

Freedom of Information Act 1982 – Rights of Review

This information sheet outlines the rights of applicants to seek review of decisions made by the eSafety Commissioner ('eSafety') under the *Freedom of Information Act 1982* (FOI Act).

1. Review of decisions

If you disagree with the decision of an eSafety decision maker regarding access to documents or the imposition of charges for processing your request, you can ask eSafety to conduct a review of the decision or you may apply to the Australian Information Commissioner (Information Commissioner) for a review.

eSafety encourages applicants to use its internal review process first, as it gives eSafety the opportunity to reconsider its initial decision and is likely to be quicker for you than an external review process.

1.1 Application for review by eSafety

If you want eSafety to conduct an internal review of the decision, you must write to eSafety. You should set out why you disagree with the decision made.

The review will be undertaken by a different eSafety decision maker.

There is no charge for internal review.

Time within which to seek review

Generally, your request for internal review must be made within 30 days of receiving notice of the decision, unless eSafety extends the application time.

The application may be sent to eSafety in any of the following ways:

Post:

- PO Box Q500, Queen Victoria Building, NSW, 1230

E-mail:

- FOI@esafety.gov.au

Applications should be marked to the attention of the FOI Coordinator.

If, after this review, you still disagree with the decision of an eSafety decision maker, you may ask the Information Commissioner to conduct a review (see the discussion below).

1.2 Application for review by the Information Commissioner

If you disagree with a decision of an eSafety decision maker, you may ask the Information Commissioner to conduct a review.

The request for review by the Information Commissioner must be made in writing and you should set out why you disagree with the decision. You must give details of how notices may be sent to you and include a copy of the relevant decision.

There is no charge for review by the Information Commissioner.

Time within which to seek review

If your request for review by the Information Commissioner relates to a decision to refuse access to documents, impose a charge, or refuse to amend a document, generally your application must be made within 60 days of being given notice of the decision.

If you are objecting to a decision to grant access to another person, generally your application must be made within 30 days of being notified of the decision.

The application may be sent to the Office of the Australian Information Commissioner in any of the following ways:

Post:

- Director of FOI Dispute Resolution
GPO Box 5288 Sydney NSW 2001

Email:

- foidr@oaic.gov.au

On-line:

- www.oaic.gov.au

Facsimile:

- 02 9284 9666

2. Right to make a complaint

If you have concerns about how eSafety has performed or exercised its functions or powers under the FOI Act, you are encouraged to contact eSafety. eSafety will try to resolve any concerns.

You also have the right to make a complaint to the Information Commissioner.

If you make a complaint to the Information Commissioner, it must be in writing and identify eSafety as the agency about which you want to complain.

A complaint may be sent to the Information Commissioner by post, email, online or facsimile (see the details set out above at 1.2).