



## Purpose

To enable ANSTO to fulfil its obligations in providing information to the public and ANSTO personnel in compliance with the requirements of the *Freedom of Information Act 1982* (FOI Act).

ANSTO in providing information to the public and ANSTO personnel:

- publishes information about its operations and powers affecting members of the public,
- ensures all staff are aware of the FOI obligations and that they are adhered to and practised at all times,
- facilitates a general right of access to manuals, procedures and other documents held by ANSTO, unless a document is within an exception or exemption specified in the legislation,
- treats requests for access to information promptly, fairly, with courtesy and sensitivity, and
- complies with the requirements of the FOI Act and Regulations in relation to timelines and charges for the provision of information under the FOI Act.

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## **2. Information Held by ANSTO**

Information maintained by ANSTO to which the public may have a right to access under the FOI Act falls into the following categories:

- **Publicly available agency information**  
Publicly available agency information includes International Nuclear Information System documents, Annual Report, the staff newsletter, research program, strategic plans, ANSTO emergency plans, environmental monitoring reports, general information literature and videos.
- **Technical documents**  
Technical documents include scientific and technical reports and laboratory notes comprising patents and inventions, computer tapes and printouts, plant and equipment operating manuals, maintenance, quality assurance and safety manuals, reactor operating authorisations, records and log books, radioisotope quality control procedure manuals, radioisotope catalogues and price lists, engineering service general records, nuclear material movement vouchers and accounting records.
- **Health and safety documents**  
Health and safety documents include staff medical records, safety-related survey records, film badge and radiological records, accident reports and emergency response procedures.
- **Decision-making information**  
Decision-making information includes documents relating to decision making processes about matters in which ANSTO has an interest, ministerial correspondence and directions, ANSTO Board agenda, memoranda and decisions, deeds, legal contracts and formal agreements, minutes and submissions, employment, delegations, security, finance and accounting handbooks and manuals.
- **General correspondence**  
General correspondence includes ministerial briefs, speeches, conference papers for national and international meetings, parliamentary questions and answers, facsimiles and general records files.
- **Administration documents**  
Administration documents includes personnel records such as staff promotion files, organisation and establishment reports, compensation files, staff lists and classifications, accounting records, payroll records, tender and contract documents, building plans, specifications and instructions, memoranda, bulletins and notices.

## **3. Authorisation of Decision Makers**

ANSTO Freedom of Information decision makers are authorised in accordance with the delegations contained in the ANSTO Delegations Manual.

## **4. FOI Coordinator**

The FOI Coordinator undertakes activities in order to provide information to the general public or ANSTO personnel and to make reports (Agency Statistical Returns) to the Office of the Information Commissioner. The FOI Coordinator is provided with assistance from the Legal Unit.

## **5. Information Availability and Access for the General Public**

ANSTO makes available to the general public information about its operations affecting members of the public as well as its manuals and other documents used in making decisions and recommendations affecting the public. Primarily, ANSTO makes such information available by way of printed materials and the internet.

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### 5.1. Printed Matter

**Responsibility: Manager External Relations / FOI Coordinator**

#### 5.1.1. The ANSTO Annual Report

Annually, ANSTO provides to the public an account of its organisational structure, businesses, key performance measures and financial management in "The Annual Report". The Annual Report is to comply with section 46 of the *Public Governance, Performance Accountability Act 2013* (Cth) and supporting rules

#### 5.1.2. Brochures, Pamphlets and Booklets

ANSTO publishes a range of information which is freely available to the general public on request or obtained from the Discovery Centre at the entrance to ANSTO. Such documents are described under "Publicly available agency information".

### 5.2. The Internet

**Responsibility: Online Content Editor / FOI Coordinator**

ANSTO provides, to the general public, information about ANSTO practices via the ANSTO website <http://www.ansto.gov.au>.

