Freedom of Information

Information Statement

Prepared as a stand-alone document pursuant to s.94 of the FOI Act 1992

Copies of the Shire of Toodyay's Information Statement can be sourced:

In Hardcopy from:	Shire of Toodyay Administration Offices 15 Fiennes Street, Toodyay WA 6566 Monday to Friday from 8.30am to 4.30pm.
On the Shire website:	https://www.toodyay.wa.gov.au/documents/freedom-of-information
Or requested via email:	records@toodyay.wa.gov.au

This document can be provided in alternative formats upon request, by contacting the FOI Coordinator on (08) 9574 9300 or via the link below:

https://www.toodyay.wa.gov.au/documents/freedom-of-information

Authorised for Distribution

Alan Hart–Temporary Chief Executive Officer

31 July 2026

Date

Information Statements

Agencies (local governments) are required to ensure that an up-to-date Information Statement is published (s.96).

The intent of the Information Statement is to inform the public of the:

- structure and functions of the agency (s.94);
- ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public (s.94(b))
- opportunities for members of the public to participate (s.94(c))
- documents held by the agency (s.94(d)) and how these documents may be accessed by the public.
- Freedom of Information Procedures and Access Arrangements (s.94(i))

The Shire will periodically review what information is available to the public outside the FOI process as part of the annual review of the Information Statement.

The Shire will provide a copy of this statement to the Information Commissioner as soon as practicable after the statement is published or a new edition produced (s.97).

The Shire's website

The Shire's website contains all necessary information for the public. The site map link is available here: https://www.toodyay.wa.gov.au/sitemap.aspx

Further Information

If you have any questions about the Freedom of Information Statement, please contact the Freedom of Information Coordinator on (08) 9574 9300 during office hours (8.30am to 4.30pm) or via email at records@toodyay.wa.gov.au

The Office of the Information Commissioner publishes how members of the public may access documents held by government, amend personal information and apply for review of agency decisions. Contact them via the means provided below:

Phone: (08) 6551-7888 or Free call (WA country landline only) 1800 621 244

On-Line: https://www.oic.wa.gov.au/en-au/ThePublic



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Structure and functions of the agency(s.94(a))

The Shire of Toodyay is a local government established under the *Local Government Act 1995*. The Shire provides local government services, facilities and infrastructure for the benefit of residents, businesses and visitors within the district.

Local government revenue is derived primarily from:

1. Rates;
2. Fees and charges for goods and services; and
3. Grants and funding from the Commonwealth and State Governments.

Role of Local Government

The role of a local government is prescribed by section 2.7 of the *Local Government Act 1995*. Councillors are elected by the community to participate in the decision-making and governance of the local government in accordance with the Act and associated legislation.

The role of an elected member is prescribed by section 2.10 of the *Local Government Act 1995*.

Executive Office

Council appoints a Chief Executive Officer (CEO) pursuant to the *Local Government Act 1995*. The CEO is responsible for the overall management of the local government and performs the functions prescribed by section 5.41 of the Act.

The CEO is responsible for implementing Council decisions and managing the day-to-day operations of the organisation through Executive Managers and staff. The Executive Office provides strategic leadership and oversight of governance, risk management, communications, advocacy, executive services and major projects.

Organisational Structure

The Shire's operations are organised into four divisions, each led by an Executive Manager responsible for the delivery of specific functions and services.

Division 1: Finance and Corporate Services

Executive Manager Finance and Corporate Services

Responsible for:

- Financial management and accounting;
- Customer service;
- Records management and business systems;
- Human resources; and
- Information technology.

Division 2: Economic Development and Community Services

Executive Manager Economic Development and Community Services

Responsible for:

- Library services;
- Museum services;

- Community Resource Centre operations;
- Management of the Toodyay Aquatic Centre and Toodyay Recreation Centre;
- Economic development;
- Community development;
- Tourism; and
- Events and community engagement.

Division 3: Planning and Regulatory Services

Executive Manager Planning and Regulatory Services

Responsible for:

- Statutory planning;
- Strategic planning;
- Planning and development compliance;
- Building services and approvals;
- Cultural heritage matters;
- Sustainability initiatives; and
- Environmental health services.

Division 4: Infrastructure, Assets and Services

Executive Manager Infrastructure, Assets and Services

Responsible for:

- Road, drainage and footpath construction and maintenance, including engineering and infrastructure planning;
- Bridge maintenance and upgrades;
- Ranger services;
- Reserve management;
- Street cleaning;
- Parks and gardens maintenance;
- Fire mitigation activities, including weed management;
- Depot management;
- Fleet management and maintenance;
- Asset management and asset management planning;
- Waste management, including operation of the Waste Transfer Station;
- Building maintenance; and
- Emergency management services.

Functions of the Shire

The Shire operates under the *Local Government Act 1995* and a range of Commonwealth and State legislation relevant to local government functions.

The Shire performs a range of functions and responsibilities for the benefit of people living, working and visiting the district. These include governance, strategic planning, community development, economic development, environmental health, regulatory services, emergency management, infrastructure provision and maintenance, and the delivery of community facilities and services.

General Functions

Section 3.1 of the Local Government Act 1995

The general function of a local government is to provide for the good government of the people within its district.

Legislative Functions

Section 3.5 of the Local Government Act 1995

A local government may make local laws necessary or convenient for performing its functions under the Act.

Executive Functions

Section 3.18 of the Local Government Act 1995

A local government is responsible for administering its local laws and undertaking all actions necessary to perform its statutory functions and responsibilities.

