# Policy: Information Act – Information Access

# Introduction

The Northern Territory Information Act (the Act) gives the general public and interested parties the right to request access to government information (including personal information) held by the Department of Treasury and Finance (DTF), subject to applicable exemptions and fees.

# Purpose

The purpose of this document is to inform the general public, all stakeholders and staff of the DTF's procedures when dealing with access to information issues in a manner that does not interfere with the essential public interest, individual privacy or the effective operation of the DTF. This document assists individuals who are considering whether to request information under the Act and outlines the conditions and fees that may apply when making a request for information.

Requests for information are initially reviewed by the Divisional Director to access and make recommendations on the release of information upon which the Under Treasurer or delegate makes the final decision.

The Information Act and Information Privacy Principles are available on the Northern Territory Legislation Website.

This policy is subject to review by management from time to time.

# Definitions

## Information Privacy Principles (IPPs)

Principles for collecting and handling personal information by public sector organisations that are specified in the Schedule to the Act.

## Public Register

Under the Act agencies must keep a register that provides a description of the kinds of government information usually held by the agency. It specifies whether the information is available under another Act on payment of a fee, may be purchased by the public or is distributed free of charge to the public.

# Methods of access

DTF is required to publish information about its operations on an annual basis and makes this information available as follows:

• DTF website (www.treasury.nt.gov.au);

• Annual Report (available on website or can be purchased from the Government Printing Office);

• publications available for purchase (may be listed on the public register);

• publications available free of charge (may be listed on the public register).

The government information published as above is considered to be publicly available. Any documents already publicly available, including those that may be purchased at a fee, under other legislation or administrative processes are not relevant to the formal Access to Information request process, as it deals with requests for information that is not publicly available.

On the Information Act website (http://www.treasury.nt.gov.au/InformationAct) DTF publishes a public register that provides a description of the kinds of government information it holds. The register will help an applicant decide if DTF is likely to have the information sought and specifies if it is available outside the formal Access to Information request process.

Government information that is not made publicly available may be requested through the formal Access to Information request process. All formal requests should be directed to the Information Policy Officer.

Various types of access are available, depending on the form in which the information is stored, and may include:

• inspection of documents;

• copy of documents;

• transcript of recorded document; or

• documents produced from computerised information.

Relevant information includes all forms of existing documents, including electronically-stored data and email. Retention of email messages however are dependent on the backup schedules maintained by the Northern Territory Government as a whole. That is, emails are not kept indefinitely.

Where DTF is unable to grant access in the form requested, the applicant may (where appropriate) be given access in a different form.

# Application to access information

Applicants should be familiar with this Information Access Policy, prior to applying for access to government information (including personal information).

A request to access government information must be in writing. Application forms are available from the department directly or on the DTF website. Alternatively, an application may be made by letter (mail, email or facsimile) containing sufficient details of the information required, the applicant's name, postal address, contact telephone number and certified proof of identity.

Where a person is unable to access information due to remoteness, physical incapacity or other, the next of kin or an authorised person (for example a solicitor or accountant) may obtain or amend information subject to the provisions of the Act.

The request may be sent directly to the Information Policy Officer, lodged at any office of DTF or at any Receiver of Territory Monies (RTM).

# Transfer or referral of information requests

Where a request for information received does not relate to information held by DTF, the request will be transferred to the correct agency.

Where information is jointly held by agencies, DTF may transfer an applicant's request to the agency that is best able to deal with the request. DTF will notify the applicant of the agency to which the request has been transferred.

Where a request for information received involves various pieces of information held by several agencies, DTF will process the request for the part of information held by DTF and refer the applicant to other agencies that may hold further information. Separate requests would then need to be lodged with the other agencies, if the applicant wishes to proceed further with the request.

Where DTF accepts a request for information that it later identifies it does not hold, the request will be transferred to the correct agency, together with any fees that may have been paid by the applicant.

# Timeframes

Upon receiving a written application, it is validated to ensure compliance with section 18 of the Act, which requires an application to:

• be in writing;

• specify the name of the applicant;

• include sufficient details to identify the information;

• specify an address (email addresses must be accompanied by a residential address) to which correspondence regarding the application may be sent to the applicant; and

• be accompanied by the application fee (if applicable).