The ANSTO Website is to:

- provide information to the public regarding the types of information that can be accessed outside the formal FOI process e.g. Employment records, information provided to the agency by the individual,
- provide information to enable the public to contact ANSTO in relation to FOI matters, including explanation regarding those documents that exempt from the FOI Act,
- provide information to enable the public to lodge an FOI request,
- provide information to enable the public to know any of the costs/fees that may be associated with fulfilling FOI requests,
- provide information to applicants regarding their appeal rights where access to requested documents is denied, either in full or partially, and
- provide a link to the relevant Commonwealth FOI legislation (FOI Act 1982).

## 6. Information Availability and Access for ANSTO Staff

In addition to the information made available to the general public, ANSTO staff are informed/ trained in relation to FOI obligations at the commencement of employment via the staff induction process. ANSTO's FOI policy is communicated to all staff through the availability of relevant ANSTO procedures on the ANSTO intranet.

### 6.1. The Intranet

**Responsibility: Online Content Editor/FOI Coordinator**

ANSTO provides, to staff, information about ANSTO practices via the ANSTO intranet site [www.home.ansto.gov.au](http://www.home.ansto.gov.au), "The ANSTO Staff Home Page".

In addition to the information provided on the "ANSTO Staff Home Page" that is available to the public, the "ANSTO Staff Home Page" is to ensure that the procedure and instructions regarding the handling of requests for access to routine information is distributed and made available to all staff internally.

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### 7. FOI Requests

**Responsibility: FOI Coordinator with assistance from the Legal Unit**

ANSTO provides access to documents in its possession unless a document is within an exception or exemption specified in the FOI Act.

### 8. FOI "General Public / ANSTO Staff" Requests

**Responsibility: FOI Coordinator with assistance from the Legal Unit**

#### 8.1. Receipt

Requests are to be received in writing.

An ANSTO FOI application form is provided for this purpose on the website but its use is not mandatory provided the applicant's request includes the appropriate information. Consistent with ANSTO's paperless processes, submission of electronic requests is encouraged.

To be valid, a FOI request must:

- State that it is a request for the purposes of the FOI Act;
- Provide such information concerning the document as is reasonably necessary to allow identification of the document;
- If sent by email or fax, be sent to the FOI address or number set out on the ANSTO website; and
- provide details of how notices under the FOI Act can be sent to them -for example, an email address.

If required, applicants should be contacted in order to validate a request.

Invalid requests are held pending validation.

Upon receipt of a valid request, either initially or subsequent to the contact mentioned above to validate a request:

- An Executive form, "FOI Processing Checklist" (see attachment) is initiated,
- An ANSTO General Records File or equivalent corporate record is raised for the FOI request. The file or record is to be named according to the nature of the request and ANSTO identifying information tags,
- The request is recorded on a register of FOI requests.
- Filename: "FOI Requests Register"
- The following information is recorded:
  - o File Number (Request Reference Number)
  - o Applicant
  - o Subject Matter
  - o Status

#### 8.2. Review

Valid requests are reviewed to identify if they include, as appropriate, information required under the FOI Act (FOI Act s.15). Should it be required, further information may be requested from the applicant.

Where requests relate to the release or amendment of personal information, the applicant may be required to provide proof of identity.

Where requests relate to the release of personal or business affairs of a third party and the decision maker intends to release the information, that third party **must** first be given an opportunity to comment upon its release.

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Note: Where the request for information relates to personal employment records or information provided to ANSTO by the applicant, the requested information may be supplied outside of the FOI process.

Where the FOI request relates to information maintained by another agency and not ANSTO, the applicant is to be notified that the request has been transferred, including new contact details.

The review of a FOI request is to be monitored using an FOI Processing Checklist, initiated on receipt of a valid request.

The original FOI request and the FOI Processing Checklist initiated on receipt are to be retained and filed on the ANSTO General Records File or equivalent corporate record relating to the request.

### 8.3. Acknowledgment

On receipt of a valid request, the applicant is to be advised in writing that the request has been received. Such an acknowledgment is to be issued within 14 days of having received a valid application. The 14 day period commences the day after the day on which ANSTO received the request to its specified FOI address.