Principal Legislation Administered

In addition to the *Local Government Act 1995*, the Shire exercises powers and responsibilities under a range of legislation, including:

- *Planning and Development Act 2005*;
- *Building Act 2011*;
- *Public Health Act 2016*;
- *Environmental Protection Act 1986*;
- *Bush Fires Act 1954*;
- *Emergency Management Act 2005*;
- *Dog Act 1976*;
- *Cat Act 2011*; and
- *Waste Avoidance and Resource Recovery Act 2007*.

Plan for the Future (s.5.56 of the *Local Government Act 1995*)

The Council Plan 2023-2033 is available on the Council's website under "Shire Projects" at the following link: https://www.toodyay.wa.gov.au/council/shire-projects/plan-for-the-future-2023-2033.aspx

This plan describes the vision, purpose and values of the Shire in its response to community objectives contained in the plan.

The plan details the supporting strategies that will be used to deliver on the actions and objectives contained in the plan, some of which are on the website as follows:

Risk Management Framework	Disability Access & Inclusion Plan
Bush Fire Preparedness and Resilience Strategies	Bush Fire Risk Management Plan
Economic Development Plan	Heritage Strategy
Local Emergency Management Arrangements	Local Planning Scheme
Governance Framework	Local Planning Strategy
Municipal Inventory (*under review*)	Reconciliation Action Plan
Environmental Management Strategy	Bush Fire Operating Procedures

Ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public (s.94(b))

Impact on the Public

The agency's functions, particularly decision-making and governance processes, impact members of the public in various ways:

- **Policy Implementation:** Directly affects the daily lives and activities of the community.
- **Regulatory Decisions:** Impose obligations or provide benefits to individuals and businesses.
- **Service Provision:** Delivers essential services that cater to public needs such as the library services mentioned below.

Library Facilities available for use by members of the public (s.94(e))



The Shire's Public Library Service is part of a state-wide network that operates between local government authorities and the Library Information Service of Western Australia.

Information about the Shire of Toodyay Library is available at the link below:

https://toodyay.spydus.com/cgi-bin/spydus.exe/MSGTRN/WPAC/HOME

Opening hours are available on the Shire's website: https://www.toodyay.wa.gov.au/contact-the-shire.aspx

Morangup Community Library



Morangup Community Library is Toodyay Public Library's part-time branch. If you live outside Toodyay and don't want to take a trip into town, you can head over to the Morangup Community Centre which stocks over a thousand items to browse and borrow. Regular Toodyay patrons may also borrow, return or renew items at Morangup.

Council Meetings

The intent of Council Meetings is to provide a means for Council to make decisions that will affect the community as a whole, or individual members of the community dependent upon the type of decision being made.

The nature of Council's interest in making a decision will be one of the following:

Advocacy: when Council advocates on its own behalf or on behalf of its community to another level of government body/agency;

Executive: the substantial direction setting and oversight role of Council (e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets);

Legislative: adopting local laws, local planning schemes and policies;

Review: Council reviews decisions made by officers; or

Quasi-Judicial: when Council determines an application/matter directly affecting a person's right and interests. The judicial character arises from the obligation to abide by principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Ordinary Council Meetings are held February to December, commencing at 5.30pm.

Agenda Briefings are held one week prior to an Ordinary Council Meeting, commencing at 5.30pm.

Special Council Meetings are called from time to time by the Shire President to consider matters which arise.

The Shire President presides at Council Meetings pursuant to the Act, and the *Local Government (Administration) Regulations 1996*. The CEO and the Executive Managers attend Council meetings to provide advice or any other information Councillors may seek but cannot vote or participate in debate.

A schedule is adopted by Council and available on the Shire's website here: https://www.toodyay.wa.gov.au/council-meetings/

Council Meeting Minutes

Minutes are available 14 days after Council Meetings, and 7 days after Committee Meetings pursuant to r.13 of the *Local Government (Administration) Regulations 1996*. Minutes are 'unconfirmed' until the next meeting where they are 'confirmed' subject to any amendments made by Council or Committee (as the case may be). The confirmed minutes, including relevant attachments, are made available once signed by the Presiding Person.

Opportunities for members of the public to participate (s.94(c))

A member of the public can write to the Council on any policy, activity, function or service of the Council on-line using the link on the Shire's website: http://www.toodyay.wa.gov.au/Council/Have-your-say

Or they can write to the CEO (and Council) using the address details provided on the Shire's website at the following link:

http://www.toodyay.wa.gov.au/Contact-the-Shire#section-3

Address: Shire's Administration Office, 15 Fiennes Street, Toodyay WA 6566

Postal Address: PO Box 96, Toodyay WA 6566

Email: records@toodyay.wa.gov.au

Telephone: (08) 9574 9300

Members of the public can also participate in the agency's policy formulation and performance through:

Public Consultations

Public comment periods are a common consultation method employed by the Shire on a range of Council proposals and functions. A public comment period ensures that those affected by a Council decision have a genuine opportunity to be informed of, and provide input into, the decision-making process.

Public comment periods are undertaken in accordance with Council's Community Consultation and Engagement Policy.

Effective Public Comment(s) should:

- Clearly state an opinion and reasons for or against the proposal or sections thereof;
- Propose how concerns might be addressed by outlining suggestions for resolving a problem or issue (if possible);
- List any references or provide evidence, relevant material, or specific examples to help demonstrate views or suggestions,
- Include the section, recommendation and page number of the proposal to which comments refer (if relevant),
- Be concise, whilst also numbering issues to be addressed, where there is more than one.

