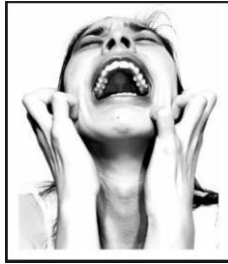


QUESTIONS YOU MIGHT LIKE TO ASK YOURSELF WHEN YOU ARE TRYING TO DECIDE WHETHER SECTION 20 OF THE *FREEDOM OF INFORMATION ACT 1992 (WA)* APPLIES TO AN ACCESS APPLICATION



DO NOT PANIC BUT KEEP NOTES

1. Is the access application a valid application? – see section 12 of the FOI Act
2. Is it obvious **at first glance** that section 20 may apply?
3. When you read the access application, what do you think will be involved in you being able to identify and/or locate the requested documents? *What documents could you release OUTSIDE the FOI Act?*
4. Do you need to contact the applicant about what documents you think they are trying to get access to? *You might decide to ring, write or arrange to meet with the applicant – that will depend on many things.*
5. What reasonable steps can you take to help the applicant to change the application to reduce the amount of work needed to deal with it? *What time period does the application cover? How many documents do you think/estimate are covered by the application? Does the applicant want copies of all correspondence to and from him/her? What kinds of documents does your agency hold that come within the scope?*
6. What are **reasonable steps** to help the applicant change the application? – **Remember you still only have 45 days unless you have agreed an extension with the applicant or the Information Commissioner.**
7. Is the applicant being helpful? Are you listening to the applicant?



8. What do you think will be involved in you having to make a decision on access? What are the resources available in your agency? *Which officers are going to be competent to identify documents? Which officers are going to be competent to discuss potential exemption claims? What are the normal duties of those officers? Where are the documents located that come within the scope of the application?*
9. Do you think section 20 might still apply? *Write your decision including all of the discussions, negotiations, responses that have occurred while you have been getting to the point of writing your decision. Remember, you can quote responses rather than try and paraphrase.*

Useful Decisions:

Re Park and SMHS – Royal Perth Hospital [2014] WAICmr 18

Re Jamieson and City of South Perth [2013] WAICmr 13 – section 20 not substantiated

Re Ravlich and Attorney General; Minister for Corrective Services [2009] WAICmr 17

Re Ballam and Shire of Toodyay [2009] WAICmr 4