The period of time (in days) from the date a valid request is received until the date the request is formally acknowledged is to be monitored and recorded on the relevant FOI Processing Checklist.

## 9. FOI "Other Agency" Requests

**Responsibility: FOI Coordinator with assistance from the Legal Unit**

### 9.1. Receipt, Review and Acknowledgment

On receipt of a request from another agency, the request is to be received, reviewed and acknowledged and subsequently handled as per this instruction



Note: It is usual for there to be informal discussions between agencies to determine whether an FOI request is to be transferred from one agency to another. Therefore, it is unlikely that an FOI Request not properly directed to ANSTO would in fact be received from another agency.

### 9.2. Transfer

Where a request is received and reviewed and it is established that the information is not in the possession of ANSTO but is in the possession of another agency, then the request is to be transferred on to that agency.

A copy of the initial FOI request is to be forwarded to the agency identified as holding the information,

The Agency to which the FOI request has been redirected and the applicant are to be formally notified of the transfer.

The original FOI request, the FOI Processing Checklist initiated on receipt and a copy of all correspondence are to be retained and filed on the ANSTO General Records File or equivalent corporate record relating to the request.

## 10. Assembly of Information

### **Responsibility: FOI Coordinator with assistance from the Legal Unit**

An authorised officer is to assemble and examine the information prior to a decision being made to grant or deny access to, or amend/annotate information.

In assembling the information, the authorised officer is to contact the division(s) of ANSTO responsible for the requested information. The divisions need to be advised of their obligations to locate and forward the documents to the requesting officer. They should also be invited to comment at that stage as to any reason why they consider the information should not be released to the applicant.

Where a request relates to the personal or business affairs of a third party, and the decision maker intends to release the documents in question, the affected party **must** be contacted in writing to notify them of the existence of the FOI request and give them an opportunity to comment prior to the release of information.



Note: There is no obligation to consult before making a decision to exempt a document.

The original request and the assembled information are then to be examined to ensure:

- the information does not include an exempt document (as defined under Part IV of the FOI Act), or where exempted information can be deleted, that information has been deleted,
- irrelevant material is deleted, and
- the correct information is being provided.

The progress of each FOI request is to be monitored to ensure the elapsed time, the period from when the request is received to when the decision notice is issued, does not exceed 30 days subject to any extensions required pursuant to the FOI Act.

Where an extension is required under the FOI Act to fulfil the request, (for instance, due to the need to consult with third parties regarding the disclosure of personal or commercial information the applicant is to be notified in writing of an extension.

The information compiled and relevant actions taken in order to reach a decision are to be recorded on the relevant FOI Checklist.

A copy of all correspondence is retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

Other extensions are available under the FOI Act, including by agreement with the applicant and agency (ANSTO must give written notice of this extension to the Information Commissioner) or upon request to Information Commissioner for a complex or voluminous request (the Commissioner must inform the applicant and ANSTO as soon as practicable).

## 11. Fees and Charges

### **Responsibility: FOI Coordinator with assistance from the Legal Unit/Authorised Decision makers**

#### 11.1. Payment of Fees and Charges

Payment invoices are to be generated by the FOI Coordinator.

Payments of fees and charges can be made:

- by Cheque, Credit Card and Money Order, payable to "ANSTO", or
- in person using Cash or Credit Card.

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### **11.2. Calculation of Charges**

Section 29 of the FOI Act authorises ANSTO to impose a charge for providing access to a document.

The charge is to be assessed in accordance with the *Freedom of Information (Charges) Regulations 1982* (Charges Regulations).

The authorised officer is to calculate the cost of the actions required to process an FOI request from the advice received from the division/s responsible for the information and/or the authorised officer's costs in assembling the information, using the Schedule to the Charges Regulations.

There is no charge for providing access to an individual's own personal information under the FOI Act or for providing access outside the statutory processing period unless that period has been extended before the deemed decision date and the agency makes a decision within that extended period. It is important to check that the information being sought is genuine personal information.

The Goods and Services Tax (GST) is not payable on FOI charges.