Public submission guides are available on the Shire website: https://www.toodyay.wa.gov.au/council/council-meetings-committees/submissions-deputations-and-public-questions.aspx

Council Meeting Attendance – Public Question time, Submissions and Petitions.

Meeting Procedures provide for the safe custody and use of the common seal and for the orderly conduct of Council and Committee meeting (and debating) procedures, as well as prescribing ways in which members of the public can contribute to the meeting.

Council meetings afford members of the public the opportunity to ask questions and receive responses from either the Elected Members or the Shire Officers through public question time pursuant to the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the Shire's Meeting Procedures.

Information about Council Meetings is available online at the link below:

https://www.toodyay.wa.gov.au/council-meetings/

Submissions

Items out for public comment are advertised in the local newspaper and displayed on the notice board at the Toodyay Library and Administration Centre as well as being published via social media and on the Shire of Toodyay's website at www.toodyay.wa.gov.au.

Submitters must submit their comments to the submissions@toodyay.wa.gov.au email by the advertised closing date, so that their comments can be considered.

Consideration of Submissions

All submissions received are summarised in a schedule of submissions for consideration by Council. This consideration may result in the proposal being modified to address the issues; approved without modification; or refused.

Submissions received may be included in Council's Agenda and made available to the general public. Public access to the submissions will also be permitted under the *Local Government Act 1995* or the *Freedom of Information Act 1992*.

Once a decision has been made on the relevant matter the responsible officer will write to all submitters advising of the outcome.

Petitions

Petitions inform the Council, in a public way, of the views of a section of the community and serve as a means of placing community concerns before Council.

Electors of the Shire of Toodyay may petition the Council to take some form of action over a particular issue.

A petition must be in the same format as the Shire's petition template and must be made by electors of the district and contain a summary of the reasons for the request.

Please note the following protocol for submissions of petitions. Petitions **MUST**:

- be addressed to the Shire President and Councillors;
- contain a concise statement of facts and the action sought on every page of the petition;

- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed;
- state the name and address of the person who arranged the petition for correspondence to be delivered to. Correspondence is not sent to all the signatures on the petition.

Petitions should be presented to Council by a Councillor and a copy ought to be provided to the Administration prior to it being presented to the Council Meeting.

The Councillor presenting the petition is required to read the petition and if necessary, request that it be referred for an Officer's report.

Where a petition does not conform to the above, it will be treated as normal business correspondence.

Community Meetings

Where the Shire requires buy-in from the community in regard to its projects, and in accordance with the Shire policy on Community Consultation and engagement, Shire Officers may schedule forums and community meetings when stakeholder consultation is required.

Advisory Committees:

The Shire recognises the value of community input and is continually looking for ways to engage more deeply with the community, including ensuring that community representatives are appointed by Council onto Advisory Committees.

The Shire's Committee Book provides detail of each committee and the representation of Councillors on external committees. This book is available online: https://www.toodyay.wa.gov.au/documents/461/committee-book

Surveys and Feedback Mechanisms:

From time to time, the Shire will develop community surveys and deliver them out to the general public for a period of time to gauge sentiment in the community in regard to various matters.

Notifications / Advertising

Residents may be notified of issues by advertising through the Public Comment section of the Shire's website, or in the Toodyay Herald newspaper, or in writing to ratepayer's addresses. Residents and ratepayers have the opportunity to write to the Shire expressing their views.

Works Requests and Feedback Forms

The community can use the Contact Us link on the Shire's website to contact the Shire in order to:

- Request works by lodging a works request, or report an issue; or
- Changing your details;

- Provide feedback to the Shire; or
- Update details in the community directory.

Procedure for amending personal information (s.94(g))

Where members of the public wish to amend personal information contained in the documents of the agency they are instructed to make these amendments through submitting a "Change your Details" form which is attached.

The form can be completed and provided to the Records Management Officer of the Shire using the methods detailed below:

Mail:	PO Box 96 Toodyay WA 6566
E-Mail:	records@toodyay.wa.gov.au
In Person:	'Old Courthouse Building,' 15 Fiennes Street, Toodyay

Note: Changes can also be completed on-line using the link below:

https://www.toodyay.wa.gov.au/resident-services/contact-us/change-your-details.aspx

When submitting the change of details on-line certified copies of documentation confirming these changes (i.e. Marriage Certificate) are required to be submitted with the application to change personal details prior to them being processed. If not provided the applicant will be contacted by the Records Management Officer.

The Records Management Officer will record all the "Change your Details" forms as they come in. The details are then changed on the system and provided to the relevant officers of whichever departments that the change will affect.

Documents held by the agency (s.94(d))

The Shire is required to have available certain types of documents pursuant to Section 5.94 of the *Local Government Act 1995.* Section 5.96A also regulates the type of information that the Shire is required to have on-line.

If a person attends the Shire Office during office hours they can inspect, free of charge the documents in the form or medium in which it is held by the local government, whether it is or is not current at the time of inspection, unless it would be contrary to section 5.95.

The types of documents that are able to be obtained free of charge are the documents that are published on-line which are detailed in the table below. If these on-line documents are provided as a hardcopy they will incur a printing cost as per the Shire's "*Schedule of Fees and Charges*" document.

