



## Getting started

### About this form

The Office of the Australian Information Commissioner can investigate complaints about the conduct of Australian Government agencies making decisions under the *Freedom of Information Act 1982* (FOI Act). You can use this form to lodge a complaint.

Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act. Further information about the FOI complaints process (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-11-complaints-and-investigations/>) is available on our website.

The OAIC encourages you to lodge your complaint with the agency, before lodging your complaint with us.

The OAIC does not investigate FOI complaints that relate to Ministers or complaints about State, Territory or local government agencies.

Making a complaint is a separate process from applying for an Information Commissioner review of an FOI decision made by an agency. Further information about Information Commissioner reviews (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/>) is available on our website.

The Commissioner's view is that making a complaint is not an appropriate mechanism where IC review is available, unless there is a special reason to undertake an investigation and the matter can be dealt with more appropriately and effectively in that manner. IC review will ordinarily be the more appropriate avenue for a person to seek review of the merits of an FOI decision, particularly an access refusal or access grant decision.

Further information about the difference between FOI complaints and IC reviews (<https://www.oaic.gov.au/freedom-of-information/frequently-asked-questions/what-is-the-difference-between-a-complaint-and-an-application-for-review-of-an-freedom-of-information-decision/>) is available on our website.

When you lodge a complaint with us, we will assess it to determine whether it would be more appropriately handled as an IC review. We will let you know if we decide to treat your complaint as an IC review.

If you have trouble completing this form please send an email to [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au) or call our enquiries line on 1300 363 992.

### Your personal information

We will handle your personal information in accordance with the Australian Privacy Principles.

If you have any questions about the personal information we collect and how we will handle your information, please contact the OAIC or see our privacy policy (<http://www.oaic.gov.au/privacy-policy-summary>) available on our website.

## Before you start

The OAIC uses the Australian Government's SmartForm service, which enables our forms to be lodged online using a personal computer or mobile device. When you save or submit a form using this service, it is encrypted and stored on a secure server located in Australia and controlled by the Department of Industry. Once you have submitted your completed form, we will download and decrypt it. Your form will then be permanently erased from the secure server within 72 hours. You can save the form at any point and return within 3 days to complete it. If you have not submitted your form within 3 days it will be permanently erased from the secure server.

## What happens to your application?

The OAIC will assess the information you have provided and decide the appropriate next steps. We will then contact you. You can also contact us in writing, by FOIDR@oaic.gov.au, fax, phone or in person by visiting our office at Level 3, 175 Pitt St, Sydney NSW 2000.

## Your details - the complainant

### Previous dealings

If you have lodged a complaint or enquiry with the OAIC before, please provide your previous reference number (for example, CP18/00000 or EN18/00000).

## Your details

Title

Given name \*

Family name \*

Name of organisation

Preferred contact method *(you must provide at least one contact method)* \*

Email	Phone	Post	Other
-------	-------	------	-------

Email address \*

Phone (daytime)

Mobile

Postal address

Other contact details *(eg. fax or international address)*

Do you require any assistance to participate in the FOI complaint process?

*For example: an interpreter. Please detail below.*

## Your representatives details

Do you have someone you would like to represent you in your complaint \*

Yes	No
-----	----

Title

s 22

Given name \*

s 22

Family name \*

s 22

Name of organisation

s 22

Preferred contact method *(you must provide at least one contact method)* \*

Email

Phone

Post

Other

Email address \*

s 22

Phone (daytime)

s 22

Mobile

Postal address

Start typing full address here..

Other contact details *(eg. fax or international address)*

s 22

If you have contacted the OAIC previously about this or another matter involving the same complainant, please provide your previous reference number *(eg CP19/00001, E11/00001, MR18/00001)*

Please attach the relevant authority to act if you are submitting this complaint on behalf of another person. \*

**Files you attach must:**

- be in \*.jpg, \*.gif, \*.png, \*.doc, \*.docx, \*.pdf format
- be no more than five files
- in total be no larger than 20MB.

