



Government of **Western Australia**  
Mental Health Commission



# Freedom of Information Information Statement





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# Freedom of Information Statement

The Freedom of Information Act 1992 (“FOI Act”) was established in order to enhance the public’s participation in government and increase the accountability of State and local governments.

In creating a right of public access to government documents, the FOI Act requires agencies such as the Mental Health Commission (“the Commission”) to make available details about the kind of documents it holds and provide information as to how they can be accessed.

Along with enabling the public to understand how government and its agencies operate, the FOI Act allows people to obtain and seek amendment to personal information about themselves if they feel what is held on the public record is inaccurate, incomplete, out of date or misleading" (section 45 of the FOI Act).

In order to abide by the FOI Act, it is the Commission’s aim to make information available to members of the public promptly and for the least possible cost. Aside from documents, such as the Annual Report, which are freely available to the public, the Commission will, wherever possible, attempt to provide information to applicants outside of the FOI process.

## Freedom of Information Requests

The FOI Act recognises two kinds of requests for access to information, personal information and non-personal information. Personal information is defined 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" (Clause 3, Schedule 1 of the FOI Act). This includes, but is not limited to, information from which the identity of an individual is apparent or can reasonably be ascertained (i.e. names or contact details).

Non-personal information is defined as information concerning people other than the FOI access applicant. This also includes, but is not limited to, information, opinions, contact details or genetic information.

## Freedom of Information Applications

Under section 12 of the FOI Act, FOI applications must:

- be in writing;
- give enough information so that the requested document can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency together with the application fee (if required).

## Lodgement of FOI Applications

Applications may be made:

### In person:

FOI Coordinator  
Mental Health Commission  
Level 1, 1 Nash Street  
Perth Western Australia

### By post:

FOI Coordinator  
Mental Health Commission  
Locked Bag x2299  
Perth WA 6847

Applications and FOI inquiries can also be directed to the FOI Coordinator via email to [foi@mhc.wa.gov.au](mailto:foi@mhc.wa.gov.au)

Once an application has been received by the Commission, an acknowledgement letter will be sent to the applicant notifying them of the 45-day deadline in which his or her application shall be processed (section 13(3) of the FOI Act).

## Fees and Charges

Under section 16(1)(d) of the FOI Act, no fee or charge is payable for access to, or amendment of, personal information. However, under section 12(1)(e), a fee is payable for FOI applications which request access to non-personal information.

The following table details the fees and charges applicable under the FOI Act. Please note that other than the application fee for non-personal information; all charges are made at the discretion of the Commission.

<b>Charge Description</b>	<b>Fee Payable</b>
Personal information about applicant (such as your medical record or employee file)	No fee
Application fee for non-personal information	\$30.00
Charge for time taken dealing with the application	\$30.00 per hour
Charge for access time supervised by staff	\$30.00 per hour
Charge for photocopying relevant documents	\$30.00 per hour for staff time, plus

<b>Charge Description</b>	<b>Fee Payable</b>
	20c per copy
Charges for staff time in transcribing information from a tape or other device	\$30.00 per hour
Charge for duplicating a tape, film or computer information	Actual cost
Charge for delivery, packaging and postage	Actual cost

## **Processing of Freedom of Information Applications**

The Commission's FOI coordinator is responsible for processing all FOI applications received. The FOI Coordinator will liaise with the applicant, relevant decision maker or internal reviewer and third parties, in order to process the application in accordance with the FOI Act.

Once a decision has been made, the applicant will receive a Notice of Decision which outlines the case facts and reasons behind the Commission's decision (as per section 30 of the FOI Act).

### **Rights of Review**

The FOI Act provides applicants with the right to appeal an FOI decision made by the Commission, via an internal and external review process. Please note that no fees or charges are applicable for internal or external reviews.

In accordance with section 40 of the FOI Act, internal review applications should be made in writing to the Commission within 30 calendar days after the date of the Notice of Decision.

If any matter remains in dispute following an internal review, FOI applicants are advised of their right to request an external review to be undertaken by the Information Commissioner. In certain instances, questions of law that arise in the course of dealing with an FOI complaint may be referred to the Supreme Court.

### **Documents Held by the Commission**

The Commission's records are arranged using activities based classification and include information about the following functions and activities:

- Alcohol and Drug Support Services
- Clinical Treatment Service Delivery
- Consumer and Carer Engagement
- Community Response: Correspondence received by the Commissioner on current issues
- Diversion Programs, Policy and Strategy
- Governance: Legislative and parliamentary processes
- Government Initiatives: Projects of the elected government managed by the Commission

- Health Relationships and Services Purchasing – public health
- Mental Health and Alcohol and Other Drugs policy and strategy
- Mental Health and Alcohol and Other Drugs data collection and analysis
- Suicide Prevention Programs, policy and strategy
- Workforce Development and training material

Broad categories of documents (including publications and quick links) are available to the public and can be accessed through the Commission's website at [www.mhc.wa.gov.au](http://www.mhc.wa.gov.au).

If you are seeking access to your mental health records please contact the [Health Service Provider](#) directly where you received treatment.

If you are seeking access to a specific document which cannot be located online, please contact the Commission's FOI Coordinator on (08) 6553 0600 with your request, prior to lodging an FOI application.

### **Internal Manuals**

Internal Manuals can take the form of an instruction or operations manual, handbook or guidelines for managing or working the Commission's various internal systems.

Each division may have internal manuals in one or more of the forms described which are used in connection with the performance of their business functions. The primary purpose is to provide advice to Commission officers in the exercise of their duties and to be an ongoing guide which is reviewed and updated, as required.

If you wish to obtain any additional information in relation to the Commission's Internal Manuals contact the FOI Coordinator, details above.

### **How to Apply to Amend Your Personal Information**

Applicants can apply to the FOI Coordinator to request a correction or amendment to any document(s) which contain their personal information.

All applications must be made in writing and clearly demonstrate how or why the Commission's records are "inaccurate, incomplete, out of date or misleading" (section 46 of the FOI Act).

As with an FOI application, the Commission will inform the applicant of its decision and reasoning, via a Notice of Decision. If the Commission decides to amend the applicant's personal information, it will usually be done via altering the record, or adding a further note in relation to the record. The FOI Act also provides applicants with the right to appeal an amendment decision made by the Commission, via an internal and external review process.