

## Monash University Procedure

<b>Procedure Title</b>	Freedom of Information Procedures
<b>Parent Policy</b>	Freedom of Information Policy
<b>Date Effective</b>	05-December-2012
<b>Review Date</b>	05-December-2015
<b>Procedure Owner</b>	Director, Executive Services
<b>Category</b>	Operational
<b>Version Number</b>	1.2
<b>Content Enquiries</b>	<a href="#">Freedom of Information Officer</a>
<b>Scope</b>	All campuses in Victoria, Australia. Any person wishing to make a request for a document under the Act (a partnership, company or other organisation cannot make an FOI request).
<b>Purpose</b>	To enable the University comply fully with the Victorian Freedom of Information Act 1982.
<b>PROCEDURE STATEMENT</b>	

### 1. Requests for Documents

Applicants must lodge a request in writing to the [Freedom of Information Officer](#), Executive Services, accompanied by the application fee as set by [government regulations](#) and published in the university's [Freedom of Information](#) website.

Where there is a general request made for a document and the Freedom of Information Act is not mentioned by the applicant, an appropriate person in the relevant organisational unit will decide if the request is routine. The request need not be referred to the Freedom of Information Officer if the document is normally available for public scrutiny (e.g., certain committee papers) or is otherwise available to specified individuals under University Policy or the law. When a request is outside what is normally available for public scrutiny the applicant should be advised to make an FOI request.

The Act requires applicants to state their requests clearly enough for relevant documents to be identified and requires the agency (the University) to assist the applicant to do this. Work begins on a request only when it is sufficiently specific and clear.

The Freedom of Information Officer often assists applicants in wording their requests so that the relevant documents can be precisely identified. The Freedom of Information Officer is not required to conduct a general search for documents until it is clear which documents are being sought by an applicant.

#### **Responsibility**

Freedom of Information Officer

### 2. Access to Documents

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The Freedom of Information Officer makes the decision about access to documents and advises applicants in writing. Under the Act this must be done within 45 days of receiving a request that is clear enough for relevant documents to be identified. The decision in each case may be that access is granted in full, granted in part or denied in full. The Freedom of Information Officer must advise the applicant if a document has been lost, has never existed or has been destroyed.

Access can be granted to parts of documents. If certain of the information is regarded as exempt from disclosure according to the categories of exceptions specified by the Act (see Section 3 below) the exempt material may be deleted from the copies which are released to the applicant.

### Responsibility

Freedom of Information Officer

## 3. Exempt Documents

The Act allows for requested documents to be withheld where they are considered to be exempt from release. The University protects its legitimate management, research and commercial interests and the interests, including privacy, of individuals (staff, students or members of the public) by using the exemptions provided for under the Act. In some cases, even when an exemption provided by the Act appears both applicable and justifiable, a document may be released by the Freedom of Information Officer because adverse consequences of release to the University's functions and legitimate interests are considered to be minimal. The Act encourages agencies to consider releasing documents otherwise than as required by the Act.

The Freedom of Information Officer will therefore consider, in relation to the provisions of the Act, any document regarded as possibly exempt and decide whether it should be released, released with exempt details deleted, or fully withheld.

A document or part of a document can be regarded as exempt if (among other things):

- it is an internal "deliberative process" or draft document and its release would not appear to be in the public interest (exempt under Section 30 of the Act);
- it would be privileged from production in legal proceedings on the ground of legal professional privilege (exempt under Section 32 of the Act);
- it concerns the personal affairs of a person or persons who have not initiated the request (exempt under Section 33 of the Act);
- it is information communicated in confidence by or to the University (exempt under Section 35 of the Act);
- it is a referee's report (a particular instance of the preceding category);
- its release would disadvantage the University or another organisation commercially (exempt under Section 34 of the Act); or
- it is seen to be covered by one or more of the other exemptions provided for by the Act (often not applicable to Monash documents).

For a complete listing and explanation of the exemptions, see the [Freedom of Information Act 1982](#) or copies of the Act are available for perusal at the offices of the FOI Officer and the University Solicitor.

### Responsibility

Freedom of Information Officer

## 4. Review by the Freedom of Information Commissioner

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When an applicant is dissatisfied with the Freedom of Information Officer's decision not to release all or part of a requested document, under the Act the applicant has 28 days to lodge a request for a review of the decision with the Freedom of Information Commissioner, who has 45 days to make a fresh decision.

### Responsibility

Applicant  
FOI Commissioner

## 5. The Victorian Civil and Administrative Tribunal (VCAT)

If an applicant wishes to apply for a review of the Principal Officer's decision, or the Freedom of Information Commissioners' decision, an appeal should be lodged in writing with the [Victorian Civil and Administrative Tribunal \(VCAT\)](#) within 60 days of the date on which the applicant receives the decision from the Principal Officer or Freedom of Information Commissioner.

The VCAT review procedure provides for a preliminary conference of the parties aimed at settling their disagreements on exemptions and access to documents. Failing agreement, the matter will proceed to a hearing by the VCAT where the issues will be examined and a decision made.

Note: the Vice-Chancellor is the Principal Officer under the Act.

### Responsibility

Applicant

## 6. The Freedom of Information Commissioner

The [Freedom of Information \(FOI\) Commissioner](#) may direct enquiries to the University as a result of an applicant's complaint about the University's handling of an FOI request. Applicants are entitled to complain to the FOI Commissioner if they are informed by, and do not accept advice from, the FOI Officer that a document has been lost, destroyed or does not exist, or if a request has not been handled according to the provisions of the Act. A person may also complain to the FOI Commissioner about an administrative procedure or decision which appears to him or her unjustified or contrary to law, or if they dispute access costs applied to their request.