Availability		Document Type
On-Line	**Hard copy inspection**	
✓	✓	**Annual budget (s.5.96)**
✓	✓	**Annual Report (s.5.96)**
✓	✓	**Council Member Returns Register** (s.5.96)
✓	✓	**Employee Primary Returns Register**
✓	✓	**Code of Conduct for Employees (s.5.96)**
✓	✓	**Code of Conduct for Council Members (s.5.96)**
✓	✓	**Shire Planning Scheme and Local Planning Policies** LPS No 5 is on the website here: https://www.toodyay.wa.gov.au/documents/440/local-planning-scheme-no-5 LPS No 4, approved by the WAPC is here: https://www.toodyay.wa.gov.au/documents/295/local-planning-scheme-no-4 The Local Planning Strategy is here: https://www.toodyay.wa.gov.au/documents/445/local-planning-strategy-2018 Minutes including the endorsed report on the review of the local planning scheme are on the website here: https://www.toodyay.wa.gov.au/council-meetings/special-council-meetings/special-council-meeting/567 Local Planning Policies are available here: https://www.toodyay.wa.gov.au/council/shire-documents/policies.aspx
✓	✓	**Complaints of Minor Breach referred to in section 5.121**
✓	✓	**Any register of financial interests**

Availability		Document Type
On-Line	**Hard copy inspection**	
✓	✓	**Council Plan (i.e. any plan for the future of the district made in accordance with section 5.56).**
✓	✓	**Corporate Asset Management Plans** https://www.toodyay.wa.gov.au/documents/6/asset-management-plan-plant-and-equipment https://www.toodyay.wa.gov.au/documents/3/asset-management-plan-infrastructure https://www.toodyay.wa.gov.au/documents/4/asset-management-plan-land-and-buildings
✓	✓	**FOI Information Statement**
✓	✓	**Gift Register – Electoral**
✓	✓	**Gift Register – Employees, CEO and Members**
✓	✓	**Local Laws (including reports or proposals relating to Local Laws)** **Limitation:** any reports or proposals relating to local laws will need to be researched and provided separately through finding out where they exist in a bound minute book.
✓	✓	**A map of the district showing the district boundaries and, if the district is divided into wards, the ward boundaries.** The map of the district is also found in the community directory.
✓	✓	When meetings are held in respect to council, committee meetings or advisory group meetings **Agendas and Minutes** are available via the link: http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes **Limitation:** Any minutes that are considered confidential in accordance with Section 5.23 (2) *of the Local Government Act 1995 will not be able to be viewed on-line nor in person. This is because* while agendas and minutes are generally available to the public, there is a specific exemption for those papers relating to committee meetings or those parts of Council meetings that are not open to the public. (r.14 (2) and r.29 of the *Local Government (Administration) Regulations 1996*).
✓	✓	**A document produced by the local government or a committee for presentation at a council or committee meeting and which have been presented at the meeting;** **Note:** these documents are attached to minutes of a meeting and would be available online (Refer to limitation above with respect to Minutes).
✓	✓	**Municipal Inventory Heritage**

Availability		Document Type
On-Line	**Hard copy inspection**	
s.5.96(4) prohibits online publication	✓	**Register of owners and occupiers and Electoral Rolls (s.5.96)** Inspection does not permit photographs being taken nor photocopying of the information.
s.5.96(4) prohibits online publication	✓	**Rate Records** Inspection does not permit photographs being taken nor photocopying of the information. If individual ratepayers wish to have a copy of their own rates they can submit requests to the Rates Officer who will provide that information.
	✓	**Inspection/copies of building permits, approval certificates and orders in register [Building Act 2011]** Inspection does not permit photographs being taken. Copies of a permit, certificate or order, may be made on payment of a fee in accordance with the *Shire's Schedule of Fees and Charges.* **Limitation:** Some application information, although available, may be exempt information under the FOI Act. Therefore each request will be gauged on the nature of the request and the information being sought.
✓	✓	**Schedule of Fees and Charges (s.6.16)**

Freedom of Information Procedures and Access Arrangements

The Shire's aim is to make information available promptly and at the least possible cost, and whenever possible documents will be provided outside the FOI process.

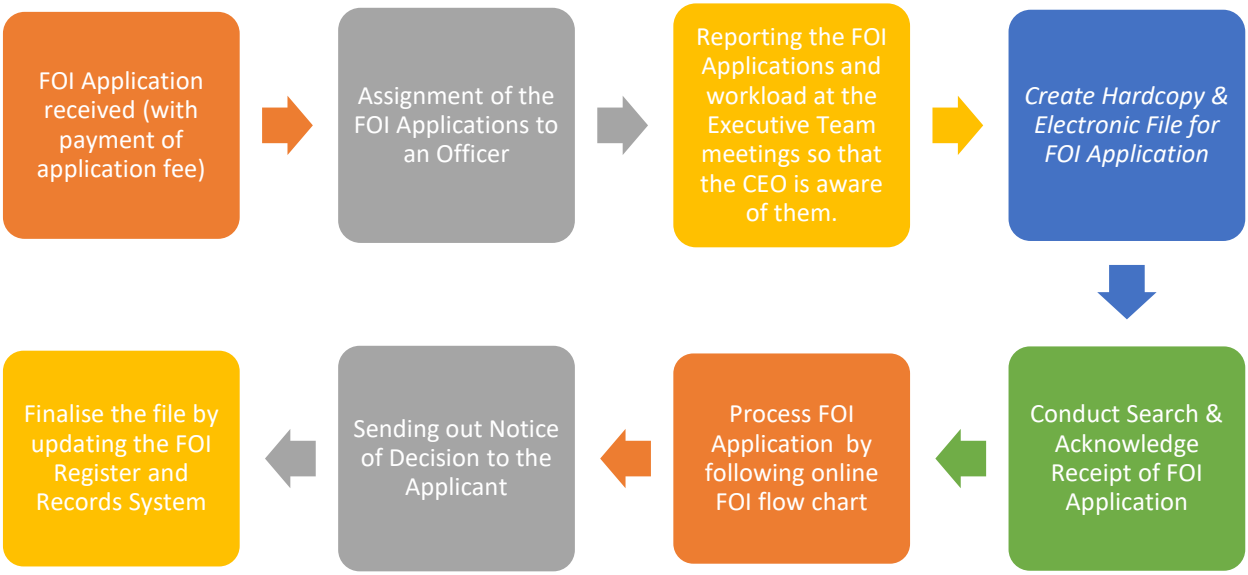
When a person requests information that is not contained in the table above and is not readily available pursuant to s.5.94 of the *Local Government Act 1995*, then access to documents other than those listed as accessible is outside the FOI Act and must be made via a Freedom of Information Application.

