



Australian Government



Northern Australia Infrastructure Facility

# Freedom of Information Policy

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[www.naif.gov.au](http://www.naif.gov.au)

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## Document purpose

The Freedom of Information (**FOI**) Policy (**Policy**) outlines Northern Australia Infrastructure Facility's (**NAIF**) approach to managing FOI requests.

## 1. Scope of this Policy

This Policy applies to NAIF Board Members, employees, and contractors (**NAIF Employees**).

The purpose of this Policy is to inform NAIF Employees and members of the public of key responsibilities under the *Freedom of Information Act 1982 (Act)* and of NAIF's processes for handling FOI requests. Any person who applies for a Freedom of Information request from NAIF shall be referred to as 'you' or 'your' throughout this Policy.

## 2. Policy Statement

The object of the Act is to give the Australian community access to information held by the Australian Government.

As a corporate Commonwealth entity, NAIF is required to comply with the Act.

The Act governs NAIF's obligations in responding to requests for access to documents held by NAIF made under the Act, as well as the proactive online publication of NAIF information under the Information Publication Scheme (**IPS**). This includes providing the public with the right to:

- Access copies of documents (with some exceptions) held by NAIF;
- Ask NAIF to change or annotate information if it is incomplete, out of date, incorrect or misleading (where the information relates to the person making the request); and
- Seek a review of decision not to allow access to a document or not to amend their personal records.

NAIF's IPS Plan is set out in annexure A of this Policy.

## 3. Principles

### 3.1 Open Access to Information

NAIF will endeavour to be as open as possible noting that there are certain provisions in the Act, the Privacy Act and other legislation that may restrict access to the information that NAIF may be able to provide. Where NAIF is unable to grant a request for access to information, NAIF will explain the reasons for the decision and provide information about review and appeal rights.

NAIF will make information available at the lowest reasonable cost, and will publish information online, especially if that information is routinely sought by the public.

### 3.2 Freedom of Information Officer and Decision Maker

NAIF's Freedom of Information Officer is its Chief Legal Officer and NAIF's principal officer authorised under section 23 of the Act to make all decisions is its Chief Executive Officer.

### 3.3 NAIF and the Office of the Australian Information Commissioner

The Office of the Australian Information Commissioner (**OAIC**) is responsible for administering and providing advice and oversight on the operation of the Act.

The OAIC's powers include merits review of decisions made by agencies, including NAIF, and

investigating complaints.

As part of its oversight responsibilities, the OAIC also collects data from agencies. NAIF is required to submit quarterly and annual statistics of NAIF's processing of FOI requests and NAIF's compliance with the statutory timeframes to the OAIC.

### 3.4 How to submit a Freedom of Information request

A Freedom of Information request can be submitted by post or via email at the following addresses:

Post	Email
NAIF FOI Officer PO Box 4896 Cairns, QLD 4870	<a href="mailto:FOI@naif.gov.au">FOI@naif.gov.au</a>

A Freedom of Information request must be in writing, state that the request is an application for the purposes of the Act, provide information about the document(s) to assist NAIF to process your request and provide an address for reply.

The Act also does not require you to disclose your reasons for seeking access to documents and your right of access is not affected by any reasons you give for seeking access or by NAIF's belief about why you are seeking access.

### 3.5 Timeframes

After you lodge your application, NAIF will acknowledge it within 14 days. NAIF is required to give you its decision about your request and the reasons for that decision within 30 days of its receipt. Where third party consultations are necessary, NAIF will be entitled to an additional 30 days to process your request.

If NAIF is likely to need more than 30 days to complete your request, NAIF will contact you to arrange an extension of time in line with the requirements under the Act. NAIF may also apply to the Australian Information Commissioner to request an extension of the processing time where exceptional circumstances would prevent it from processing your request in 30 days. You will be informed in writing if the processing time has been extended.

If NAIF does not meet these 30-day time limits, you can apply to the Australian Information Commissioner to review NAIF's decision on the basis that NAIF is deemed to have refused your request.

### 3.6 Searching for documents

Following receipt of a valid Freedom of Information request, NAIF must identify all documents that fall within the scope of the request. If a significant number of documents are identified, the decision-maker will give you a notice explaining that the request cannot be processed because doing so would substantially and unreasonably divert NAIF's resources. This notice will also offer to consult with you about the request to see if the scope can be limited in some way to make it processable.

### 3.7 Document release and exemptions from release

Documents determined by the decision-maker to be within the scope of a request will be released

unless they are exempt from release either because of their nature or because they are conditionally exempt and disclosure would be contrary to the public interest.

