



Our reference: FOIREQ18/00014

FOI applicant

By email to: [foi+request-4368-b157f4ad@righttoknow.org.au](mailto:foi+request-4368-b157f4ad@righttoknow.org.au)

Dear FOI applicant

## Your Freedom of Information request

I refer to your request for access to documents under the *Freedom of Information Act 1982* (Cth) (the FOI Act), received by the Office of the Australian Information Commissioner (the OAIC) on 9 February 2018.

You requested access to:

... a document, perhaps prepared under s.17 of the FOI Act, that details the number of outstanding IC review applications made of the IC and the amount of time those review applications have been outstanding.

On 13 February 2018, you emailed the OAIC to advise that your request 'relates to a document that sets out the total number of outstanding IC review applications but that groups the those outstanding IC review applications according to how long they have been outstanding with the OAIC.'

## Decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have identified one document within the scope of your request. I have decided to grant full access to the document you have requested.

The document is a table of the number of open IC review applications and the age of these applications, as at 31 January 2018. The age of an IC review application is the number of days that has elapsed since the application was received by the OAIC. This document was in the possession of the OAIC on 9 February 2018, the date of your request. Part 2.34 of the FOI Guidelines explains that the right of access applies to documents that exist at the time the FOI request was made.

## Reasons for decision

### *Material taken into account*

In making my decision, I had regard to the following:

- your freedom of information request dated 9 February 2018
- your email of 13 February 2018
- the document in issue
- the FOI Act
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act to which regard must be had in performing a function or exercising a power under the FOI Act (the FOI Guidelines).

### Disclosure log

Section 11C of the FOI Act requires agencies to publish documents released through an FOI request on their websites within 10 days of release, except when the documents contain personal or business information that it would be unreasonable to publish.

The document being released to you does not contain personal or business information that it would be unreasonable to publish. As a result, it will be published on our [disclosure log](#) shortly.

Yours sincerely



Brandon Chen  
Investigation and Review Officer  
Dispute Resolution Branch

5 March 2018

## If you disagree with my decision

### *Internal review*

You have the right to apply for an internal review of my decision under Part VI of the FOI Act. An internal review will be conducted, to the extent possible, by an officer of the OAIC who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please mark your application for the attention of the FOI Coordinator and state the grounds on which you consider that my decision should be reviewed.

### *Further Review*

You also have the right to seek review of this decision by the Information Commissioner (IC review) and then the Administrative Appeals Tribunal (AAT).

If you wish to apply for IC review, you must do so in writing within 60 days. Your application must provide an address (which can be an email address or fax number) that we can send notices to, and include a copy of this letter. An application for IC review can be made in relation to my decision, or an internal review decision.

It is the Information Commissioner's view that it will usually not be in the interests of the administration of the FOI Act to conduct an IC review of an FOI decision, or an internal review decision, made by the OAIC because the Information Commissioner is the head of the OAIC. For this reason, if you apply for IC review of my decision, it is likely that the Information Commissioner will decide (under s 54W(b) of the FOI Act) not to undertake an IC review on the basis that it is desirable that my decision is considered by the AAT.

Under s 57A of the FOI Act, before you can apply to the AAT for review of an FOI decision, you must first apply for IC review and the Information Commissioner must have made a decision under s 54W(b) of the FOI Act.

Applications for internal review or IC review can be submitted to:

Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Alternatively, you may submit your application by email to [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au), or by fax on 02 9284 9666.