



Freedom of Information (FOI) Factsheet and Guideline

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Version information

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Business Support	February 2025, Executive Manager, Business Support Branch	V1.0 24/016909	Office of the Legislative Assembly factsheet and guideline for the public regarding freedom of information applications and reviews	January 2030

1. Overview and purpose

- 1.1. The [Freedom of Information Act 2016](#) (the FOI Act) provides the public with a right of access to government information and gives individuals the legal right to:
 - access government information unless access to the information would, on balance, be contrary to the public interest;
 - ask for personal information to be changed if it is incomplete, out-of-date, incorrect or misleading
 - appeal a decision about access to a document, or a decision in relation to a request to amend or annotate a personal record.
- 1.2. The Office seeks to support the object of the Act by promptly responding to all freedom of information requests and proactively publishing information under open access. The purpose of this policy is to provide an overview of the process and how the Office responds to FOI requests.

2. Before lodging an FOI application

- 2.1. A range of information is available under the Open Access Information Scheme (OAIS) including functional information about the Office, policy documents, budgetary information and more. Documents made available under the OAIS can be found on the [Legislative Assembly's website](#).
- 2.2. Many documents may be available without the need to use formal processes under the FOI Act, before making an application, you could first approach an Office information officer to see whether information might be made available without a formal application.
- 2.3. An Office information officer can be contacted on (02) 6205 0181 or via the Office's email: OLA@parliament.act.gov.au.

3. How to make an FOI application

- 3.1. The Office does not require a form to be completed. To make an FOI application you should write an email or send a letter setting out the nature of the information you are requesting and noting that the application is being made pursuant to section 30 of the FOI Act.
- 3.2. In the application, you should identify the documents you are requesting providing as much information as possible. For example, the date or date range of when the documents were created, or describe in detail the subject matter in which you are interested.
- 3.3. You should include your contact details in the application and email us at: OLA@parliament.act.gov.au.

- 3.4. Alternatively, applications can be posted to:

Freedom of Information Officer
Legislative Assembly of the ACT
GPO Box 1020
Canberra ACT 2601

- 3.5. Applications can also be hand delivered to the public entrance of the Legislative Assembly building located at Civic Square, London Circuit, Canberra City.

4. What the Office will do upon receiving an application

- 4.1. Upon receiving an FOI application, the Office will refer it to an appropriate information officer for consideration.
- 4.2. The Office will then:
- inform you within 10 working days that it has received the application and the date by which a decision is to be made;
 - inform you within 30 working days after receiving the application as to the Office's decision regarding access to the requested information; and
 - talk to you about any difficulties in dealing with the application, including any need to extend the amount of time necessary to decide the application such as the need to consult with a third party or to clarify the scope of the application.

5. Costs associated with an FOI application

- 5.1. There is no application fee for an FOI request but there are a range of charges that may apply as part of the process. We will advise if you processing charges will apply.

6. How will documents be provided?

- 6.1. The Office can let you sight documents that have been approved for access or provide you with a copy. Information may also be available in other formats such as audio or video. If copies of the requested information approved for access are not provided to you, the Office will advise you as to how, when and where you are able to see or listen to the material sought.
- 6.2. Where you have a particular preference as to how you would like the requested information provided, it must be made clear in the FOI application.

- 6.3. In providing access to documents, the Office may delete or redact information contrary to the public interest. If this occurs, you will be provided with an explanation as to why the deleted information was not in the public interest to be released.

7. Information that will not be made available

- 7.1. There are a range of documents or information that will not be made available. A balancing test is applied and a decision may be made to withhold access where the disclosure of information is contrary to the public interest, confidential or to protect the private or business affairs of others.
- 7.2. The FOI Act specifically exempts public disclosure of documents that would infringe the privileges of the ACT Legislative Assembly or any other Australian legislature and does not apply to documents held by Members of the Legislative Assembly (MLAs) or their staff for which parliamentary privilege may be claimed.
- 7.3. If the Office determines not to provide access to information requested by you, it will give you written reasons for its decision and advise you of any appeal rights.

8. Can I have documents concerning me corrected?

- 8.1. Yes. If after seeing your documents, you believe they contain personal information which is incomplete, incorrect, out-of-date or misleading, and is, has been, or can be, used by the Office then you have a right to request that it be corrected.
- 8.2. Your request must:
- include enough detail so we can identify the information to be amended
 - state how it is incomplete, incorrect or out-of-date or misleading
 - state the amendments considered necessary
 - include an email or postal address so we can contact you.
- 8.3. You can send a written request for amendment to the FOI Coordinator using the contact details listed below. Within 20 working days the office must tell you what it has decided.
- 8.4. Being the support agency of the legislature and not a government service-delivery agency, the Office is unlikely to hold documents containing personal information about members of the public.
- 8.5. If the Office decides not to make the changes you asked for (or decides to make different ones), it must ensure you are advised of the reasons and notify you of your rights of appeal.

9. What FOI decisions can I ask to be reviewed?

9.1. The following decisions are reviewable:

- decisions not to make open access information publicly available;
- decisions not to give access to information held by the Office;
- decisions refusing to give access to information because the information is contrary to the public interest;
- refusing to deal with an application;
- refusing to confirm or deny information is held by the Office; and
- refusing to amend personal information.

10. ACT Ombudsman review

- 10.1. If you are dissatisfied with the decision of the Office and the decision is reviewable, you have the right to apply to the Ombudsman for review of that decision. An application for review must be made within 20 working days from the day the decision is published on the Legislative Assembly's disclosure log, or a longer period allowed by the Ombudsman.
- 10.2. To request a review, fill in the ACT Ombudsman review application form [Apply-for-Ombudsman-review.pdf](#) or contact them at: actfoi@ombudsman.gov.au. For more information on the review process or view the ACT Ombudsman website visit: [FOI Complaints and Reviews | ACT Ombudsman](#).
- 10.3. There are no fees payable for an ACT Ombudsman review.

11. Publication of released documents

- 11.1. The Office publishes a disclosure log of all applications it receives under the FOI Act on the [Freedom of information - ACT Legislative Assembly](#). Details of your application, including copies of any information provided to you, will generally be made available on the disclosure log, unless the application relates to a request for personal information.

12. Further information

- 12.1. For further information, please contact one of the Office's information officers on (02) 6205 0181 or email OLA@parliament.act.gov.au citing that you have an FOI enquiry.