



Thinking outside the FOI box

The objects of the FOI Act are to enable the public to participate more effectively in governing the State and to make the persons and bodies that are responsible for State and local government more accountable to the public. For this reason, when dealing with requests for documents or making decisions under the Act, agencies are not merely complying with an administrative process. They are dispensing justice to the people of Western Australia.

This may require thinking outside the FOI box.

One of the most effective things agencies can do to achieve the objects of the Act is to disclose information outside the FOI process unless there is a good reason not to do so. This can be done by proactively publishing information, or by providing requested information without the need for a formal FOI application.

Even a formal access application does not prevent agencies from engaging in open and meaningful dialogue with an applicant with a view to finding an outcome which meets the person's needs. For example, an applicant may be able to obtain access to the requested documents more quickly and at lesser cost if the applicant agrees to exclude unwanted information from the scope of the application.

When the decision is made, the requirements for a valid notice of decision are described in the Act. These requirements need to be followed. However, an FOI decision-maker can go further than the requirements by asking: Would I understand the decision? Would I feel that my interests and arguments have been taken into account? Would I consider that I have been given a thorough and fair hearing?

A good notice of decision will allow all of these questions to be answered "yes".

If you have any general enquiries about the FOI process, please see our website or contact our office.

Note: This Information Sheet is intended as a general guide only and should not be viewed as legal advice. The Information Commissioner considers each complaint on its merits and according to the relevant circumstances.

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