The applicant must be given notice of any liability to pay a charge (refer to section 29(1) for the notice requirements)

The notice of the charge may require payment of a deposit. The deposit cannot be higher than \$20 if the notified charge is between \$25 and \$100, or 25% if the notified charge exceeds \$100 (see regulation 12 of the Charges Regulations)

No further action is required until payment of the deposit is received.

Where a charge was notified, but the decision was not made within the statutory time limit, the charge cannot be imposed.

A copy of all calculations and correspondence is to be retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

### **11.3. Remission**

Where the FOI request is considered to be in the general public interest, or payment of the fee would cause the applicant financial hardship, then the processing charges may be waived or reduced in accordance with section 29(5) of the FOI Act.

The applicant is to be notified in writing (see Section 12 below) of the decision to waive or reduce of any charges.

A copy of all correspondence is retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

## **12. Decision Notices and Statement of Reasons**

### **Responsibility: Authorised Decision Makers**

Where it has been decided to refuse any aspect of the FOI request or defer access, the applicant is to be provided with a Statement of Reasons, this includes where:

- access to a requested document is refused, including because:
  - o a requested document is exempt from release (see Part IV of the FOI Act)
  - o the document has not been sufficiently identified in the request (see section 15(2) of the FOI Act)
  - o the document does not exist or cannot be found ( see section 24A of the FOI Act)
  - o a practical refusal reason exists (see section 24 of the FOI Act)
  - o the access provisions do not apply to the document.
- access to the requested document is deferred (see section s 21 of the FOI Act)
- access will be given in a different form (see section 20 of the FOI Act)
- a request to amend or annotate a record is refused (see section 51D of the FOI Act)
- any of the above decisions is made on internal review (see sections 53A, 54C(4) of the FOI Act).



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A statement of reasons is a notice in writing of:

- the decision, for example, the decision to deny (partly or wholly) access to information;
- the findings on any material questions of fact;
- the evidence or other material on which those findings are based;
- the reasons for the decision (including any public interest factors taken into account in deciding to refuse access to a conditionally exempt document);
- when explaining the reasons the decision maker should refer to the specific documents requested and set out the reasoning that led to the decision based on the material finding of fact;
- where a document is released with deletions, the grounds on which the deletions have been made;
- the name and designation of the person making the decision;
- information about the applicant's rights to make a complaint or seek a review and the procedure for doing so; and
- information as to whether the document will be published or notified on the disclosure log.

There is no specified form for a statement of reasons and letter is sufficient providing it contains all the required information.

For decisions, where there is no statutory requirement to provide reasons it is recommended that decision maker set out the following:

- the decision;
- the findings on any material questions of fact;
- the evidence or other material on which those findings are based;
- the reasons for the decision (including any public interest factors taken into account in deciding to refuse access to a conditionally exempt document);
- the name, designation and authorisation of the person making the decision; and
- information about the applicant's rights to make a complaint or seek a review and the procedure for doing so.

A copy of all correspondence is to be retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

### 12.1. Denial of Access, Amendment/Annotation

Where it has been decided to defer access to a document / information, the applicant is to be informed of the reasons for the decision and the period for which the deferral will operate.

Where it is has been decided to deny access, either in full or partially, the applicant is to be informed of the reasons for the decision and, where appropriate, provided with assistance to access requested information that has been withheld.

The notification is to include:

- an explanation for the non-release of certain information and information that would assist the request to be accepted,
- details of a member of staff whom the applicant may consult,
- the rights of the applicant to a seek an internal review of the decision or a review by the Office of Australian Information Commissioner, and
- the rights of the applicant to complain to the Ombudsman in relation to any action taken by ANSTO in exercising their powers under the Act.

A copy of the decision notice and related correspondence is to be retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

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### **12.2. Giving applicants access to documents or Amendment/Annotation of Documents**

Where it has been decided to grant access to a document or documents, the applicant is to be informed of the decision. Access to the requested information is to be provided in the form requested by the applicant as per the original FOI request unless it would interfere unreasonably with the operations of ANSTO or would be detrimental to the preservation of the document. Applicants should be encouraged to seek documents in electronic format, where practicable, to assist with ANSTO's paperless processes.

