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**HORIZON POWER'S  
FREEDOM OF INFORMATION ACT 1992 (WA)  
INFORMATION STATEMENT**

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September 2020

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## **1 INTRODUCTION**

This is Horizon Power's Information Statement which has been prepared pursuant to section 96 of the *Freedom of Information Act 1992 (WA)* (**FOI Act**).

This Information Statement sets out:

- (a) the purpose of the FOI Act and its application to Horizon Power;
- (b) Horizon Power's structure and its functions;
- (c) the types of documents held by Horizon Power;
- (d) how to make an application for documents under the FOI Act; and
- (e) how to apply to amend personal information held by Horizon Power.

## **2 PURPOSE AND APPLICATION OF FOI ACT**

The FOI Act was introduced in November 1993, to create a general right of access to documents held by the State and local government agencies and certain statutory corporations.

As a statutory corporation Horizon Power is subject to the FOI Act and seeks to make its documents available promptly in accordance with the FOI Act.

In addition to creating a right of access to certain documents, the FOI Act also requires Horizon Power to ensure that any personal information that it holds about an individual is accurate, complete, up to date and not misleading.

## **3 HORIZON POWER'S STRUCTURE AND FUNCTIONS**

### **3.1 Statutory corporation**

Regional Power Corporation, which trades under the name Horizon Power, is a statutory corporation created by section 4(1)(d) of the *Electricity Corporations Act 2005 (WA)*.

Horizon Power carries out its functions and exercises its powers under various legislation including the *Electricity Corporations Act 2005 (WA)*, the *Electricity Industry Act 2004 (WA)*, the *Energy Operators (Powers) Act 1979 (WA)* and the *Electricity Act 1945 (WA)* and the various regulations, codes and rules made under them.

### **3.2 Horizon Power's functions**

Horizon Power is Western Australia's regional and remote electricity provider.

We are a State Government-owned, commercially-focused corporation that provides quality, safe and reliable power to more than 100,000 residents and 9,000 businesses, including major industry, across regional Western Australia.

Horizon Power is a unique energy utility in that it is responsible for the generation, procurement, distribution and retailing of electricity supplies.

Horizon Power manages two major interconnected systems, the North West Interconnected System in the Pilbara and the interconnected transmission network between Kununurra and Wyndham, as well as 36 non-interconnected systems in regional towns and remote communities.

We service every part of the State outside the south west corner covering an area of 2.3 million square kilometres including the Kimberley, Pilbara, Gascoyne, Mid-West and Southern Goldfields (including Esperance, Norseman and Hopetoun) regions.

### **3.3 How Horizon Power's functions affect members of the public**

Horizon Power's functions affect members of the public in many ways, including:

- providing the communities it supplies with safe, reliable and efficient delivery of electricity;
- maintaining, upgrading and expanding its network to meet expanding demand for electricity in WA; and
- working with government, business and industry to devise alternate energy solutions.

Horizon Power values and encourages feedback from all of its stakeholders. Members of the public are able to participate in the formulation of Horizon Power's policies and influence the performance of Horizon Power's functions by providing feedback to Horizon Power and participating in community consultations which Horizon Power holds from time to time.

### **3.4 Governance**

Horizon Power has an independent Board which reports to the Minister for Energy and which has oversight over the business.

Horizon Power's Board Charter outlines the role, responsibility and authority of the Board and Executive Management.

The Board has sought to adopt recognised best practice for corporate governance at Horizon Power through the implementation of a corporate governance framework.

## **4 DOCUMENTS HELD BY HORIZON POWER**

### **4.1 What is a document?**

The FOI Act defines a 'document' as:

- (a) any record or any part of a record; or
- (b) any copy, reproduction or duplicate of a record or any part of a copy, reproduction or duplicate of a record.

