



# Procedure: Freedom of information requests

## Purpose

To outline the procedure for processing a request under the [FOI Act \(Cth\)](#) ('FOI Act').

## Scope

All current and former staff and students; and members of the public.

## Definitions

**Applicant** means a person who has made a request.

**Chargeable request** is a request for documents other than the applicant's own personal information.

**Conditional exempt documents** are documents that the University may refuse to release under the FOI Act on specific ground, such as personal privacy.

**Documents** include but are not limited to paper documents, electronic documents, audio recordings, pictures, plans, photographs and emails. It does not include documents that are publicly available such as reference material that is otherwise available and documents that can be purchased from or are available freely from the University.

**Exempt documents** are documents that the University may refuse to release under the FOI Act on specific grounds, such as breach of confidence.

**FOI Co-ordinator** is an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

**Freedom of Information Act 1982 (Cth) ('FOI Act')** is Commonwealth legislation that allows the public to seek access to information held by any Commonwealth agency or authority, including the Australian National University.

**Non-chargeable request** is a request for access to an applicant's own personal information.

**Administrative access** means provision of access under an administrative process, usually made for the applicant's personal information.

**Privacy Act 1988 (Cth) ('Privacy Act')** regulates how personal information is handled.

**Public interest factors** are factors taken into account to determine if, on balance, the disclosure of a conditionally exempt document would be contrary to the public interest.

## Procedure

### Making a request for access to documents

1. An FOI request made to the University must be:
  - a. in writing; and
  - b. state that the request is an application for the purposes of the FOI Act; and
  - c. provide such information concerning the documents requested as is reasonably necessary to enable a responsible officer of the University to identify them; and
  - d. give details of how notices under the FOI Act may be sent to the applicant.
2. A request is valid if it is delivered to the University's specified email address (foi@anu.edu.au) or delivered or posted to the University's address specified in a current telephone directory.
3. If a person wishes to make an FOI request to the University, or the University receives an FOI request that does not comply with the requirements, the University has a duty to take reasonable steps to assist the applicant to make a valid FOI request.
4. Within 14 calendar days, the FOI Co-ordinator is to send a formal acknowledgement of the request to the applicant's nominated email or postal address. If charges apply the applicant is informed:
  - a. of the estimated charges based on the estimated search time; and
  - b. they have a right to request remittance or a reduction in the charges if they contend that the charges are wrongly assessed or should be reduced or waived.

### Current and former staff access to personnel records

5. Current and former staff can request access to their personnel records using the [Staff Access to Personnel Records procedure](#).

### Current and former students access to student records

6. Current and former students can request access to their student records using the [Student Access to Student Records procedure](#).

### Making a request to amend documents

7. Under the FOI Act an applicant can apply to the University for an amendment or annotation of personal information that is contained in a document of the University, in the following circumstances:
  - a. access to the document has been lawfully provided to the applicant;

- b. the information in question is incomplete, incorrect, out of date or misleading; and
- c. the information has been used, is being used, or is available for use by the University for administrative purposes.

8. A person also has the right under the Privacy Act to request amendments or annotation of personal information that is contained in a document of the University. More information on a person requesting an amendment or annotation of personal information is in the [Privacy Policy](#).

## **Charges**

9. There is no application fee for making an FOI request.

10. If an applicant only requests access to their own personal information, there is no charge.

11. The types and amounts of charges that apply to other requests for access to documents are set out in the schedules to the Charges Regulations available at the [Office of the Australian Information Commissioner \(OAIC\) website](#).

12. An applicant is provided with a preliminary assessment of charges in respect of the processing of a request.

13. If the charge exceeds \$100, the applicant is required to pay a 25% deposit or a deposit of \$20 if the estimate is less than \$100.

14. The processing of a request is suspended from the day the applicant is notified of charges and resumes on either the day they pay the charge (in full or the required deposit) or the day on which the University makes a decision not to impose a charge.

15. If a written response to the notice of charges is not provided within 30 days to the University, the applicant's request is taken to have been withdrawn.

16. An applicant has the right to request remittance or a reduction in the charges on the following grounds:

- a. wrongly assessed - the applicant is to provide reasons for contending that the charge has been wrongly assessed.
- b. financial hardship - the payment of the charge would cause financial hardship to the applicant.
- c. public interest - providing access to the documents is in the general public interest or the interest of a substantial section of the public.

## **FOI decisions**

17. The Vice-Chancellor of the University and persons the Vice-Chancellor authorises are to make FOI decisions. The FOI Co-ordinator is delegated by the Vice-Chancellor to

make FOI decisions. Other University officers assist the decision-maker in the retrieval of documents, processing of the FOI request, drafting of reasons for decision or any other aspect of the decision-making process.

