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How do I apply for documents?

All applications for documents must comply with section 12(1) of the *Freedom of Information Act 1992*.

Section 12 of the FOI Act states:

- (1) *The access application has to –*
- (a) *be in writing; and*
 - (b) *give enough information to enable the requested documents to be identified; and*
 - (c) *give an address in Australia to which notices under this Act can be sent; and*
 - (d) *give any other information or details required under the regulations; and*
 - (e) *be lodged at an office of the agency with any application fee payable under the regulations.*

Although not a requirement under the FOI Act, it is preferred that you use the FOI Application form [DoT Freedom of information](#). Using the form may assist you to ensure your application is valid and to provide sufficient information to assist the Department when dealing with your application.

Although not a requirement, you may wish to advise the Department why you seek the documents, or if you plan to use the documents for a specific purpose. This may assist the Department to clarify which documents you are seeking and help you focus your request.

Why do you ask for proof of identity?

If your application seeks access to personal information about yourself, the Department must be satisfied with your identity. This can be done by providing the Department with evidence of your identity.

The Department recommends providing personal identification with **all** FOI Applications. Proof of identity can be in the form of a driver's licence or passport. Should you possess neither of these, a current bill with your postal address will suffice. These documents **do not** need to be certified.

I think my personal information held by the Department is wrong. What can I do to fix it?

The *Freedom of Information Act 1992* provides a process whereby an applicant can apply to amend personal information about themselves which they consider incorrect, incomplete, out-of-date or misleading.

Section 46 of the FOI Act states an amendment of personal information must:

- a) *be in writing;*
- b) *give enough details to enable the document that contains the information to be identified;*

- c) *give details of the matters in relation to which you believe the information is inaccurate, incomplete, out of date or misleading;*
- d) *give your reasons for holding that belief;*
- e) *give details of the amendment you wish to have made (specifying whether you wish the amendment to be made by altering, striking out or deleting the information or inserting a note in relation to information);*
- f) *give an Australian address to which notices can be sent; and*
- g) *be lodged at the office of the agency that holds the documents.*

Your application for amendment of personal information should include information or evidence to establish that the personal information you seek to have amended is inaccurate, incomplete, out of date or misleading as you claim.

There are no fees or charges associated with an application for amendment of personal information under the FOI Act.

Before the Department can consider amending your personal information we must be satisfied with your identity. Refer to “why do you ask for proof of identity” for further information.

What types of documents are available?

The *Freedom of Information Act 1992* gives every person the right to seek access to documents held by government agencies. Documents include (but are not limited to) written material, plans and drawings, photographs, CCTV, tape recordings, films, videotapes or information stored in a computerised form.

Some documents can be provided outside the FOI process

There are a number of documents that can be provided outside the FOI process. These include, but are not limited to:

- Drivers Licence history
- Address History
- Vehicle transfer papers
- Motor Vehicle acquisition or disposal letter
- Standard letter confirming WA Drivers Licence
- List of demerit points

To obtain a copy of these documents, the public can either:

- call the Customer Contact Centre on 131156;
- complete the DVS Online Enquiry form at <https://www.transport.wa.gov.au/licensing/make-an-online-enquiry.asp>; or
- drop an email to Contact.Centre@Transport.wa.gov.au

Additional documents can be obtained outside the FOI process at the following links

- a) <https://www.transport.wa.gov.au/>

- b) <https://www.transport.wa.gov.au/aviation/aviation.asp>
- c) <https://www.transport.wa.gov.au/Freight-Ports/freight.asp>
- d) <https://www.transport.wa.gov.au/projects/westport.asp>
- e) <https://www.metronet.wa.gov.au/news-info/documents>
- f) <https://www.transport.wa.gov.au/activetransport/your-move.asp>

For further information on what can be applied for outside of the FOI process, please contact the agency via email: FOI@transport.wa.gov.au

What is personal information?

