



Australian Government
Department of Home Affairs

Mr Oliver Smith
by email : foi+request-11146-f81cd307@righttoknow.org.au

FOI Reference: FA24/02/01276

Dear Mr Smith

I refer to your email received by the Department of Home Affairs (the Department) on 18 March 2024 in which you requested an internal review in relation to your Freedom of Information request received on 20 February 2024.

On 19 March 2024 the Department advised you that it had registered your request for internal review and will be processing it. However, after reviewing your original request for access, we have determined that your request for internal review is invalid and therefore cannot be progressed any further by the Department.

Whether internal review request valid

The right for an applicant to seek internal review is specified in Part VI of the FOI Act, which provides that an applicant may request an internal review of an 'access refusal decision' made by an agency. The types of decisions that are reviewable access refusal decisions are [specified in section 53A of the FOI Act](#).

Unfortunately, as the Department deemed your request to have been withdrawn and finalised it without making an access decision, the Department has not made a decision that meets the requirements of a reviewable access refusal decision as defined in section 53A of the FOI Act. Consequently your internal review request is invalid and we cannot review the decision.

Kind Regards

Mary
Freedom of Information Reviews Team
Privacy, FOI and Records Management Branch, Legal Group
Department of Home Affairs

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