### **4.2 Types of documents held by Horizon Power**

The types of documents held by Horizon Power which may be accessed through an FOI application, subject to any exemptions under the FOI Act, include:

- Letters
- Reports
- Email communications
- Computer records
- Internal memorandums
- Audio tapes
- Facsimiles
- Photographs
- Diagrams
- Plans
- Presentations
- Office manuals
- Policies
- Contracts
- Minutes and agendas

### **4.3 Documents freely available without an FOI application**

Horizon Power produces and releases a number of documents each year which are freely available from Horizon Power's website at <http://www.horizonpower.com.au/>. These documents include brochures, newsletters, annual reports, quarterly reports and regulatory reports.

## 5 FOI APPLICATION PROCESS

### 5.1 How to make an FOI Application

Requirement	Explanation
The application must be in writing.	This can be done by letter or fax.
The application must give enough information to allow the requested documents to be identified.	This should be done by asking for the specific documents required or alternatively by describing the documents sought in detail. For example, by identifying matters such as the date of the documents and the topic/event/person to which the documents relate.
The application must give an Australian address to which notices under the FOI Act can be sent.	Applicants should provide a telephone number or email address in addition to a postal address, so that contact can be made quickly if necessary.
In the case of applications for non-personal information, the application must be accompanied by a \$30 application fee.	The application fee can be paid by cash at Horizon Power's Bentley office or by cheque/money order made payable to Horizon Power.  A fee is not required if the application is for personal information about the applicant.
The application must be lodged at Horizon Power.	FOI Applications should be addressed to:  FOI Coordinator General Counsel & Company Secretary Horizon Power PO Box 1066 BENTLEY WA 6983  Applications can be sent by mail to the above address or delivered in person to Horizon Power's Bentley office at 18 Brodie Hall Drive, Technology Park, Bentley WA 6102. Applications can also be faxed to (+61 8) 6310 1010.

### 5.2 Process once an FOI application for documents is made

On receipt of an FOI application, Horizon Power will notify the applicant in writing that the application was received.

Under the FOI Act, Horizon Power has 45 days from receipt of an FOI application to make a determination, in accordance with the FOI Act, whether it will release the documents requested.

On completion of the determination process Horizon Power will prepare a 'Notice of Decision' which will set out:

- the person who made the decision and the date on which the decision was made;
- whether Horizon Power has decided to give access to the documents and an explanation of that decision; and
- what rights the applicant has to request a review of Horizon Power's decision.

If a Notice of Decision is not provided to an applicant within the 45 day period, it is taken that Horizon Power has refused the application. The applicant then has the option of applying to have the refusal of the application reviewed. This process is explained under heading 5.5 below.

### 5.3 Fees

The following table lists the fees that can be imposed under the FOI Act.

Description	Cost
Application fee for personal information about the applicant	No fee
Application fee for non-personal information	\$30
Fee for time taken dealing with an FOI application	\$30 per hour or pro rata
Fee for access time supervised by staff (per hour, or pro rata)	\$30 per hour or pro rata
Fee for photocopying staff time	\$30 per hour or pro rata
Fee per photocopy	20c per page
Fee for transcribing from tape, film or computer	\$30 per hour or pro rata
Fee for duplicating a tape, film or computer information	Actual Cost
Fee for delivery, packaging and postage	Actual Cost

The above fees do not apply for access to personal information about the applicant.

#### 5.4 Documents which are exempt from disclosure

Horizon Power is not required to consult or grant access to a document containing information that is exempt from disclosure under the FOI Act.

Exemptions are set out in Schedule 1 of the FOI Act. Documents that may be exempt from disclosure include documents that contain:

- personal, commercial or business information about a third party (not the applicant);
- information that is subject to legal professional privilege;
- information of a confidential nature that was communicated in confidence;
- information relating to the deliberative processes of Horizon Power; and
- commercial or business information about Horizon Power.

Where Horizon Power refuses access on the ground that a document is exempt, the reasons for the decision and the nature of the relevant exemption will be explained in the Notice of Decision provided to the applicant.