The term “personal information” is defined in the Glossary to the *Freedom of Information Act 1992* as:

Information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead:

- a. whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
- b. who can be identified by reference to an identification number or other identifying particular such as fingerprint, retina print or body sample*

Can I get a third party’s personal details?

Information about a third party is considered personal information about that third party. Without written authority from the third party, the information is exempt under Schedule 1, Clause 3 of the *Freedom of Information Act 1992*.

Clause 3. Personal information

- (1) The matter is an exempt matter if its disclosure would reveal personal information about an individual (whether living or dead).*
- (5) Matter is not exempt matter under subclause (1) if the applicant provides evidence establishing that the individual concerned consents to the disclosure of the matter to the applicant.*

It is the applicants’ responsibility to provide evidence that the third party consents to their personal details being provided to the applicant. This evidence must be in writing, signed and dated by the third party.

I was involved in a car accident and I need the name of the other driver. Can you provide this to me?

Personal information about someone other than the applicant is generally exempt from disclosure under Clause 3(1) of Schedule 1 to the *Freedom of Information Act 1992*. The purpose of the exemption in Clause 3(1) is to protect the privacy of individuals.

Consequently, the agency cannot disclose third party information without the authority of the third party. You may wish to contact the WA Police Force in relation to s13E *Road Traffic (Administration) Act 2008 – disclosure of incident information to involved persons.*

I need a copy of my telephone call with the Call Centre or I need a copy of the audio from my Practical Driving Assessment. How do I get it?

To ensure the Department is able to identify the correct audio, you must be as specific as possible in relation to the audio you are seeking;

- if relating to a call to the Call Centre - include the date and time you called and what the call relates to; or
- if relating to audio from a Practical Driving Assessment – include the date, time and location of the assessment.

The Department can release a transcript of the audio or a copy of the audio itself. Should the audio contain third party personal information (a third party talking in the background), an applicant must provide the Department with written authority from the third party. If no written authority is provided, the Department can get the audio transcribed and apply redactions to the third parties information within the transcript. Sections and/or Clauses within the FOI Act may be referenced when determining how and if the transcript is released.

I need a copy of CCTV. How do I get this?

It is Departmental policy not to release CCTV footage to members of the public. However, in certain circumstances, an arrangement can be made to view the footage outside of the *Freedom of Information Act 1992*. For further information on this process, please contact the agency via email FOI@Transport.wa.gov.au

Transfer papers – I need to know who I purchased/sold a car from/to.

A copy of transfer papers for vehicles (sold or purchased) can be applied for by contacting the Department of Transport Customer Contact Centre on 131156 or by emailing Contact.Centre@Transport.wa.gov.au . Please note, the details of any third party will not be provided without their written authorisation.

How long will my FOI application take?

The agency is required to deal with an access application as soon as practicable and in any event, within:

- a) 45 days after the access application is received; or
- b) such other period as is agreed between the agency and the access applicant; or

- c) such other period as is allowed by the Information Commissioner (http://www.austlii.edu.au/au/legis/wa/consol_act/foia1992222/s13.html).

Should the application be unusually large or require consultation with a significant number of third parties, the agency will negotiate with the applicant on an extension of time to the 45-day limit.

What will the Notice of Decision contain?

The Notice of Decision has to give details, in relation to each decision, of —

- (a) the day on which the decision was made; and
- (b) the name and designation of the officer who made the decision; and
- (c) if the decision is that a document is an exempt document and that access is to be given to a copy of the document from which exempt matter has been deleted under section 24 —
 - (i) the fact that access is to be given to an edited copy; and
 - (ii) the reasons for classifying the matter as exempt matter and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and
- (d) if the decision is that access to a document is to be deferred — the reasons for the deferral and, if applicable, the period for which access is likely to be deferred; and
- (e) if the decision is to give access to a document in the manner referred to in section 28 — the arrangements to be made for giving access to the document; and
- (f) if the decision is to refuse access to a document — the reasons for the refusal and the findings on any material questions of fact underlying those reasons, referring to the material on which those findings were based; and
- (g) if the decision is that the applicant is liable to pay a charge to the agency — the amount of the charge and the basis on which the amount was calculated; and
- (h) the rights of review and appeal (if any) under this Act and the procedure to be followed to exercise those rights

Will I get everything I ask for?

