



**SYNERGY
INFORMATION STATEMENT**

FREEDOM OF INFORMATION ACT 1992
SECTION 96
APRIL 2007

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1. STATEMENT OF STRUCTURE AND FUNCTIONS

1.1. Statement

This Information Statement is prepared for the purposes of section 96 of the *Freedom of Information Act 1992 (FOI Act)*.

1.2. Purpose of the Act

The FOI Act provides a general right of access to documents held by State and local government agencies, and certain statutory corporations. Subject to certain exceptions, where a person or corporation applies under the FOI Act for access to documents, the FOI Act requires the agency or statutory corporation to provide access to documents.

As a statutory corporation subject to the FOI Act, Synergy aims to make its documents available promptly in accordance with the FOI Act. The FOI Act requires Synergy to make available details about the kind of information it holds. This Information Statement outlines these details. In addition to creating a right of access to documents, the FOI Act also requires Synergy to ensure that personal information that it holds about an individual is "accurate, complete, up-to-date and not misleading". This information Statement outlines how to make an application under the FOI Act (**FOI application**) for access to documents of Synergy or to amend personal information of an individual held by Synergy. Synergy's Freedom of Information Officer coordinates the receipt and processing of all FOI applications.

1.3. Statutory corporation

The Electricity Networks Corporation, which trades under the name Synergy, is a statutory corporation created by section 4(1)(b) of the *Electricity Corporations Act 2005*. Synergy carries out functions and exercises powers under the *Electricity Corporations Act 2005*, *Trade Practices Act 1974* and *State Fair Trading Act 1987 (WA) Electricity Industry Act 2004*, and the *Electricity Act 1945* and the various regulations and rules made under them.

1.3. Primary purpose

Synergy is Western Australia's largest energy retailer with approximately 890,000 industrial, commercial and residential customers.

The primary activities of Synergy include:

- marketing, sales and customer service ;
- energy trading (purchasing); and
- billing and payment processing.

1.5. Governance

Synergy has an independent Board of directors, who provide high-level strategic advice on the direction of the business. Synergy is accountable to its Board, government regulators and the State Government. Synergy pays tax on its profits and pays dividends to the Government.

1.6. Functions of Synergy

The functions of the Corporation are —

- to supply electricity to consumers and services which improve the efficiency of electricity supply and the management of demand;
- to purchase or otherwise acquire electricity for the purposes of supplying electricity to customers;
- to provide ancillary services;
- by agreement with the Regional Power Corporation (Horizon), to provide retail support services to that corporation;
- to acquire gas and supply it to consumers;

It is also the function of the Corporation to use its expertise and resources to provide consultative, advisory or other services for profit; to develop and turn to account any technology, software or other intellectual property relating to the functions above; to manufacture and market any product relating to the functions above; or to exploit its fixed assets for profit so long as the proper performance of its functions are not affected.

The Corporation can do anything that it determines to be conducive or incidental to the performance of its function mentioned above.

The Corporation in performing its functions must act in accordance with prudent commercial principles and endeavour to make a profit, consistent with maximising its long-term value.

1.7 How Synergy Functions Affect Members of the Public

Synergy's functions affect members of the public in various ways, including:

- the sale of electricity and gas, and the provision of associated advice and services;
- procuring energy to sell to retail customers;
- working with government, business and industry to devise alternate energy solutions.

Members of the public are able to participate in the formulation of Synergy policy and the performance of Synergy's functions through providing feedback on performance and communicating directly with Synergy at any time.

2. DESCRIPTION OF DOCUMENTS HELD BY SYNERGY

2.1. What is a document?

For the purposes of the FOI Act, the term “document” covers many forms of records and includes files, computer printouts, maps, plans, photographs, tape recordings, films, video tapes and electronically stored information. Synergy’s documents relate to a variety of functions and activities such as:

- all aspects of the management of Synergy in its operations within the SWIS,
- procurement activities
- reform policy;
- environmental policy;
- Ministerial support; and
- customer information.

Synergy utilises a document management system (**DMS**) across all of its divisions and in all aspects of its functions. The DMS is used to record and manage all documents, regardless of format. The DMS contains documents dealing with day to day operations of all aspects of Synergy’s business, including correspondence (in and out), corporate policies and procedures, reports (internal and external), minutes and agendas of meetings, contracts, and plans.

2.2. Documents available free of charge and without a FOI application

Synergy produces and releases a number of reports each year which are available at no cost for download from the Synergy website. These reports are:

- Annual report;
- Quarterly reports;

Synergy also produces numerous pamphlets, information booklets, brochures and other printed material regarding various issues on electricity matters. These documents are also available to the general public, free of charge, from Synergy’s Head Office (subject to availability) or for download from the Synergy website.