The Manager and University Archivist, Records and Archives Services, is responsible for proper retention and registry of University records, which are public documents under the Public Records Act. While the dividing line between University and personal documents is not always easy to determine, destruction of University records cannot be undertaken without consultation with the Manager, Records and Archives Services. For some categories of documents, such as examination scripts and student files, an approved disposal schedule applies. Staff who are in doubt about whether a document is a document of the University under the Act should contact the FOI Officer. If there is doubt about whether a document may be destroyed, the contact is the Manager, Records and Archives Services.

### Responsibility

Freedom of Information Officer  
Manager and University Archivist, Records and Archives Services

## 7. Requests to Amend a University Record

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Under Section 39 of the Act, an applicant may request in writing correction or amendment of a record that has been previously released to him/her under the Act and relates to himself/herself if it is inaccurate, incomplete, or out of date, or where it would give a misleading impression. Applicants cannot request that a record be deleted.

The University has 30 days to respond to such a request.

The review and appeal procedures for FOI requests to amend personal records can also result in an internal review and thereafter to review (preliminary conferences and final hearings) in the VCAT.

### Responsibility

Applicant

## 8. Access Apart from the Act

While requests for the following types of documents are handled at Monash outside the Act, a dissatisfied applicant would not, under law, be prevented from placing an FOI request. The University therefore uses the FOI Act and Regulations as a guide in making decisions about access and in setting fees. Documents which are personal to a student or staff member are not released to a third party. This includes a student's marks and grades.

### Responsibility

Applicant

Freedom of Information Officer

#### 8.1 Numerical Examination Marks

A student's final numerical marks for units studied at Monash are released to students in a variety of formats following each examination period, and are routinely included on academic transcripts. Each student receives a free academic transcript when he or she graduates.

#### 8.2 Examination Script Books

Staff are encouraged to give feedback to students on their performance in examinations. In such discussions the staff member might refer to the student's examination script.

Students wishing to access their exam and other assessment papers should refer to the assessment papers policy and procedures of their faculty.

Departments/Schools are entitled to deny students access to their scripts if the examination is a short answer or multiple choice module which the examiner intends to use again.

It is the responsibility of departments to arrange for routine destruction of examination script books six months after the publication of the results, or one month after the conclusion of an appeal, whichever is the longer. For information about the University's disposal schedules, the Manager, Records and Archives Services, should be contacted.

#### 8.3 Theses

Access can be obtained to copies of passed theses held in any branch of the University Library, through the Librarian. Very rarely a thesis may contain sensitive material which is covered by an exemption under the Act, and access is therefore restricted for a specified\_time period.

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### 8.4 Personnel Files

Staff currently employed by the University may gain access, outside the Act, to their personnel files through the Director, Human Resources. Access to these files will not include any documents regarded as sensitive, such as referees' reports. Staff who wish to have access to any personal documents not on their files must lodge an FOI request with the FOI Officer.

### 8.6 Student Files

Student files contain completed forms and correspondence related to the academic progress of students through their courses.

- Current students wishing to view their Student File may contact the Director of Client Services, Clayton; and
- Previous/non-current students will need to contact the Freedom of Information Officer for access to their student file.

Under a disposal schedule approved as part of the University's records management function, undergraduate hard copy student files are routinely destroyed 7 years after last action on the file.

Should students want a copy of academic achievements that are retained electronically, they should refer to the relevant section of the Monash Web site dealing with obtaining [Academic Transcripts](#).

### 8.6 Documents of Departments, Schools and Branches

Staff of Monash may be prepared to grant access to certain documents on direct request without requiring the person asking to invoke FOI procedures. Such documents might be committee minutes and agenda, reports submitted to Academic Board, or documents of personal concern to the enquirer.

If a document is regarded as sensitive, the Department, School or Branch should not initially release it, and the enquirer should be advised to make an FOI request.

#### **Responsibility**

Students  
University personnel as named in the sub-sections

<b>Responsibility for implementation</b>	Students Applicant Freedom of Information Officer Manager and University Archivist, Records and Archives Services FOI Commissioner
<b>Status</b>	Revised
<b>Approval Body</b>	<b>Name:</b> Vice-President (Administration) <b>Meeting:</b> n/a <b>Date:</b> 07-May-2012 <b>Agenda item:</b> n/a

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<b>Definitions</b>	<p><b>Agency:</b> a department, council or a prescribed authority</p> <p><b>Prescribed Authority:</b> a body corporate established for a public purpose by, or in accordance with, the provisions of an Act (the part of the definition relevant to the University)</p> <p><b>Document:</b> a book, map, plan, graph, drawing, photograph, a label, marking or other writing, a disc, tape, sound track, a film, as well as anything marked with words, figures, letters or symbols which have meaning. Information held on computer disk or in a data base falls within the definition of a document.</p>
<b>Legislation Mandating Compliance</b>	<p><a href="#">Freedom of Information Act 1982</a></p> <p><a href="#">Freedom of Information Regulations 2009</a></p> <p><a href="#">Public Records Act 1973</a></p>
<b>Related Policies</b>	<p><a href="#">Conduct and Compliance Procedure - Privacy</a></p> <p><a href="#">Privacy of Student Records Policy</a></p> <p><a href="#">Recordkeeping Policy</a></p>
<b>Related Documents</b>	<p><a href="#">Information Technology Use Policy - Staff &amp; Other Authorised Users</a></p>