18. The University is required to make a decision and notify the applicant in writing of its decision within 30 days of receiving an FOI request. The applicant is notified if this time frame is extended for the following reasons:

- a. where consultation with a third party is required, the University has an additional 30 days to make a decision.
- b. the University may seek written consent from the applicant to extend the time for making a decision by up to 30 days.
- c. if an FOI request is complex or voluminous, the University may apply to the Information Commissioner for an extension of time of 30 days or more.
- d. if the University makes a decision to impose a charge, the period for processing an FOI request is suspended until a deposit is received or the charge is paid in full.

19. Where a decision is made not to grant access in full to all documents, the University's decision-maker is to provide reasons for the decision and notify the FOI applicant of their review rights. The statement of reasons sets out any findings of fact and refers to the material on which the findings were based, and states the reasons for the decision. If there is a decision not to provide access to a conditionally exempt document, the decision-maker states the public interest factors taken into account when making that decision.

## **Review of FOI decisions**

20. An FOI applicant may apply for internal review of an access refusal decision, which is essentially any decision on an FOI request that does not provide all documents in full to the applicant.

21. Requests for an internal review of an access refusal decision must be made in writing and delivered to the University's specified email address [coo@anu.edu.au](mailto:coo@anu.edu.au) or delivered or posted to the address Chief Operating Officer, Building 10, The Australian National University, Canberra ACT 2601.

22. An applicant can also request internal review of a decision to impose charges or not to amend their personal record.

23. Any request for internal review is to be made within 30 days of the day on which the decision was notified to the applicant.

24. The applicant is notified of a decision on internal review within 30 days of the request being received. If no decision is made within this time, the original decision is deemed to have been affirmed.

25. An applicant dissatisfied with an access refusal decision may apply to the [Australian Information Commissioner](#) for a review of the decision within 60 days. A person who is a party to a review application before the Australian Information Commissioner can seek review of the Commissioner's decision in the Administrative Appeals Tribunal.

26. If an applicant is unhappy with the way the University has handled an FOI request, they may complain to the Australian Information Commissioner, who may investigate the University's actions.

### **Publication requirements**

27. The University has an Information Publication Plan to publish certain information, such as annual reports, policies and procedures, without the need for an FOI request. This information is available from the [University Information Publication Scheme](#) webpage.

28. The University publishes information released pursuant to the FOI Act on its disclosure log, subject to exceptions where it would be unreasonable to publish the information (including where the applicant has been given access to documents containing their own personal information). The University is to publish the documents on [Disclosure Log](#) webpage within 10 working days from the day the applicant is provided access to the documents.

### **Identifying and processing documents**

29. In relation to a chargeable request, the FOI Co-ordinator refers a valid request to the appropriate business areas to confirm that documents exist, estimate the time needed to locate documents and provide a contact person for the request within four days.

30. Once the applicant has accepted the estimated charge, the FOI Co-ordinator notifies the responsible business areas to retrieve the documents and forward them to the FOI Co-ordinator within ten days, noting any objections to the release of the documents.

31. In relation to a non-chargeable request, the FOI Co-ordinator refers a valid request to the appropriate business areas to identify and forward relevant documents to the FOI Co-ordinator within 14 calendar days, noting any objections to the release of the documents.

32. The FOI Co-ordinator assesses the relevance of documents for chargeable and non-chargeable requests, and identifies sensitivities of documents in consultation with the responsible areas and the Legal Office.

33. The FOI Co-ordinator notifies the applicant and responsible areas of any extensions to the decision notification period, e.g. for third party consultation.

34. The FOI Co-ordinator requests and considers comments from the responsible areas and any other stakeholders about proposed exemptions before making a decision on a document's release.

35. The FOI Co-ordinator then sends the applicant's nominated email or postal address a notice of the decision with the reasons for exempting any documents in full or in part and, where appropriate, a schedule of documents. The applicant is not entitled to receive or view copies of any documents requested until any outstanding charges have been paid.

36. If requested, the FOI Coordinator arranges for the records to be viewed by the applicant, ensuring that the applicant:

- a. provides photographic identification prior to viewing the records;
- b. is supervised at all times;
- c. does not view documents that have been determined are exempted from release under the FOI Act and information to be withheld;
- d. receives a copy of any document they are entitled to view if they request it; and
- e. is sent a copy of all documents to be released within 5 working days if they request this.

37. The FOI Co-ordinator publishes the decision to the FOI Disclosure Log within 10 days unless publication would be unreasonable (such as where the documents relate to personal or business information or contain information that the FOI Co-ordinator would have decided was exempt if the application had been received from a different applicant).

## Document information

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