SIGNED FORM s 22.pdf



FOI REQUEST Access to information.pdf



Upload File

## Complaint details

### Agency information

Please select the Australian Government agency which is the subject of your FOI complaint \*

- ☐ Administrative Appeals Tribunal
- ☐ Attorney-General's Department
- ☐ Australian Federal Police
- ☐ Australian Securities and Investments Commission
- ☐ Australian Taxation Office
- ☐ Australian Transaction Reports and Analysis Centre (AUSTRAC)
- ☐ Comcare
- ☐ Department of Defence
- ☐ Department of the Environment and Energy
- ☐ Department of Health
- ☒ Department of Home Affairs
- ☐ Department of Human Services
- ☐ Department of Veterans' Affairs
- ☐ Immigration Assessment Authority
- ☐ National Disability Insurance Agency
- ☐ Other

### Previous contact with agency

Please provide any FOI reference number(s) if available

*Do not provide tax file numbers or other confidential account-type numbers*

s 22

Please provide a summary of the current status of the FOI Request that has led to this complaint \*

We act for s 22 in relation to his Freedom of Information request, made on s 22 in relation to information held by the Department of Home Affairs.

We made a follow up with the Department on s 22. We have not received any response from the Department of Home Affairs, despite our follow up email, and despite the significant delay in providing the requested information.

We therefore make a formal complaint to the Commissioner in relation to this delay by the Department.

## Complaint Details

Have you complained directly to the relevant agency? \*

☒ Yes

☐ No

Did you receive a response from the agency? \*

☐ Yes

☒ No

You should wait for the agency to respond to your complaint before making a complaint to us.

You may wish to make an FOI complaint to us if you are unsatisfied with the agency's response to your complaint or you consider that the agency has had adequate time to deal with your complaint but you have not received a response.

Please contact us at FOIDR@oaic.gov.au or on 1300 363 992 if you would like to discuss further.

However, if you would like to make a complaint at this time, please continue to complete the form.

Please provide a summary of your complaint \*

We act for **s 22** in relation to his Freedom of Information request, made on **s 22** in relation to information held by the Department of Home Affairs.

We made a follow up with the Department on **s 22**. We have not received any response from the Department of Home Affairs, despite our follow up email, and despite the significant delay in providing the requested information.

We therefore make a formal complaint to the Commissioner in relation to this delay by the Department.

The Information Commissioner can make recommendations to the agency that the Commissioner believes the agency ought to implement as a result of a complaint. Information about the possible outcomes following an investigation of an FOI complaint (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-11-complaints-and-investigations/#completing-an-investigation>) can be found on our website.

The FOI complaint process cannot provide access to the documents you have requested. The Information Commissioner review process (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/>) will ordinarily be more appropriate where the outcome you are seeking is access to the documents you requested.

What action or result would you like from the Information Commissioner? \*

We would like the FOI request actioned by the Department on a priority basis: 6 months is too long and there is no correspondence from the Department to explain the delay.

## Submission

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When you are ready to submit this form, use the **Submit** button below.

Once you submit your form, you will be taken to a confirmation page. This page will provide a reference code for your submission, and you will be able to download a copy of your completed form or have a copy sent to an email address of your choice.

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### Previous dealings

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## Your details

Title

Given name \*

Family name \*

Name of organisation

Preferred contact method *(you must provide at least one contact method)* \*

Email	Phone	Post	Other
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Email address \*

Phone (daytime)

Mobile

Postal address

Other contact details *(eg. fax or international address)*

Do you require any assistance to participate in the FOI complaint process?

