


<b>Title: Information Access – Freedom of Information (FOI)</b>	
	<b>Status: <u>Policy</u></b> <b>Version: 2.0 Approved by Council 4 May 2007</b> <b>Document Caretaker: University Secretary</b> <b>Related Legislation:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> NSW Freedom of Information Act 1989</li> <li><input type="checkbox"/> Privacy and Personal Information Protection Act 1998</li> <li><input type="checkbox"/> The Health Records and Information Policy Act 2002</li> <li><input type="checkbox"/> The Ombudsman Act 1974</li> </ul> <b>Related Documents:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Request for Access to Information Under the FOI Act 1989</li> <li><input type="checkbox"/> Request for Amendment of Personal Records Under FOI Act 1989</li> <li><input type="checkbox"/> Request for Review of Determination Under the FOI Act 1989</li> </ul>
	Please check for the latest version of this document on the Records and Archives Services website: <a href="http://www.mq.edu.au/ras/documents/mufoipolicystatement.pdf">http://www.mq.edu.au/ras/documents/mufoipolicystatement.pdf</a> .

## 1.0 NSW Freedom of Information Act 1989

The main object of the Freedom of Information (FOI) Act is to extend as far as possible the rights of the public to obtain access to information held by government agencies and public authorities.

As a public authority established by the Macquarie University Act 1989, the University is subject to the FOI Act and is obliged:

- to publish information about its structure and functions, the types of documents held by the University and its policies regarding matters that impact on members of the public;
- to consider applications for documents and to provide access subject only to the exemptions specified in the Act; and
- to provide an opportunity for individuals to ensure that personal information held by the University is not incomplete, incorrect, out of date or misleading.

## 2.0 University Policy

The University is committed to the principles of openness and accountability that underpin the FOI Act.

The University's policy is to provide ready access to information it holds, subject only to the need to protect public interests associated with the conduct of University affairs, and the appropriate protection of other privacy and commercial interests.

Information about the University and University policies that impact on members of the public are contained in the Statement of Affairs and Summary of Affairs published under Section 14 of the FOI Act. These documents are available on the University's website and free of charge from the Manager Records and Archives Services.

Publications about the University are listed in the University Calendar which also includes details about their availability.

### **3.0 General Requests**

To the extent possible the University will meet all reasonable requests for access to additional information through normal administrative procedures.

In the first instance, requests for information should be addressed to and dealt with by the appropriate organisational unit or the officer who holds the information.

### **4.0 Research Requests**

Access to University documents for the purposes of research may be granted to bona fide researchers. Any request should be directed to the Manager Records and Archives Services.

### **5.0 Staff and Student Rights of Access**

Where staff, students or others seek access to personal information held by the University about them they should contact the appropriate University officer. Personal information can also be sought by a formal request under the Privacy and Personal Information Protection Act. Details are contained in the University's Privacy Management Plan.

Members of staff seeking access to their personal records should contact the Director Workplace Relations and Services phone: (02) 9850 7000.

Students may apply to inspect their personal files. Students should make an appointment with the Assistant Registrar (Student Centre) for this purpose. Satisfactory identification will be required and access will be subject to supervision by a University officer.

Students may peruse their examination scripts provided the request is made within three months of the release of results of examinations. The University reserves the right to withhold test papers where examination questions may be used again. Students should contact the relevant University Division Office.

Procedures for access to Academic Transcripts are set out on the Student Enquiry Service website.

General requests for access to documents should be directed to the Manager Records and Archives Services who can provide assistance and advise if an FOI application is necessary.

Applications under the FOI Act should only be necessary for large scale requests or where documents are sought which are likely to contain sensitive information, or raise other considerations concerning University, privacy or commercial interests which will need to be considered prior to disclosure.

Requests for minor amendment to personal affairs details (for example, change of name or address) should also be made and dealt with in accordance with normal administrative processes.

More substantial requests for amendment to records may require a formal application under the Privacy and Personal Information Protection Act or the FOI Act. The Manager Records

and Archives Services will be able to advise on the need for a formal application under these Acts.

The University will deal with all applications under the FOI Act in accordance with statutory timeframes. In any exceptional circumstances where this proves not possible the applicant will be kept fully informed of developments.

## 6.0 Access to Public Registers

The University maintains four registers which are available for inspection. The registers are:

- The Roll of Prize Winners
- The Roll of Students
- The Roll of Graduates
- The Roll of Convocation Members

The University has an obligation under the Privacy and Personal Information Protection Act to ensure that access to any personal information contained in these registers will be used for purposes consistent with the purpose of the register. The Rolls other than the Roll of Students are maintained to provide information about prize winners, graduates and members of convocation to those who have a legitimate interest in such information. The Roll of Students is maintained in accordance with University by laws for the purposes of the election of student representatives to the University Council.