Once the written application is validated and the DTF satisfies itself as to the identity of the applicant, it will respond to the applicant within 30 days.

Processing of the application cannot commence if any of the required information is not supplied or it does not comply with the Act. Work on a request begins only when it is sufficiently specific and clear; and where the application relates to government information, the application fee has been paid.

Where a request for information relates to a third party, the DTF will not provide access to that information until consulting with the third party. In this instance the 30 day is suspended whilst the DTF awaits a response from the third party. If the third party has not replied within 30 days of the DTF seeking the third party's views, the DTF may decide to provide access to the information.

If DTF requests further details from the applicant to enable identification of the information sought, the 30 day timeframe is suspended whilst DTF awaits a response from the applicant. If the additional details are not received within 30 days of the DTF requesting them, the application is void.

If the DTF determines that it will require more than the 30 days prescribed to respond to a request or make a decision, it will contact the applicant to negotiate an extension of time.

# Application and Processing Fees

The Information Act Regulations provide for a standard scale of fees to be paid by an applicant.

There is no fee to applicants to apply only for access to personal information under the Act. However, charges may apply for the costs of services and materials applicable to viewing or reproducing the information sought.

Applicants who apply for access to non-personal, or a mix of personal and non-personal information under the Act are charged a $30 application fee. Additional processing fees may be applicable for the cost of the services and materials in response to the application.

Once an application has been accepted by the department, DTF will make an estimate of charges. Where charges apply, DTF will notify the applicant of the estimate to find out whether to proceed with the application.

DTF may require an applicant to pay a deposit of $25 where processing fees in relation to a request are estimated to be $100 or less, or to pay 50% of the estimate if more than $100. The balance has to be paid in full upon completion of the request and before the relevant information is made available. DTF will refund that portion of a deposit that exceeds the actual charges levied.

DTF may take steps to recover all fees and charges for services and materials relating to an application as per the standard debt recovery procedures.

The applicant may apply to have the fee waived or reduced on the grounds of public interest or financial hardship, in which case DTF will consider the applicant's circumstances in accordance with sections 156 (6) (a) and (b) of the Act.

# Proof of identity

Applicants need to provide proof of identity when making an application to access government information in accordance with Act. Primary sources of identification include a certified copies of a birth certificate; current Australian passport; current driver's licence, for example.

Secondary sources of identification include Northern Territory proof of age card from the Motor Vehicle Registry (with photo and signature); current overseas passport with current entry permit; naturalisation/citizenship/immigration papers issued by the Department of Immigration and Multicultural and Indigenous Affairs.

If any one of the primary sources of identification listed is not available, two or more of the above secondary sources of identification is required as evidence.

If unsure about what proof of identity to provide, the applicant may refer to the Information Act or contact the Information Policy Officer for further advice.

# Decisions

DTF will notify the applicant of the decision about the request as soon as practicable and within 30 days of DTF receiving and validating the request. DTF will notify the applicant if a request is partially or fully refused, giving reasons for the decision and advising of the review rights.

# Vexatious applicants

On the application of a public sector organisation, the Information Commissioner may declare in writing that a person is a vexatious applicant in relation to the organisation. The Information Commissioner may only make a declaration if satisfied that over a period of time, the person has repeatedly applied to the public sector organisation for access to government information or a number of pieces of government information that share a common characteristic; or for review of the organisation's decisions about access to government information or a number of pieces of government information that share a common characteristic; and the repeated applications are unnecessary; or an improper use of the right of access or review; or made to harass, obstruct or otherwise interfere with the operations of the organisation.

A declaration has effect subject to the terms and conditions specified in the declaration, which may include a condition that the vexatious applicant may only make an application to the public sector organisation with the written permission of the Information Commissioner.

# Contact details

Information Policy Officer

Department of Treasury and Finance

GPO BOX 1974, DARWIN NT 0801

P: (08) 899 96982

F: (08) 899 96150

E: FOI.DTF@nt.gov.au

W: http://www.treasury.nt.gov.au/InformationAct