Examples of types of documents held by NAIF that might be typically exempt because of their nature include:

- Documents subject to legal professional privilege;
- Documents containing commercial in confidence material (where the relevant criteria for confidentiality are met); and
- Documents disclosing trade secrets or commercially valuable information.

Types of documents held by NAIF that might be conditionally exempt include:

- Documents impacting personal privacy;
- Business information;
- Documents relating to NAIF's operations;
- Deliberative processes; and
- Commonwealth-State relations.

Once the decision is made, you will be notified in writing of that decision within the statutory or agreed timeframe and, if documents are to be released, a copy of the documents will be provided. If a third party has objected to the release of the documents, the release shall be withheld, pending the expiration of that third party's review rights.

If a document is to be released only in part, the irrelevant or exempt parts will be redacted (blacked out) before release.

### **3.8 Disclosure Log**

In compliance with the Act, NAIF will make certain documents released in response to FOI requests available through the Information Disclosure Log on the NAIF website.

### **3.9 Information available outside of the Freedom of Information Process**

You can seek access to certain information, including personal information NAIF holds about you, without following a formal process, such as under the Act.

### **3.10 Fees and Charges**

There is no fee for lodging an FOI request.

Charges relating to the processing of your request may be applicable in accordance with section 29 of the Act. Processing charges may include searching for and retrieving relevant documents, decision making time, photocopying and other associated costs, as provided for in the Act and the *Freedom of Information (Charges) Regulations 2019*.

### **3.11 FOI Guidelines and resources**

The Act is supported by the FOI Guidelines, produced by the OAIC. The Guidelines provide comprehensive information about the Act and are available at <https://www.oaic.gov.au/freedom-of->

information/foi-guidelines.

Additional FOI resources and information published by the OAIC can be found at <https://education.oaic.gov.au/foi-essentials/>.

## 5. Roles and Responsibilities

Role	Responsibility
NAIF Board	<ul style="list-style-type: none"> <li>• Approving the Policy and any proposed changes after a review and recommendation by the Policy Sponsor.</li> <li>• Tasking management with Policy implementation, exception reporting and for developing procedures to support the Policy.</li> <li>• Complying with the requirements of this Policy.</li> </ul>
Chief Executive Officer	<ul style="list-style-type: none"> <li>• Overseeing the implementation of the Policy.</li> <li>• Determines the release of documents.</li> <li>• Authorise relevant charges estimates to be issued to applicants.</li> </ul>
Chief Legal Officer	<ul style="list-style-type: none"> <li>• Implementing this Policy at NAIF.</li> <li>• Reviewing the Policy each calendar year.</li> <li>• Acting as NAIF’s FOI Officer.</li> </ul>
Associate Director, Risk and Compliance	<ul style="list-style-type: none"> <li>• Providing training to NAIF Employees on this Policy.</li> </ul>
NAIF Employees	<ul style="list-style-type: none"> <li>• Complying with the requirements of this Policy.</li> </ul>

Failure to comply with the requirements set out in this Policy may result in disciplinary action.

## 6. Review and Approval

The NAIF Board approves the Policy every two years.

The Policy is reviewed annually (or more frequently if required) by the Policy Sponsor to ensure it remains aligned with governing legislation. If any material amendments occur to the Policy out of the NAIF Board review cycle, it shall be provided to the NAIF Board for approval.

### Document Review and Approval

Policy Sponsor	Policy Approver	Approval date	Next Board Review
Chief Legal Officer	NAIF Board	1 December 2022	December 2024

### Related Documentation

*Freedom of Information Act 1982 (Cth)*

Freedom of Information Procedure

## Annexure A – Information Publication Scheme Plan

### A.1 Purpose

This IPS Plan shows:

- What information NAIF publishes;
- How the information is published; and
- How NAIF complies with the IPS requirements under section 8(1) of the Act.

### A.2 Objectives

NAIF's objectives in relation to this IPS Plan are to outline appropriate mechanisms and procedures to:

- Manage the IPS information holdings;
- Identify and publish all information legally required to be published, including this IPS Plan;
- Identify and where practicable publish optional information;
- Review on a regular basis and ensure that IPS information holdings are accurate up-to-date and complete;
- Ensure information published under the IPS is easy to locate, understandable, machine readable and re-useable;
- Ensure the format of online content complies with Web Content Accessibility Guidelines; and
- Monitor and assess NAIF's compliance with the IPS and this IPS Plan.