In these instances, a Shire Officer will provide a Freedom of Information Application (which complies with the requirement of Section 12 of the *FOI Act 1992*) to the person making the request with the advice that their request for documentation requires that an FOI Application be made as the documentation is not accessible outside of the *FOI Act 1992*.

The process followed by the Agency (s.94(i))

When an FOI Application is made it is recorded by the Records Management Officer and given an identification record number that can be referred to and used for any further related correspondence.

The following process is followed by the Agency:



Process FOI Application by following online FOI flow chart

Link for on-line chart here: https://www.oic.wa.gov.au/en-au/FA001

FOI Applications have to

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the agency with any application fee payable.

Fees and charges

A scale of fees and charges have been set under Schedule 1 of the *Freedom of Information Regulations 1993*. The Shire's Schedule of Fees and Charges contains information about those charges.

Documents provided in hardcopy may be subject to a fee for photocopying/printing in accordance with the Shire's Schedule of Fees and Charges.

Note: *Dependent upon the type of document being requested this information will be contained in the Shire's Schedule of Fees and Charges which is contained within the Shire's Annual Budget.*

Address where FOI Access Applications are lodged

Mail: PO Box 96 Toodyay WA 6566

E-Mail: records@toodyay.wa.gov.au

In Person: 'Old Courthouse Building/Administration Centre
15 Fiennes Street, Toodyay WA 6566

Access to documents

If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the agency and to enable the public to ensure that personal information in documents is accurate, complete, up-to-date and not misleading. If an Officer of the Agency can provide the documents they will either be sent electronically via email; or printed and put into the post; or handed to a person making the request; whichever is the preferred option of the customer making the request.

Notice of decision

The Shire will give applicants a written reason if applications are refused or applicants are only given partial access. Rights of review will be advised in the notice of decision.

The notice of decision should issue within 45 days of the date of lodgement of the FOI access application. The notice of decision will include details such as:

- the date the decision was made;
- the name and designation of the officer who made the decision;
- if the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and
- information on the right of review and the procedures to be followed to exercise those rights.

Appealing the decision

Rights of Review may be accessed by going on to the FOI WA Website at the following link: **https://www.oic.wa.gov.au/en-au/FTP014**

Privacy and Responsible Information Sharing Procedures and Information Access Arrangements

The Shire of Toodyay is committed to upholding the privacy of individuals and ensuring responsible information sharing pursuant to the *Privacy and Responsible Information Sharing Act 2024,* the *Freedom of Information Act 1992* (WA), and in accordance with the Shire's Privacy Management Plan.

The *Privacy and Responsible Information Sharing Act 2024* (PRIS Act) received Royal Assent on 6 December 2024. Subject to decisions of government, it is anticipated that the privacy provisions will commence in 2026.

The interim privacy position for the Western Australian public sector is that agencies should ensure their actions are consistent with applicable Australian Privacy Principles, set out in Schedule 1 to the Privacy Act 1988 (Cth) with primary emphasis upon Principle 6 - "use or disclosure of personal information".

Personal Information means information or an opinion, whether true or not, and whether recorded in a material form or not, that relates to an individual, whether living or dead, whose identity is apparent or can reasonably be ascertained from the information or opinion; and includes information of the following kinds:

a) a name, date of birth or address;

b) a unique identifier, online identifier or pseudonym;

c) contact information;

d) information that relates to an individual's location;

e) technical or behavioural information in relation to an individual's activities, preferences or identity;

f) inferred information that relates to an individual, including predictions in relation to an individual's behaviour or preferences and profiles generated from aggregated information;

g) information that relates to 1 or more features specific to the physical, physiological, genetic, mental, behavioural, economic, cultural or social identity of an individual.

Procedures are in place to ensure that personal information is handled lawfully, transparently, and securely, and that access to information is provided in a timely and cost-effective manner however measures are also in place if breaches were to occur as part of the Shire's Risk Management Framework.

