



Freedom of Information

Accessing information under the *Freedom of Information Act 2016*

This factsheet explains the different ways you can access government information under the ACT *Freedom of Information Act 2016* (FOI Act).

What is government information?

Government information is information that is held by ACT agencies and Ministers. This includes:

- personal information about individuals
- information relating to policy and public programs, and
- financial information.

Government information does not include information relating to a Minister's personal or political activities, or information created or received by a Minister in their capacity as a member of the ACT Legislative Assembly. You cannot request this information under the FOI Act.

Right to access information

The FOI Act gives you the right to access government information from agencies and Ministers, unless disclosure of the information would, on balance, be contrary to the public interest. This means an agency or Minister needs to have a good reason to refuse access to government information.

From whom can you access information?

You can access government information held by an agency or Minister. This includes ACT Directorates and statutory agencies. Contact the responsible Directorate or Minister if you have a query about accessing information.

How to access government information

The FOI Act provides the following three ways to access government information:

1. Open access information

Agencies and Ministers are required under the FOI Act to make certain categories of government information publically available. This information is usually accessible on the website of the relevant agency or Minister.

2. Informal request

If the information you are seeking has not been published as open access information, you can make an informal request to the agency or Minister to release the information.

Contact us

ombudsman.act.gov.au
1300 362 072

GPO Box 442
Canberra ACT 2601

Sometimes agencies and Ministers cannot release information informally. This may be because the information is subject to a secrecy provision or a third party is likely to object to the release of the information.

3. Formal access application

If the information you are seeking has not been published, and it cannot be accessed informally, then you can make a formal access application to the agency or Minister under the FOI Act.

Where to start

The first step is to check the relevant agency or Minister's website to see if the information you are seeking has been published online. Make sure you also check their disclosure log, which will contain information which has previously been released under the FOI Act. If you are seeking government information relating to policy or a public program, you should first visit the website of the relevant agency or Minister.

If you cannot find the information, consider making an enquiry to the relevant agency or Minister, and ask whether the information is published, or whether it can be released informally.

If not, you can make an access application.

Open access information

Open access information is information which agencies and Ministers are required to publish under the FOI Act.¹ For agencies, this includes policy documents, budgetary papers and information about government grants. For Ministers, this includes information about ministerial (and ministerial staff) travel and hospitality expenses, as well as a copy of the Minister's diary that sets out all meetings, events and functions.

An agency or Minister must publish open access information unless it would be contrary to the public interest. If open access information is not made available because it is contrary to the public interest information, the agency or Minister must, subject to some exceptions, publish a description of the information and the decision made regarding the relevant information.

Informal request

You can make an informal request direct to the relevant agency or Minister. An informal request is a request outside the access application process. An informal request is free of charge and may give you to access to the information you are seeking faster than with a formal access application.

A formal access application may be more appropriate than an informal request if:

- the information is subject to a secrecy provision
- a third party is likely to object to the information being released or
- you would like to have the opportunity, if you are refused access, to apply to the Ombudsman for review of the decision of the agency or Minister.

¹ Section 23.

Access application

An access application is the formal way to request information under the FOI Act.

Include sufficient detail in your application

Your application must include enough information for the agency or Minister to identify the requested information. You must also include an email or postal address so that the agency or Minister can send you the information and other correspondence.

If you are applying for access to personal information, you must include evidence of your identity. If someone is applying on your behalf, the application must include evidence of your authorisation for that person to act on your behalf.

Assistance with your access application

If your access application does not comply with the requirements under the FOI Act, the agency or Minister must take reasonable steps to help you complete your access application.

Acknowledgement

After you submit an application which complies with the requirements of the FOI Act, the agency or Minister must tell you the:

- day they received your application, and
- date they must make a decision by.

This must be provided to you within 10 working days from the day after your application was received.

Timeframe

An agency or Minister must decide your access application within a particular timeframe, usually 20 working days, unless you agree to a request for more time, or another extension applies.

For more information on timeframes, see: *Factsheet: Processing Times for decision-makers*.

Deciding your application

The agency or Minister will decide your application and give you a written decision notice indicating its reasons. If the decision-maker has decided to charge you for accessing information, the decision notice will include the fee payable.

You should read the decision notice carefully and contact the agency or Minister if you have further questions about the decision or what it means.

The decision notice will also include information on your right to seek an Ombudsman review of the decision.

Ombudsman review

If you are not satisfied with the agency's or Minister's decision, you may request a review of the decision by the Ombudsman. Please see: *Factsheet and form: Applying for an Ombudsman Review* for further information regarding this process.

Need more information?

Website: ombudsman.act.gov.au/foi

Email: actfoi@ombudsman.gov.au

Phone: 1300 362 072

More information is available at ombudsman.act.gov.au.

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