



Your review rights

Client fact sheet

If you disagree with the decision made by the Department of Defence or the Minister under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if your application to have your personal information amended was not accepted or your comments in response to formal consultation were not accepted.

There are two ways you can ask for review of a decision: **internal review** by Defence, or **external review** by the Australian Information Commissioner.

Internal review

If Defence makes an FOI decision that you disagree with, you can ask Defence to review its decision. The review will be conducted independently to FOI Case Management. There is **NO** charge for internal review.

You must apply within **30 days** of being notified of the decision, unless you have sought an extension from Defence. An extension may be granted if adequate reasons for the extension are supplied.

Defence **must** make a review decision within **30 days**. Where Defence has not met its review obligation, you may then approach the Information Commissioner.

Internal review is not available if the Minister or the principal officer of the agency made the decision personally.

How to apply for an internal review

You must apply in writing and should include a copy of the notice of the decision provided and the points to which you are objecting and why.

You can lodge your application in one of the following ways:

Email: <mailto:FOIReview@defence.gov.au>
Post: FOI Directorate
Department of Defence
CP1-6-008
PO Box 7910
CANBERRA BC ACT 2610

External review

Do I have to go through the Defence's internal review process first?

No. You may apply directly to the Information Commissioner, within **60 days** of receiving your decision. However, going through the Defence internal review process gives Defence the opportunity to reconsider its initial decision and your concerns will most likely be addressed more quickly, without undergoing an external review process.

When can I go to the Administrative Appeals Tribunal (AAT)?

Under the revised FOI Act, you must seek external review through the Information Commissioner prior to applying to the AAT for such a review.

Making a complaint

You may make a complaint to Defence or the Office of the Information Commissioner about actions taken by Defence in relation to your application. The complaint needs to be in writing.

Information Commissioner contact

Further information about the external review process or how to make a complaint to the Information Commissioner is available:

Online: www.oaic.gov.au
Post: GPO Box 5218 Sydney NSW 2000
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