Information about Privacy and Responsible Information Sharing is available online at the link below:

https://www.wa.gov.au/government/privacy-and-responsible-information-sharing

Privacy and Information Handling

In accordance with the Interim Privacy Position and the forthcoming Information Privacy Principles (IPPs) under the PRIS Act:

- Personal information is collected, stored, and disclosed only for lawful purposes in accordance with the Shire's Privacy Statement which is located online at the link below:

  https://www.toodyay.wa.gov.au/privacy-statement.aspx

- Records containing personal information are managed in line with the *State Records Act 2000,* the Shire's Record Keeping Plan and relevant local government retention and disposal authorities. The Shire's Record Keeping policy is located online at the link below:

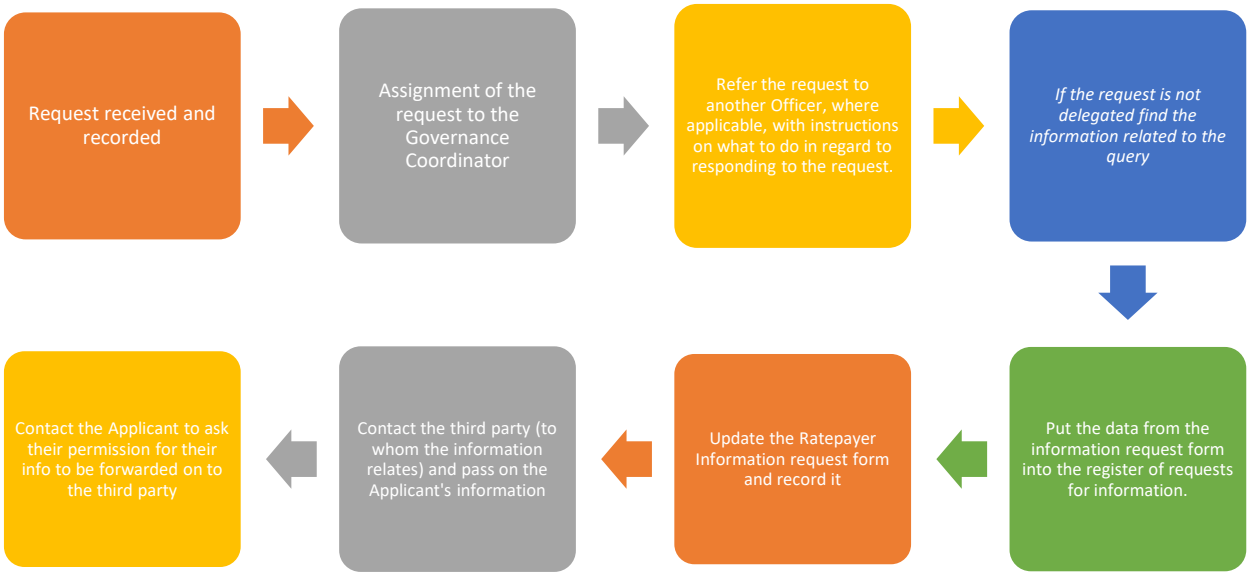
  https://www.toodyay.wa.gov.au/documents/116/record-keeping

- Individuals may request correction of their personal information if it is inaccurate, incomplete, or misleading. There are processes in place for this already at the Shire through the Change your details form available online at the link below:

  https://www.toodyay.wa.gov.au/resident-services/contact-us/change-your-details.aspx

The process followed by the Agency

When a request for Ratepayer Information is received by the Shire it is recorded by the Records Management Officer and given an identification record number that can be referred to and used for any further related correspondence. The following process is followed by the Agency:



Fees and charges

There is a fee for Requests for Ratepayer Information contained in the Shire's Schedule of Fees and Charges. Officers use their discretion as to whether a fee is charged or not, dependent upon the amount of time it has taken to process the request.

Address where Information Access inquiries are lodged

Mail: PO Box 96 Toodyay WA 6566

E-Mail: records@toodyay.wa.gov.au

In Person: 'Old Courthouse Building/Administration Centre,
15 Fiennes Street, Toodyay WA 6566

Access to Information

Most information access requests for information are to do with finding out the information of a neighbour, or of a property owner for a purpose known by the applicant (e.g. discussion of boundary fencing, pets or noise issues, and entry onto properties if required).

1.1 Routine Access

Most access to information will be handled by initially contacting the applicant to get their permission to share their information with the people that they wish to have the information of. This is also an opportunity to acknowledge receipt of the application and ensure that the application has as much detail on it to be able to process it.

That information is then used to contact the third party and pass their information on to them. This is a service that the Shire provides.

1.2 Non-Routine Access

There may be applications made for datasets of information, such as the rate book that the Shire holds which is a "rate record" required to be kept under section 6.39 of the *Local Government Act 1995*.

Section 5.96 of the Act and *Local Government (Administration) Regulations 1996* r. 29B apply; that a local government must not make copies of a rate record available to a person unless the request has been made in the manner and form approved by the CEO and the CEO is satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.

The Shire's Rate Record is approximately 4,300 pages in length, and it is stored on its electronic record management system that is available to the public for viewing.

As the rate record is unable to be published in accordance with section 5.96 of the *Local Government Act 1995* and in accordance with the above, individuals may request to view it where they have made a statutory declaration under oath that they will not use the rate information for personal gain.

Regulation 29B of the *Local Government (Administration) Regulations 1996* places restrictions on the Shire providing information where it is suspected that the information may be used for commercial purposes. The restrictions are in place to prevent the misuse of ratepayer information, particularly for commercial purposes like direct marketing.

The Chief Executive Officer or a Worker with delegated authority, must be satisfied by statutory declaration or otherwise, that a commercial purpose is not the intent of someone seeking such information.

Consideration by Officers undertaking the processing of the Information request must also ask the applicant to complete a Privacy Impact Assessment if they are intending to use the information for research purposes.

If the CEO is satisfied under r. 29B, that the information is not being used for commercial purposes, then the Shire may provide the information as prescribed in regulation 55 of the *Local Government (Financial Management) Regulations 1996* - WALW - Local Government (Financial Management) Regulations 1996 - Home Page.

However, if the Shire's rate record includes information additional to that required by r. 55, that information would be removed from the copy provided.