The University may require a statutory declaration regarding the purpose for which access is sought to personal information in any of these registers.

Enquiries regarding access to the Rolls should be addressed to the Manager Records and Archives Services.

## 7.0 Fees and Charges

Various University publications and documents are for sale at listed prices. Additional information may be available free of charge depending on the nature of the request.

The University will apply the NSW Government's Guidelines for fees and charges for applications under the FOI Act. The application fee is \$30.

Other charges are as follows:

- |   |           |
|---|-----------|
| (1) Work involved in dealing with an application                        |           |
| - personal affairs of applicant. First 20 hours :                       | No charge |
| - other documents :   | \$30 hour |
| (2) Application for internal review:                                    | \$40      |
| (3) Work involved in dealing with internal review:                      | No charge |
| (4) Application for amendment of records :                              | No charge |
| (5) Work involved in dealing with an application :<br>to amend records. | No charge |

No other charges (eg. for photocopying, telephone calls and postage) are permitted by the Act.

An application for a rebate of up to 50% of the fees and charges will be considered in accordance with the Premier's charging guidelines. Details can be obtained from the Manager Records and Archives Services.

## **8.0 Application of Policy**

The University consists of Divisions, Departments, Centres, Offices and services. This statement of policy covers all activities within the University that are subject to the control and direction of the University Council.

Independent bodies such as residential colleges, staff association, student union and sports association are not regarded as part of the University for FOI purposes.

## **9.0 FOI Responsibilities**

The Vice-Chancellor is the principal officer under Section 18 of the FOI Act and has prime responsibility for the implementation of the FOI Act and the University's overall management of FOI matters.

The Vice-Chancellor has delegated these responsibilities to the position of University Secretary and in the absence of this officer, the Assistant Vice-Chancellor.

The University Secretary (and in the absence of this officer, the Assistant Vice-Chancellor) may designate a determining officer to deal with any particular application.

In every case the person involved in the original determination or a person subordinate to the original decision maker will not undertake the internal review.

The determining officer in any particular case will reach a decision on access or amendment on the basis of his/her judgement after assessment of all relevant considerations, and where appropriate, consultation, and in accordance with the legal requirements for the exercise of a statutory discretion on behalf of the University.

## **10.0 Vice-Chancellor and Vice-Chancellor's Office**

The role of the Vice-Chancellor and the Vice-Chancellor's Office in dealing with FOI matters will be as follows:

- as principal officer of the University, the Vice-Chancellor is to be kept informed about the management of University statutory responsibilities under the FOIA;
- as the principal FOI Officer, the Vice-Chancellor shall be kept informed of all FOI applications;
- the Vice-Chancellor may determine any particular FOI application as envisaged by Section 18 of the Act, but will only do so where the application and the documents sought raise issues which require the attention of the University at the highest level;
- the Vice-Chancellor should be consulted by the determining officer dealing with an application where there is reason to believe that the Vice-Chancellor or the Vice-Chancellor's Office holds documents or copies of documents that may be relevant to the application, or where the Vice-Chancellor may have information or opinion relevant to a consideration that needs to be taken into account in reaching a proper and appropriate determination;
- the Vice-Chancellor may determine an internal review application.

## **11.0 Records and Archives Services**

All FOI requests shall be made to the University's Records and Archives Services. This office will assist the Determining Officer in gathering the relevant information to satisfy a request under the FOI Act. Details of the FOI process at Macquarie including copies of relevant forms can be obtained on line at the Records and Archives Services Freedom of Information (FOI) website: <http://www.mq.edu.au/ras/foistart.htm>.

## **12.0 University Documents**

Documents subject to the FOI Act are documents held by the University or held by an officer of the University in that officer's official capacity.

In dealing with any application for documents, the determining officer, acting with the authority of the Vice-Chancellor, may request of and must be given by any officer of the University, a list of University documents held by the officer that are relevant to the application, and the documents themselves. Where no documents are held, or documents cannot be located after reasonable steps have been taken, the officer concerned must provide written confirmation to that effect.

While every effort should be made to allow a reasonable period for the identification and collection of relevant records, the determining officer will require and must receive the cooperation of other officers to ensure that statutory deadlines for the determination of applications are met.

## **13.0 Accountability and Performance Measurement**

The University will include in its Annual Report details as required by the Act and regulations regarding the management of FOI responsibilities and compliance.

The University will take initiatives to broaden awareness and understanding among University staff of this policy and the requirements of the FOI Act.

The University Secretary shall arrange at least annually for the presentation of information about responsibilities to a meeting of the University Executive, Deans of Divisions, and Heads of Offices and will ensure that all members of staff are reminded of the Policy and Procedures documents available on the University.

## **14.0 Review**

The University Secretary shall initiate an annual review of University policy and procedure regarding access to documents under the FOI Act.