



Information for Freedom of Information (FOI) Applicants

July 2016

Introduction

The *Freedom of Information Act 1982* (FOI Act) provides a right of access to documents held by most Australian Government agencies, subject to certain exemptions. The Department of Communications and the Arts (the Department) processes FOI requests in line with:

- the FOI Act
- the Office of the Australian Information Commissioner's FOI guidelines
- this document

Your rights

The FOI Act gives any person the right to:

- access copies of documents (except exempt documents) that we hold
- ask for information we hold about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading
- seek a review of our decision not to allow you access to a document or not to amend your personal record

How to make a FOI application

You must write to us to apply for access to documents. Under the FOI Act, you do not need to use a special form. You are not required to disclose your identity and can use a pseudonym (unless you are requesting access to your personal information). Requests can also be made by another person on your behalf (see further information below).

To make an FOI application, you should:

- write to us to ask for access (you can email or write a letter)
- state that your request is an application for the purposes of the FOI Act
- provide enough information to enable us to identify the documents being sought
- tell us where we can send notices under the FOI Act – usually your email address or a postal address in Australia

Send your application to one of the addresses below:

Email

The FOI Officer
Department of Communications and the Arts
foi@communications.gov.au

Post

The FOI Officer
Department of Communications and the Arts
GPO Box 2154
CANBERRA ACT 2601

You can also contact the FOI Officer by phone at (02) 6271 7045.

Applicants are asked to make FOI applications in a way that is not threatening, offensive or intimidating.

Charges

There is no fee for making a request, but the FOI Act provides that charges may be imposed for processing requests – these charges are assessed consistent with the *Freedom of Information (Charges) Regulations 1982*.

There are no charges for requests to access your own personal information, amend or annotate a personal record or apply for an internal review. You can ask for the charge to be waived or reduced, for instance, on grounds of financial hardship or the public interest. If you do so, you should explain your reasons and you may need to provide evidence.

Before processing your application, we will give you a written estimate of the total charge and the basis for that calculation. You will be required to pay the full amount (less any deposit received) before you are given access to the documents.

Timing

We will acknowledge receipt of your request within 14 days, and give you our decision within 30 days unless that time has been extended in accordance with the FOI Act. For example:

- we will extend the time to give you our decision by another 30 days if we are required to consult with a third party (e.g. if a document contains a third party's personal or business information);
- where charges are imposed, processing time is suspended until you pay the deposit.

Evidence of identity for requests to access personal information

If you are seeking access to documents that contain your personal information, we will require evidence of your identity with your application. This evidence should include your

physical address, as documents containing personal information may be sent to you by registered post rather than by email.

Acceptable identity documents include:

- a passport
- an Australian driver's licence
- any other official identification in the English language which contains your photo, signature and address

A copy of these documents may be sent to us or scanned as an email attachment. Please have identification documents certified as a true copy of the original by a person having the power to witness a Commonwealth statutory declaration.

Requests made by another person on your behalf

If another person is requesting documents on your behalf we will require a signed letter of authorisation from you as well as proof of the identity of that other person. The letter must specifically authorise the Department to either send copies of documents to that person or to allow that person to inspect copies of documents containing your personal information.

Scope of documents which may be provided

Exempt documents

You can seek access to any document that we hold. However, we can refuse access to some documents, or parts of documents, that are exempt. Exempt documents may include those relating to national security, documents containing material obtained in confidence, Cabinet documents or documents subject to other exemptions set out in the FOI Act.

Information presumed to be excluded

Unless you request otherwise, we will exclude from the scope of an FOI request the following information:

- personal information of junior ministerial staff and Departmental officers below the Senior Executive Service (SES) level
- mobile phone numbers and signatures of Departmental and SES officers

Duplicate documents

Unless you request otherwise, we will also exclude duplicates such as:

- in an email chain, earlier copies of emails – where the last email in the chain includes all previous emails and their timestamps
- unsigned duplicates submitted for signature (only the signed copy of the document would be provided)

If you disagree with our decision

When we have made a decision about your FOI request, we will send you a letter explaining our decision and your review and appeal rights. You can ask for decisions to be reviewed if:

- we refuse to give you access to all or part of a document or if we defer giving you access
- we impose a charge
- we refuse to change or annotate information about you that you claim is incomplete, incorrect, out of date or misleading

A third party who disagrees with our decision to give you documents that contain information about them can also ask for our decision to be reviewed.

Internal review

You can request in writing that we reconsider our decision through an internal review. An internal review will be conducted by another officer in our agency. We will advise you of the outcome of our Internal Review within 30 days of receiving your request.

Australian Information Commissioner (IC) review

You can ask the IC to review our original decision or our decision on internal review within 60 days of the date of decision (or 30 days after you are notified if you are an affected third party). The IC can affirm or vary the decision, or substitute a new decision.

Complaints

If you are unhappy with the way we have handled your request, you can:

- make a complaint to us (at foi@communications.gov.au);
- if you are unsatisfied with the outcome of our complaint, refer your complaint to our Client Service Manager (at ogc@communications.gov.au);
- complain to the IC; or
- make a complaint to the Commonwealth Ombudsman

FOI disclosure log

We publish a disclosure log on our website to meet the requirements of section 11C of the FOI Act. The disclosure log lists information that has been released in response to an FOI access request. Our FOI Disclosure Log is available at the link listed below.

It is the Department's practice to publish material on the disclosure log as close in time to the release of material to an applicant as is practicable.

The disclosure log requirement does not apply to:

- personal information about any person if publication of that information would be unreasonable;

- information about the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable;
- other information covered by a determination made by the Information Commissioner if publication of that information would be unreasonable; and
- any information that is not reasonably practicable to publish because of the extent of modifications that would need to be made to delete the information listed above.

If a document named in the disclosure log is not available for download, you can request a copy by emailing the FOI Officer.

Links

Freedom of Information Act 1982

Office of the Australian Information Commissioner website

Office of the Australian Information Commissioner – Guide to the FOI Act

Office of the Australian Information Commissioner – FOI guidelines

Administrative Appeals Tribunal

Commonwealth Ombudsman

Department Information Publication Scheme

Department FOI disclosure log