1.3 Notice of decision

The Shire will notify applicants in regard to any decision taken whereby information is going to be given to them, or not, and any action undertaken by the processing Officer in regard to passing on the information to the third parties.

Review and Appeal Rights

If dissatisfied with the decision, applicants may seek a review through the **Office of the Information Commissioner**. Details are available at: https://www.oic.wa.gov.au/en-au/FTP014

Freedom of Information Application form

Freedom of Information Application form

Freedom of Information Act 1992

APPLICANT DETAILS

Full Name: _____
(include Title, initials and surname of the person making this request)

Main Address: _____
(Residential / Premises Address including Suburb and Postcode)

Postal Address: _____
(if different from above)

Phone (H): _____ (M): _____ (W): _____

Email: _____

Business Name: _____ ABN: _____
(include if application is on behalf of organisation)

DETAILS OF REQUEST

I am applying for access to document(s) concerning matters which are:
☐ *Personal* ☐ *Non-Personal*

These document(s) are: _____

_____

_____

_____

_____

_____

_____

_____

FORM OR ACCESS

(Tick whichever is appropriate)

I wish to inspect the document: ☐ Yes ☐ No

I require a copy of the document(s): ☐ Yes ☐ No

I require access in another form: ☐ Yes ☐ No

Specify format required: _____

FEES AND CHARGES

A fee of $30.00 must be paid to cover the application fee. In certain cases a reduction in fees and charges may apply. If you believe you are entitled to a reduction, tick the box below and attach copies of supporting documentation to substantiate your claim for a reduction in fees and charges.

I am requesting a reduction in fees and charges: ☐ Yes ☐ No

I understand that before I obtain access to documents I may be required to pay additional charges in respect of this application, in accordance with the FOI regulations, and such charges will be provided to me on a statement, where appropriate.

Signature: _____ Date: _____
Applicant(s) Signature

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
F (08) 9574 2158
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Notes

FOI Applications

- Please provide sufficient information to enable the correct document(s) to be identified.
- The Shire of Toodyay may request proof of your identity.
- If you are seeking access to a document(s) on behalf of another person, the Shire of Toodyay will require authorisation in writing.
- Your application will be dealt with as soon as practicable, within 45 days after it is received.
- The Freedom of Information Act 1992 is available on-line through the wa.gov.au website link at www.wa.gov.au/statutes
- Further information can be obtained from the FOI Coordinator.

FORMS OF ACCESS

You can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded document or of words recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where the Shire of Toodyay is unable to grant access in the form requested, access may be given in a different form.

FEES AND CHARGES

- $30.00 application fee (non-personal information ONLY).
- An applicant who is the holder of a currently valid concession card issued on behalf of the Commonwealth Government under the Rates and Charges (Rebates and Deferments) Act 1992 may be eligible for a reduction of 25% in the charges associated with the application.
- No reduction is applicable to the application fee.