#### 5.5 Review rights

If an applicant is dissatisfied with Horizon Power's decision with respect to the provision of access to documents, the applicant may apply to Horizon Power to have the decision reviewed internally, unless the decision was made by Horizon Power's Chief Executive Officer in which case the right of review is to the Information Commissioner.

Applications for an internal review of a decision must be forwarded in writing to Horizon Power within 30 days of receipt of the Notice of Decision. The application must be sent to Horizon Power's Freedom of Information Coordinator.

Where any matter remains in dispute after an internal review, the applicant has the right to lodge a complaint with the Information Commissioner who will then decide whether to conduct an 'external review' of the matter. The complaint must be lodged within 60 days of the Notice of Decision.

The internal and external reviews may confirm Horizon Power's decision, vary the decision, or completely set aside the decision and provide a substitute decision. No fees or charges apply to the internal or external reviews.

## 6 PROCESS TO AMEND PERSONAL INFORMATION

### 6.1 How to make an application to amend personal information

Individuals have the right to apply to Horizon Power for the amendment of their personal information in a document held by Horizon Power that is inaccurate, incomplete, out of date or misleading.

The closest relative of a deceased person has the right to apply for the amendment of personal information about the deceased person.

The following table sets out how to make an application to amend personal information.

Requirement	Explanation
The application must be in writing.	This can be done by letter or fax.
The application must give enough information to allow the personal information in the relevant documents to be identified.	The right to request amendments to personal information must relate to information that is contained in specific documents which can be identified by Horizon Power.
The applicant must provide details of the information they consider to be inaccurate, incomplete, out of date or misleading including the reasons why this is the case and details of the amendment that the applicant wishes Horizon Power to make.	The application must clearly outline how and why the applicant believes the information is inaccurate, incomplete, out of date or misleading with any relevant documentation which can support the claim.
The application must give an Australian address to which notices can be sent.	Applicants should provide a telephone number or email address in addition to a postal address, so that contact can be made quickly if necessary.
The application must be lodged at Horizon Power.	Applications to amend personal information should be addressed to:  FOI Coordinator Legal and Risk, Office of CEO Horizon Power PO Box 1066 BENTLEY WA 6983  Applications can be sent by mail to the above address or delivered in person to Horizon Power's Bentley office at 18 Brodie Hall Drive, Technology Park, Bentley WA 6102. They can also be faxed to (+61 8) 6310 1010.
Where an application is made for personal information, the applicant may be asked to provide proof of identity (such as a passport or driver's licence) before access is given to the documents.	
No application fee is payable for applications to amend personal information.	

### 6.2 Process once an application to amend personal information is made

On receipt of an application to amend personal information Horizon Power will notify the applicant in writing that the application was received.

Under the FOI Act Horizon Power has 30 days from receipt of the application to make a determination, in accordance with the FOI Act, whether it will amend the personal information as requested.

On completion of the determination process Horizon Power will prepare a 'Notice of Decision' which will set out:

- the person who made the decision and the date on which the decision was made;
- whether Horizon Power has decided to amend the personal information as requested; and
- what rights the applicant has to request a review of Horizon Power's decision.

### **6.3 Rights of review**

If an applicant is dissatisfied with Horizon Power's decision with respect to an application to amend personal information the applicant may apply to Horizon Power to have the decision reviewed internally, unless the decision was made by Horizon Power's Chief Executive Officer in which case the right of review is to the Information Commissioner.

Applications for an internal review of a decision must be forwarded in writing to Horizon Power within 30 days of the Notice of Decision. The application must be sent to Horizon Power's Freedom of Information Coordinator.

Where any matter remains in dispute after an internal review, the applicant has the right to lodge a complaint with the Information Commissioner who will then decide whether to conduct an 'external review' of the matter. The complaint must be lodged within 60 days of the Notice of Decision.

The internal and external reviews may confirm Horizon Power's decision, vary the decision, or completely set aside the decision and provide a substitute decision. No fees or charges apply to the internal or external reviews.