### A.3 Implementing the Information Publication Scheme

NAIF's approach to developing its IPS contribution is:

- NAIF's Chief Operating Officer is responsible for the NAIF's compliance with the IPS.
- NAIF has developed an IPS information register required to be published under the IPS and a 'disclosure log' of information released in response to FOI requests.
- The IPS information register is reviewed periodically to identify any IPS information holdings and ensure that the information is up-to-date and complete.
- NAIF takes a similar approach in relation to the identification of information that may be published under section 8(4) (Other information) of the Act and information that is made available to the public otherwise than by publication. The IPS section of NAIF's website provides links to the IPS information holdings published on its website.
- In NAIF's reviews, it will consider whether IPS information holdings are easy to locate, understandable, machine-readable, accessible and useable, as well as accurate, up-to-date and complete.
- NAIF will also consider comments and feedback from its stakeholders (including the public) when determining whether IPS information holdings are easy to locate, understandable, machine-readable, accessible and useable, as well as accurate, up-to-date and complete.

## A.4 Administering information published under the Information Publication Scheme

NAIF has developed an information management framework for IPS information holdings including:

- Identifying on an ongoing basis any information that is required to be published;
- Identifying on an ongoing basis any information that may be published;
- Identifying on an ongoing basis any information that is already otherwise available to the public;
- Making arrangements so that IPS information holdings continue to be easy to locate, accessible and useable, as well as accurate and up-to-date; and
- Making arrangements to publish information about any charges to be imposed for providing IPS information, including how those charges will be calculated.

Each relevant business unit of NAIF is responsible for keeping IPS information holdings accurate, up-to-date and complete.

NAIF does not impose access charges for its IPS information holdings. If this changes, NAIF will update this IPS Plan to provide details of how NAIF will impose access charges and how such charges will be calculated.

NAIF may engage in public consultation in relation to policies which form part of NAIF's IPS information holdings.

## A.5 Information Publication Scheme information architecture

NAIF publishes the information required under the IPS in the IPS section or other sections of its website. If the information is not available for download, it will be made available in hard copy on request. Details of how this information can be obtained from NAIF are provided on NAIF's website.

To make arrangements so that IPS information holdings are easy to locate, understandable and machine-readable, NAIF will:

- Wherever possible, provide online content in a format that can be searched, copied and transformed;
- Provide a search function for its website; and
- Seek and respond to community feedback about whether the IPS information is easy to locate, understandable and machine-readable.

NAIF publishes IPS information holdings in English.

The IPS information holdings that are available on NAIF's website are published under the following headings: Information Publication Scheme Plan, Leadership, Governance, NAIF Board, our responses to Parliament, our annual reports, Freedom of Information, consultation arrangements and contact us. These headings are reviewed and supplemented as necessary if NAIF's structure or business changes or on any annual review of this IPS Plan.

## A.6 Accessibility under the Information Publication Scheme

NAIF implements the World Wide Web Consortium Standards and Web Accessibility Initiative

Guidelines for accessible web page design by people with disabilities.

Where a document is not yet available in an accessible format, it will be made available in an accessible format on request by contacting NAIF's Chief Executive Officer. Those requests may be subject to a small number of exceptions including:

- PDFs made of images of scanned documents;
- Documents that are out of date but are provided for historical reference; and
- Charts, tables and forms.

## A.7 Information required to be published under the Information Publication Scheme

NAIF will publish information in accordance with section 8(2) of the Act under the following headings:

- Information Publication Scheme Plan: is this IPS Plan.
- Leadership: This provides a high-level overview of the team behind NAIF.
- NAIF Board: This includes information about NAIF's Board, including statutory appointments.
- Governance: This outlines NAIF's functions and decision-making powers. NAIF also publishes other helpful and relevant information relating to these functions and powers. This includes NAIF's operational information to the extent that information is not considered to be exempt (see note below).
- NAIF's board: This includes information about our corporate governance structure, board, its charter, and board audit committee.
- Our responses to Parliament: NAIF do not routinely provide information to Parliament but this heading will be established to contain any information which may fall within that category.
- Our Annual Reports: This will include the full text of NAIF's Annual Reports prepared in accordance with the Public Governance Performance and Accountability Act 2015 (Cth).
- Routinely requested information and disclosure log: This will include information, if any, routinely made accessible in response to FOI requests. NAIF also publish a disclosure log which will identify documents to which NAIF has given access under the FOI Act.
- Consultation arrangements: Where NAIF undertakes or is required to undertake public consultation on a policy, it will make available information on the procedure for public submissions.
- Contact us: This includes the name, telephone number and email address of the Chief Executive Officer who can be contacted about access to NAIF's IPS information holdings or to whom a request under the Act can be made.

In accordance with section 8C of the Act, NAIF will not publish any exempt matter.

## A.8 Information Publication Scheme compliance review

NAIF will undertake, in conjunction with the Australian Information Commissioner, a review of the operation of NAIF's IPS contribution as appropriate from time to time and in any case – within five years after the last review was completed.