2.3. Documents held by Synergy that are available only through a FOI application

The types of document held by Synergy that may, subject to the FOI Act, be accessed under a FOI application include the following:

- Email communications

- Audio recordings
- Computer records
- Letters
- Internal memoranda
- Facsimiles
- Reports (not mentioned in 3.2)
- Diagrams/Plans
- Notebook or diary entries
- Photographs
- Presentations
- Policies
- Office manuals
- Contracts
- Minutes and agendas of meetings

3. PROCEDURE FOR ACCESS TO DOCUMENTS

3.1. Making a FOI application

Synergy's Freedom of Information Officer is the initial contact point for all FOI related matters (including FOI applications, payments, correspondence and general enquiries). All FOI applications for access to documents **must**:

- be in writing;
- provide adequate and specific information so that the documents requested can be identified;
- expressly state that the application is being made under the FOI Act;
- give an Australian address to which notices can be sent; and
- be accompanied by the relevant application fee.

Receipt of an application will be acknowledged in writing. Synergy has a period of 45 days (or such further time permitted under the FOI Act) in which to process an application and decide whether access to the requested documents will be permitted.

3.2. Fees and charges

Regulations made under the FOI Act prescribe the rate of fees and charges relating to FOI applications for access to documents. Apart from the application fee for non personal information, the imposition of other charges is within Synergy's discretion. No fees or charges apply to an application or request for access to personal information (i.e. information about the applicant). The application fee for access to non-personal information is \$30.

Other charges and fees may apply in relation to time taken by staff in dealing with an application for non-personal information. The following table contains the applicable fees and charges.

Description Cost

- Personal information about applicant: No fee
- Application fee for non-personal information: \$30
- Charge for time taken dealing with application: \$30 per hour
- Charge for photocopying: \$30 per hour for staff and 20c per copy
- Charge for staff time in transcribing information from a tape or other device: \$30 per hour
- Charge for duplicating a tape, film or computer information: Actual cost
- Charge for delivery, packaging and postage: Actual cost

3.3. Notice of decision

After Synergy has considered a FOI application, it will provide a notice of decision to the applicant outlining:

- the date the decision was made;
- the name and designation of the officer who made the decision;
- if access to some or all of the documents has been permitted and if not, the reasons for the refusal; and
- details of the rights of review and the procedures to follow to exercise those rights.

3.4. Rights of review

If an applicant is dissatisfied with Synergy's decision with respect to the provision of access to documents, under the FOI Act the applicant may apply to Synergy to have the decision reviewed internally, unless the decision was made by Synergy's Chief Executive Officer (**CEO**) in which case the right of review is to the Information Commissioner (see below). Applications for the internal review of a decision must be forwarded in writing to Synergy within 30 calendar days of the notice of decision. The application must be sent to Synergy's Freedom of Information Officer. Where Synergy's CEO was the original decision-maker or 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. In certain instances, questions of law that arise in the course of dealing with a complaint may be referred to the Supreme Court.

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

4. PROCEDURES FOR THE AMENDMENT OF PERSONAL INFORMATION

4.1. Application to amend

An individual has a right to apply to Synergy for the amendment of his or her personal information in a document held by Synergy that is:

- inaccurate;
- incomplete;
- out of date; or
- misleading.

The closest relative of the deceased person has the right to apply for amendment of personal information about the deceased person. An application to amend **must**:

- be in writing;
- expressly state that the application is made under the FOI Act;
- give enough details to enable the document that contains the information to be identified;
- give details of how the person believes the information is inaccurate, incomplete, out of date or misleading;
- give the person's reasons for holding that belief;
- give details of the amendment(s) that the applicant requests be made; and
- give an Australian address to which notices can be sent.

Receipt of an application to amend personal information will be acknowledged in writing. Synergy has a period of 30 days (or such further time permitted under the FOI Act) in which to process an application and decide whether to amend the personal information as requested.

4.2. Rights of review

When Synergy has considered the application, it will provide a notice of decision to the applicant. If the decision is to not amend the information in accordance with the application, under the FOI Act the applicant has the right to apply to Synergy to have the decision reviewed internally, unless the decision was made by Synergy's CEO in which case the right of review is to the Information Commissioner (see below). Applications for review of a decision must be forwarded in writing to Synergy within 30 calendar days of the notice of decision. The application must be sent to Synergy's Freedom of Information Officer.

Where Synergy's CEO was the original decision-maker or 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. In certain instances, questions of law that arise in the course of dealing with a complaint may be referred to the Supreme Court.

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

5. CONTACT ADDRESS FOR FOI APPLICATIONS, CORRESPONDENCE, PAYMENTS AND GENERAL ENQUIRIES

All FOI applications, correspondence, payments and general enquiries must be directed to Synergy's Freedom of Information Officer as follows:

FOI Coordinator
Synergy
228 Adelaide Terrace
Perth 6000.