



## Freedom of Information – Your Review Rights

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. Generally the review will be conducted by the FOI Directorate, however in some instances it will be referred to the area that made the decision, but it will be conducted by someone at a more senior level. 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.

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 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: [FOI@defence.gov.au](mailto:FOI@defence.gov.au)**  
**Fax: +61 2 626 62112**

### **Post: Freedom of Information Directorate**

Department of Defence  
CP1-6-001  
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. 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 the Information Commissioner about actions taken by Defence in relation to your application. The complaint needs to be in writing.

### *Contacting the Information Commissioner*

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

**Online:** [www.oaic.gov.au](http://www.oaic.gov.au)

**Post:** GPO Box 2999, Canberra ACT 2601

**Fax:** +61 2 9284 9666

**Email:** [enquirix@xxxx.xxx.au](mailto:enquirix@xxxx.xxx.au)

### **Investigation by the Ombudsman**

The Commonwealth Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be or has been investigated by the Information Commissioner, the Ombudsman will consult the Information Commissioner to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate, the complaint, then all relevant documents and information must be transferred to the Information Commissioner.

The Information Commissioner can also transfer to the Ombudsman a complaint that could more appropriately be investigated by the Ombudsman. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. It is unlikely that this will be common. You will be notified in writing if your complaint is transferred.

### **Defence FOI contacts**

#### **Freedom of Information Directorate**

Department of Defence  
CP1-6-001  
PO Box 7910  
CANBERRA BC ACT 2610

**Ph:** +61 2 626 62200

**Fax:** +61 2 626 62112

**Email:** [FOI@defence.gov.au](mailto:FOI@defence.gov.au)

**Website:** [www.defence.gov.au/foi](http://www.defence.gov.au/foi)