



THE UNIVERSITY
of ADELAIDE

Legal Compliance Education and Awareness

CRICOS PROVIDER 00123M

Freedom of Information Act 1991

(South Australia)

adelaide.edu.au

seek LIGHT

What does the FOI Act do?

- Promotes accountability & openness in Government & public agencies
- Enables members of the public to request documents held by government & public agencies;
 - from anything in which information is stored (hardcopy or electronic)
 - or
 - from which information may be reproduced;
 - *letters & notes*
 - *reports & plans*
 - *Email*
 - *websites & databases*
 - *photographs, videos & audio tapes*
 - *data on laptops & USB sticks*
- Enables people to request the amendment of documents that relate to them which are incomplete, incorrect, out-of-date or misleading

How does the Act apply to the University?

- The University is an agency subject to the [FOI Act](#)
- Any documentation or recorded information held by the University or staff in their official capacity is subject to FOI
 - *on a business system*
 - *in your in-box*
 - *in your desk drawer*
- Any person (*applicant*) can submit an application for access to the University's documents
 - *correspondence*
 - *research records*
 - *minutes from meetings*
 - *de-identified data & statistics (only where the document already exists)*
- FOI only applies to existing records
- FOI relies on good [records management](#)

How does the application process work?

- **Applicants:**
 - must provide enough details about the document(s) for information to be found
 - use a [Request for Access](#) form
 - must provide valid identification & current address
 - do not have to give a reason for their request
- The University must respond within 30 days of the request
- Schools & Areas will be consulted in relation to any FOI application relevant to their activities
- Access to a document must be given unless it is an *exempt document*
 - The University's [FOI Officer](#) will determine this
- Once documents are released the applicant can do with them as they please

What documents can be exempted?

- ***Documents that:***
 - are subject to legal professional privilege
 - are contracts containing an approved confidentiality clause
 - contain advice or opinions prepared for the purpose of decision-making
 - would unreasonably disclose information about a person's personal affairs
 - contain trade secrets or information that has a commercial value
 - contain research results, disclosure of which could have an adverse effect
 - relate to internal assessment or staff management procedures
- Some exemption categories also require the consideration of *public interest* such as:
 - *Research papers & internal working documents*

What happens if access to documents is refused?

- The applicant will be informed of the reasons why, including the exemption category
- The applicant will be advised of their appeal rights for internal & external review
- The Ombudsman can investigate & review FOI actions & decisions
 - [State Ombudsman](#) of South Australia

What can happen if I don't comply?

- ***Individual Consequences:***
- Where there is a breach of duty or of misconduct in the administration of the Act, staff may be reported to the Vice-Chancellor
- A breach of the Act may be considered misconduct actionable under the University's Enterprise Agreement
- May also be misconduct or maladministration for the purposes of the Independent Commissioner Against Corruption Act
- ***University Consequences:***
- If FOI requests are not handled appropriately the University may be subject to investigation by:
 - the [State Ombudsman](#)
 - the [Independent Commissioner Against Corruption](#)
- Negative publicity
 - *Damage to the University's reputation*
 - *Attraction & retention of staff & students is compromised*

University obligations under the Act

REMEMBER:

- **Anything** you write about anyone or anything is potentially subject to FOI
 - *Including informal email communication and text messages (including those on personal devices)*
- You do **not** have the discretion to decide what can or can not be released
- You must not destroy records
- If entering into a contract which you want to keep confidential, ensure the contract;
 - contains the approved confidentiality clause
 - and
 - is approved by the Vice Chancellor or their delegate
 - Refer to [FOI Policy](#)

What do I do if I get contacted about an FOI request?

- Immediately forward the request to the University's [FOI Officer](#)
- Co-operate with the FOI Officer
- Assist in putting together copies of **all** documents relevant to the request
 - *search local filing cabinets or email in-boxes*
- Do not destroy documents
- Provide **everything** you've got to the [FOI Officer](#)
- Provide FOI Officer with clear reasons if you feel that any documents should not be released

Additional Resources

- [Jackie Morris](#), Freedom of Information Officer
 - 8313 5804
- [University Freedom of Information Website](#)
- [Marc Davies](#), Director Legal Services
 - 8313 8113
- [University of Adelaide Freedom of Information Policy](#)
- [University of Adelaide Enterprise Agreement](#)
- [State Records](#)
 - Freedom of Information Guidelines
- [Freedom of Information Act 1991 \(SA\)](#)



Disclaimer

The content of this material is intended only to provide a summary & general overview of the *Freedom of Information Act* as it applies to the University of Adelaide.

It is not intended to be comprehensive nor does it constitute legal advice.

Please contact *Jackie Morris, FOI Officer* if you are unsure of your compliance obligations under the Act.