Where it has been decided to amend/annotate a document, the applicant is to be informed of the decision, and the amended/annotated document is to be provided to the applicant in a manner suitable to comply with the original request.

The applicant must pay all charges before being given access to documents unless the decision was made outside the statutory time limit.

A copy of the decision notice and related correspondence is to be retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

## **13. Internal Reviews**

**Responsibility: FOI Coordinator with assistance from the Legal Unit, Authorised Decision Makers**

### **13.1. Receipt and Review**

On receipt of a request for an internal review, it is to be reviewed to ensure that it has been submitted in accordance with the requirements of the FOI Act (refer section VI of the FOI Act).

Requests are reviewed to identify if they include the following requirements:

- The application must be in writing
- The application must be made within 30 calendar days after notification of the original decision.

Where a request for Internal Review is submitted, and found not to contain the required information under the FOI Act, the applicant is to be notified in writing with an explanation of why it does not comply and the information that must be supplied in order for it to be processed.

An Executive form, FOI Processing Checklist (given in attachment), is initiated on receipt of a request for an Internal Review. The Checklist is retained and filed on the relevant ANSTO General Records File or equivalent corporate record normally on the file raised on receipt of the corresponding FOI Request.

### **13.2. Decision Review**

Internal Reviews are to be conducted by authorised decision makers with appropriate delegation is to conduct the internal review and make a fresh decision. The review officer should be more senior than the original decision maker, where this is not possible the applicant should be contacted and encouraged to seek an external review from the Information Commissioner.

An Executive form, FOI Processing Checklist (see attachment), is initiated on receipt of an appeal. The Checklist is retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

A copy of all correspondence is retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

### **13.3. Decision Notice**

Applicants are formally notified in writing of an FOI decision with respect to the results of the internal review.

The decision notice in relation to a FOI request is to be provided to the applicant within 30 days from when the original request was received by ANSTO.

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The decision notice should:

- state the findings on any material questions of fact, referring to the material on which those findings were based, and state the reasons for the decision
- if the decision is to refuse access to a conditionally exempt document, refer to the public interest factors that were taken into account
- state the name and designation of the internal review officer
- advise the applicant of the right to complain to the Information Commissioner and to seek IC review of the decision, and the procedure for exercising those rights. This should be done even if the decision is to provide access to all documents requested. The internal review applicant may, for example, wish to complain about how the internal review was handled, or seek IC review on the basis that not all documents covered by an FOI request were located by the agency.

The period of time (in days) from the date the request for an Internal Review is received until the date the decision is formally communicated to the applicant is to be monitored and recorded on the relevant FOI Checklist.

A copy of all correspondence is retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

## 14. Correspondence

### 14.1. Acknowledgments and General (Other) Notifications

#### **Responsibility: FOI Coordinator with assistance from the Legal Unit**

All FOI requests are to be formally acknowledged when received by ANSTO.

In addition, general (other) notifications may be issued as part of the processing of FOI requests.

Correspondence encompasses dealings with:

- The applicant; acknowledgments, transfers to other agencies, liability to pay charges, extensions to time limits,
- Internal correspondence; consultation with ANSTO divisions, and
- External correspondence; consultation with state governments, commercial organisations, and private individuals and other Commonwealth agencies.

All correspondence is to include:

- references to the date and subject of the applicant's request, and
- the purpose of the acknowledgment or notification.

Specific details, depending upon the nature of the acknowledgment or notification, may include:

- references to the FOI Act,
- explanations as to compliance with the FOI Act,
- the statutory period for processing a request or an extension to the period as appropriate,
- explanation as to the transfer of a request, the agency to which the request was transferred and contact details at that agency,
- advice concerning charges,
- a breakdown of the costs associated with fulfilling the request,
- a request for a payment of fees and/or charges, including a deposit if required,
- payment receipt, and
- advice that processing of the request is halted pending further information and/or payment of the stated charges.

