencies must make available for inspection and purchase copies of their most recent information statement and policies to members of the public.

Section 132(3)(j) of Part 5 of the *Local Government Act 1999* prescribes that a council must make its most recent information statement available for inspection on the internet, unless it is provided as part of the annual report of the council.

Given the increase in the public's preference for digital interaction with Government, it is recommended that an information statement be published on the agency's website only. This avoids the possibility of conflicting information appearing on the agency's website and in its Annual Report. The agency is also able to correct inaccuracies in a timely manner and post new information throughout the year. This will also enable agencies to reduce the size of their annual reports.

The information statement on the agency's website should be updated at least every 12 months, and should be in a printable or downloadable format that can also be made available over the counter to the public.

Need further assistance?

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