*For example: an interpreter. Please detail below.*

## Your representatives details

Do you have someone you would like to represent you in your complaint \*

Yes	No
-----	----

## Complaint details

### Agency information

Please select the Australian Government agency which is the subject of your FOI complaint \*

- ☐ Administrative Appeals Tribunal
- ☐ Attorney-General's Department
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- ☐ Department of Defence
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- ☐ Department of Health
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- ☐ Department of Veterans' Affairs
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- ☐ Other

### Previous contact with agency

Please provide any FOI reference number(s) if available

*Do not provide tax file numbers or other confidential account-type numbers*

s 22

Please provide a summary of the current status of the FOI Request that has led to this complaint \*

FOI request submitted s 22. Numerous phone calls ect. Currently Dept of Home Affairs cannot give update as to status of request.

## Complaint Details

Have you complained directly to the relevant agency? \*

☒ Yes☐ No

Did you receive a response from the agency? \*

☒ Yes☐ No

Please provide a copy of the agency's response with this form and explain why you are not satisfied with the response \*

N/A

Please provide a summary of your complaint \*

Dept of Home Affairs cannot provide update on FOI request after numerous phone calls and emails.

The Information Commissioner can make recommendations to the agency that the Commissioner believes the agency ought to implement as a result of a complaint. Information about the possible outcomes following an investigation of an FOI complaint (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-11-complaints-and-investigations/#completing-an-investigation>) can be found on our website.

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What action or result would you like from the Information Commissioner? \*

Provide update as to status of request or provide requester documents.

## Supporting documents

You can submit documents in support of your complaint by using the **Upload File** button below. \*

Files you attach **must**:

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Name of organisation

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Email	Phone	Post	Other
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Email address \*

Phone (daytime)

Mobile

Postal address

Other contact details *(eg. fax or international address)*

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Yes	No
-----	----



Title

s 22

Given name \*

s 22

Family name \*

s 22

Name of organisation

s 22

Preferred contact method *(you must provide at least one contact method)* \*

Email

Phone

Post

Other

Email address \*

s 22

Phone (daytime)

Include area code

Mobile

s 22

Address line 1

s 22

Address line 2

s 22

Suburb

State

Postcode

s 22

Other contact details *(eg. fax or international address)*

If you have contacted the OAIC previously about this or another matter involving the same complainant, please provide your previous reference number *(eg CP19/00001, E11/00001, MR18/00001)*

Please attach the relevant authority to act if you are submitting this complaint on behalf of another person. \*

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- in total be no larger than 20MB.

Signed authority (2).pdf**Upload File**

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- ☐ Comcare
- ☐ Department of Defence
- ☐ Department of the Environment and Energy
- ☐ Department of Health
- ☒ Department of Home Affairs
- ☐ Department of Human Services
- ☐ Department of Veterans' Affairs
- ☐ Immigration Assessment Authority
- ☐ National Disability Insurance Agency
- ☐ Other

### Previous contact with agency

Please provide any FOI reference number(s) if available

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s 22

Please provide a summary of the current status of the FOI Request that has led to this complaint \*

The scope of the FOI request was revised, and that revised request acknowledged by the Department on s 22. The Department has failed to provide us with an update since then.

## Complaint Details

Have you complained directly to the relevant agency? \*

☒ Yes☐ No

Did you receive a response from the agency? \*

☒ Yes☐ No

Please provide a copy of the agency's response with this form and explain why you are not satisfied with the response \*

I emailed the Department on **s 22** to follow up on the request. I only received an automated message confirming receipt on each occasion.

Please provide a summary of your complaint \*

The statutory deadline has passed.

The Information Commissioner can make recommendations to the agency that the Commissioner believes the agency ought to implement as a result of a complaint. Information about the possible outcomes following an investigation of an FOI complaint (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-11-complaints-and-investigations/#completing-an-investigation>) can be found on our website.

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What action or result would you like from the Information Commissioner? \*

To compel the Department to action the FOI request.

## Supporting documents

You can submit documents in support of your complaint by using the **Upload File** button below. \*

*Files you attach **must**:*

- *be in \*.jpg, \*.gif, \*.png, \*.pdf, \*.doc, \*.docx, \*.txt, \*.xls, \*.xlsx format*
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