A copy of all correspondence is to be retained and filed on the relevant ANSTO General Records File or equivalent corporate record.

## 14.2. Decision Notices

### **Responsibility: Authorised Decision makers**

Decision notices issued in response to FOI requests are to be addressed from authorised Freedom of Information decision makers

## 15. Information Review

### **Responsibility: FOI Coordinator**

The manner in which information is made available to the general public and ANSTO staff in relation to FOI and FOI legislative requirements (i.e. via the Commonwealth website) is to be reviewed on a regular basis.

Changes are to be communicated in a timely manner to all stakeholders.

Records, related to ANSTO's review of FOI related information and legislation are to be retained on ANSTO File management system.

## 16. Disclosure Log

### **Responsibility: FOI Coordinator with assistance from the Legal Unit**

Subject to certain exceptions (see 11C of the FOI Act) ANSTO must publish information that has been released in response to each FOI access request. The disclosure log is available on ANSTO's website.

ANSTO must publish this information within ten working days of giving the FOI applicant access to the information.

The disclosure log requirement does not apply to:

- personal information about any person, if it would be 'unreasonable' to publish the information (s 11C(1)(a))
- information about the business, commercial, financial or professional affairs of any person, if publication of that information would be 'unreasonable' (s 11C(1)(b))
- other information of a kind determined by the Information Commissioner if publication of that information would be 'unreasonable' (ss 11C(1)(c) and 11C(2))
- any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete information listed in one of the above dot points (s 11C(1)(d)).

The three options for publishing information on the disclosure log are as follows:

- making the information available for downloading from the ANSTO website;
- linking to another website where the information can be downloaded, or
- giving details of how the information may be obtained.

## 17. Information Publication Scheme

### **Responsibility: FOI Coordinator with assistance from the Legal Unit**

Part II of the FOI Act establishes an Information Publication Scheme (IPS) for Australian Government agencies subject to the Act.

The IPS requires ANSTO to:

- publish an agency plan (see ss 8(1) and 8(2)(a) of the FOI Act)
- publish specified categories of information (see s 8(2) of the FOI Act)
- consider proactively publishing other government information (see s 8(4) of the FOI Act).

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Under section 8(2) of the FOI Act, ANSTO is required to publish the following information:

- the agency plan discussed above
- details of the structure of the agency's organisation (for example, in the form of an organisation chart)
- details of the agency's functions, including its decision making powers and other powers affecting members of the public
- details of appointments of officers of the agency that are made under Acts (other than Australian Public Service employees within the meaning of the Public Service Act 1999 (Public Service Act)) — such as appointments of statutory office holders
- the agency's annual reports
- details of arrangements for members of the public to comment on specific policy proposals for which the agency is responsible, including how (and to whom) those comments may be made
- information in documents to which the agency routinely gives access in response to requests under Part III (access to documents) of the FOI Act, except information that is otherwise exempt
- information that the agency routinely provides to the Parliament in response to requests and orders from the Parliament
- details of an officer (or officers) who can be contacted about access to the agency's information or documents under the FOI Act
- the agency's operational information (information held by the agency to assist it to perform or exercise its functions or powers in making decisions or recommendations affecting members of the public.

## 18. FOI Reporting

### Responsibility: FOI Coordinator with assistance from the Legal Unit

In accordance with the requirements of the FOI Act, ANSTO completes an Agency Statistical Return each quarter and annually.

The returns, to be completed electronically by persons authorised to access Office of the Australian Information Commissioner website for "FOI Agency Statistical Returns", are submitted in:

- October, for Q1 – July , August and September,
- January, for Q2 – October, November and December,
- April, for Q3 – January, February and March,
- July, for Q4 – April, May and June, and
- July, for the previous 12 months.

Records related to ANSTO's reporting of FOI related matters are to be retained on ANSTO File management system or equivalent corporate record.

## 19. Related Documents

AF-1431 [ANSTO Freedom of Information Request Form](#)

AF-1432 [ANSTO Freedom of Information Request Processing Checklist](#)

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