The *Freedom of Information Act 1992* creates a right of access (subject to some limitations) to documents held by State and local government agencies. But...

FOI is not ... for documents that are already publicly available for downloading, inspection or purchase, including on a government agency's website.

FOI is not ... for documents held by individuals or private organisations. The WA FOI Act applies to documents held by WA State government agencies (including certain documents held by Ministers) and local governments (but not the Commonwealth).

<u>FOI is not ...</u>	to ask questions. The Act requires agencies to provide access to documents (subject to the limitations). If you are seeking answers to questions, you should consider contacting the agency outside the FOI process. Under FOI, your best approach is to request documents that you think may help answer your questions.
<u>FOI is not ...</u>	intended to be used to disclose sensitive personal or business information about third parties.
<u>FOI is not ...</u>	intended to prevent State and local government agencies from proactively making documents available to the public, or to individuals on a case-by-case basis.
<u>FOI is not ...</u>	a tool for agencies to prevent disclosure of documents because of embarrassment or unwelcome attention by the public.

What if I am not happy with the Department's decision?

If an applicant is dissatisfied with a decision that has been made, you have the right to apply for review of that decision. An internal review must be lodged in writing within 30 days after the notice of decision is received. The internal reviewer can affirm the decision, vary the decision or provide a new decision. An application for internal review is not to be dealt with by the person who made the initial decision or by a person who is subordinate to that person. The internal review process will be complete within 15 days (or any longer period that you agree to) of the internal review request being received.

Should an applicant be dissatisfied with the internal review decision, an application may be made with the Office of the Information Commissioner for external review. This request must be lodged within 60 days of the internal review notice of decision being given.

All details relating to internal and external review processes are provided within the original Notice of Decision document

What will it cost to get documents?

No application fee or charges apply if you are seeking personal information that is just about you. However, if your application is just for your personal information, the agency is entitled to delete all other information from the requested documents (e.g. the names of doctors or officers of the agency).

If you wish to access information that is not just about yourself, you will need to pay a \$30 application fee. Paying the fee does not automatically mean you will get access to the documents requested. An agency may also impose other charges but only as set out in Schedule 1 to the *Freedom of Information Regulations 1993 (the Regulations)*. Those charges are:

- \$30 per hour of staff time for dealing with an application. (Agencies cannot charge for locating the documents within the scope of your request.)

- \$30 per hour for supervision by staff when access is given to inspect documents; or the time taken by staff to prepare a transcript from a tape or make photocopies.
- The actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.
- 20 cents per photocopy.

An agency **cannot** charge for:

- receiving the application and issuing a receipt for the fee (where applicable);
- creating an FOI file or otherwise recording the application in the existing record system;
- searching records for the relevant documents; or
- identifying and collating the documents in dispute.

An agency **can** charge for:

- consulting with third parties if necessary;
- examining the documents, exercising a judgement and making a decision about access;
- deleting exempt matter where appropriate;
- preparing a notice of decision in the required form; and
- providing access in the manner required by the applicant (or in an alternative manner).

The decision to impose charges is at the discretion of the agency and the amount that can be charged must be in accordance with the FOI Act and Regulations.

There are no application fees or charges for internal or external reviews.

Does GST apply to fees and charges prescribed under the FOI Act?

No. Fees and charges under the *Freedom of Information Act 1992* are exempt under Determination No. 2 2000, made by the Federal Treasurer (Exempt Fees and Charges).

For further information on the FOI process, please visit the Office of Information Commissioner website: <https://www.oic.wa.gov.au/en-au/>