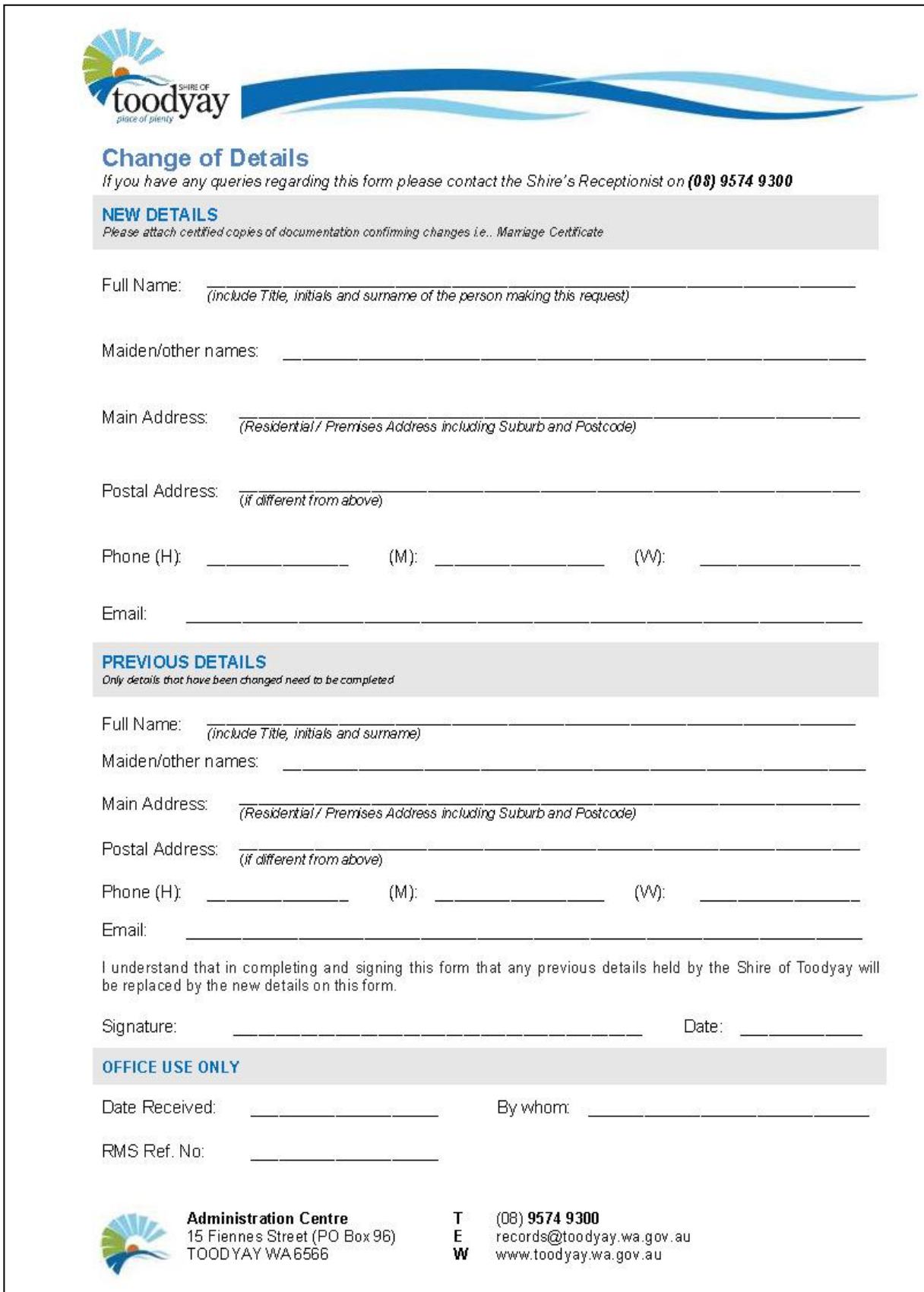
OFFICE USE ONLY

RMS Ref No: _____ Received on: _____ Response Deadline: _____

Acknowledged on: _____ Assigned to: _____

Proof of Identity: *(if applicable)* Type: _____ No. Ref: _____ Signed: _____

Change of Details



Change of Details

If you have any queries regarding this form please contact the Shire's Receptionist on ***(08) 9574 9300***

NEW DETAILS

Please attach certified copies of documentation confirming changes i.e.. Marriage Certificate

Full Name: _____
(include Title, initials and surname of the person making this request)

Maiden/other names: _____

Main Address: _____
(Residential / Premises Address including Suburb and Postcode)

Postal Address: _____
(if different from above)

Phone (H): _____ (M): _____ (W): _____

Email: _____

PREVIOUS DETAILS

Only details that have been changed need to be completed

Full Name: _____
(include Title, initials and surname)

Maiden/other names: _____

Main Address: _____
(Residential / Premises Address including Suburb and Postcode)

Postal Address: _____
(if different from above)

Phone (H): _____ (M): _____ (W): _____

Email: _____

I understand that in completing and signing this form that any previous details held by the Shire of Toodyay will be replaced by the new details on this form.

Signature: _____ Date: _____

OFFICE USE ONLY

Date Received: _____ By whom: _____

RMS Ref. No: _____

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Request for Ratepayer Information

Request for Ratepayer Information

Officers processing the form should consider the Personal Information Policy and the *Freedom of Information Act 1992 prior to release of any information requested.* ***Refer to guidelines overleaf***

APPLICANT DETAILS

Full Name: _____
(include Title, initials and surname of the person making this request)

Main Address: _____
(Residential / Premises Address including Suburb and Postcode)

Postal Address: _____
(if different from above)

Phone (H): _____ (M): _____ (W): _____

Email: _____

Business Name: _____ ABN: _____
(include if application is on behalf of organisation)

Information required

_____

_____

Reason information is required

_____

_____

Signature: _____ Date: _____
Applicant(s) Signature

OFFICE USE ONLY

RMS Ref No: _____ Received on: _____ Acknowledged on: _____

Assigned to: _____ Fees payable: ☐ Yes ☐ No

Receipt No: _____ Amount charged $: _____

Contacted by: _____ Date: _____
(Name of Officer, and Department)

Contact made via: ☐ Phone ☐ In person ☐ Email ☐ Outgoing correspondence

Detail action taken to get permission from the owner of the information to release it to the applicant

_____

_____

Officer's Signature: _____ Date: _____

Administration Centre
15 Fiennes Street (PO Box 96)
TOODYAY WA 6566

T (08) **9574 9300**
F (08) 9574 2158
E records@toodyay.wa.gov.au
W www.toodyay.wa.gov.au

Guidelines

Under Section 5.94 of the *Local Government Act 1995*, the Shire of Toodyay is required to have available certain types of documents so that when a person attends the Shire Office during office hours they can inspect, free of charge the documents in the form or medium in which it is held by the local government, whether it is or is not current at the time of inspection, unless it would be contrary to section 5.95. The types of documents that are able to be obtained free of charge are the documents that are published on-line which are detailed in the Document Access Table within the Shire's FOI Information Statement.

If we get requests for personal information (e.g. addresses or phone numbers) this information is personal information and cannot be provided without that individual's consent.

We can contact the person to whom that information belongs and advise them of the request and if they give their approval we can then provide the information to the person requesting it.

We need to ensure that personal data, including postal addresses, is handled in accordance with privacy principles and only shared in specific, lawful circumstances.

Refer to the Handling Information requests and responding to Data Breaches procedure here: W:\Procedures\Executive Services\Information Requests & Data Breaches.dot

AUTHORITY TO RELEASE INFORMATION PROVIDED BY

Full Name: _____
(include Title, initials and surname of the person making this request)

Main Address: _____
(Residential / Premises Address including Suburb and Postcode)

Postal Address: _____
(if different from above)

Phone (H): _____ (M): _____ (W): _____

Email: _____

Business Name: _____ ABN: _____
(include if application is on behalf of organisation)

Contact made through: ☐ Phone ☐ In person ☐ Email ☐ Outgoing correspondence

Detail the information approved for release to the Applicant below

_____

_____

_____

_____

_____

Contact made through: ☐ Phone ☐ In person ☐ Email ☐ Outgoing correspondence

Officer's Signature: _____ Date: _____