

Information Act 2002 Guideline

Making an FOI access application



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Who do I apply to?

You apply to the public sector organisation that holds the information. There are many different public sector organisations including government departments and local government councils in the NT. A list of public sector organisations and other agencies and their contact details is available on the [website](#) of the Information Commissioner.

Before you make an application, you will probably find it useful to contact the organisation to talk about whether an application is necessary and the best way to word the application.

If the organisation you apply to does not hold the information you seek or there is a second organisation better placed to deal with the application, the organisation you applied to can:

- transfer your application to the second organisation; or
- tell you which other organisation holds information you may want to apply for.

What are the requirements for an application?

You can make an application as long as it:

- is in writing;
- includes your name and an address for correspondence;
- gives enough detail to identify the information you want;
- includes sufficient proof of your identity; and
- includes the application fee (if necessary).

Is there a form I have to fill out?

You don't have to fill in a form to make an application as long as you satisfy the requirements for an application.

However, some organisations have their own forms for making an application and a general form is available on the [website](#) of the Information Commissioner. As long as you have given contact details, the organisation will contact you if something further is needed.

How do I describe the information I want?

Government organisations have a lot of information, so the more specific you can be about the information you want the better.

It helps to give the organisation as much information as you can so that it can find the information you want more quickly. Useful information can include:

- the date (or approximate date) the information was created;
- the reason the organisation has the information (e.g. someone made a complaint, you visited a doctor, you applied for a job, the government was negotiating a contract, etc.);
- the person/section in the organisation you believe handles the information;
- the quantity and kind of the information you want;
- if the information is correspondence, the parties to that correspondence;
- anything else you might think would help to search for the information.

Just saying, “I want my file” or “I want everything about me” can make searching difficult. To make things easier you could say something like:

I wish to obtain my records from a presentation at the Royal Darwin Hospital on 15 February 2020 and my admission to the Ward ABC from 9– 14 March 2020. I apply for all reports, notes and records related to my communications during the initial presentation and the period of my admission with Mr E, Sister Charge, the anaesthetist whose name I think was Dr F, and resident doctors G and H. I can give more details if required.

Contacting the organisation before you make an application can give you a guide about how to ask for the information you want.

What is sufficient proof of identity?

The organisation has to satisfy itself about your identity. It may say what it requires on its website or on its application form. You can also contact the organisation to find out what proof of identity it is likely to require in your case.

How do I know if there’s an application fee?

You don’t have to pay an application fee if your application is limited to your own personal information. You will have to pay a \$30 application fee if some or all of the information you apply for is not your personal information.

What will the organisation do?

In most cases, your application will be dealt with by an Information Officer appointed by the organisation. The stages involved in processing will usually be:

- check that your application satisfies the requirements set out above;
- provide you with an estimate of processing costs (if necessary);

- locate the information you have requested;
- consult with any third parties who may be affected by the release of the information (if necessary);
- make a decision regarding your access to the information;
- arrange for access.

The Information Officer may contact you to talk about your application or get further details to help them locate the information you want faster and more efficiently.

How long will it take to process?

The organisation usually has 30 days to locate the information you have requested and provide you with a decision in writing about whether you have been granted access. However, this can be extended if:

- further time is required to consult with a third party;
- the application relates to a large amount of information;
- extensive searches are required to locate the information;
- complying with the period would unreasonably interfere with the operations of the organisation;
- the organisation transfers your application to the another organisation. The first organisation has 15 days to transfer your application. The other organisation then has 30 days from the date of transfer to make the decision.

The 30 days does not include time spent waiting for you to respond to an estimate of processing fees provided by the organisation.

If you do not receive an extension of time in writing or a decision within 30 days of your application, the organisation is taken to have refused your application (s 32(3)).

If your application does not meet requirements

If you have provided sufficient contact details, the organisation will try to contact you to let you know what the problem is and give you the chance to fix it.

Estimate of processing fee

If the application is likely to involve significant fees, the organisation may give you an estimate of the processing costs. (You can require the organisation to give you an estimate, if you are concerned.) You can then decide whether or not to proceed with your application.

If you decide to proceed, the organisation may require you to pay a deposit of:

- \$25, if the estimate is less than \$100; or
- 50% of the estimate, if it is over \$100.

The organisation doesn't have to proceed with your application until you pay the deposit.

Locating the information you requested

The organisation may contact you in order to clarify exactly what information you require. This can help you refine your request so you get exactly what you want and don't have to pay unnecessary fees.

Third party consultation

In some cases, the organisation will have to consult another person or organisation about information that is requested (a "third party").

This may include personal information about other individuals, business information, Aboriginal cultural information, or information relating to another government.

The third party will be given the chance to express their views on whether the information should be released. Even if the

third party objects, it is up to the organisation to decide whether the information should be released.

How does the organisation decide whether to grant access?

The organisation can normally only refuse to give you information if it falls within one of the **exemptions** listed in the *Information Act 2002*.

The exemptions are set out in sections 43-58 of the Act. There is a general [guideline](#) about *Exemptions*.

Notice of decision

After considering whether any of the information you want is exempt, the organisation provides you with a written notice of its decision. It may:

- provide you with access in full;
- provide you with access in part;
- refuse access;
- on rare occasions, neither confirm nor deny that information exists.

If it does not provide you with access in full, it must explain which exemptions are relied on and provide reasons why those exemptions apply to the information.

How is access provided?

The organisation will either give you a copy of the information or allow you to view it. There are fees for arranging or providing access (but the first two hours of supervised inspection of personal information are free).

If you have a particular preference for the form of access (e.g. in hard copy, via email or usb), let the organisation know.

What happens if only some of the information in a document is exempt?

The organisation will edit out the exempt information and give or show you a copy of information that is not exempt (so long as that is practicable, and the copy contains information of substance).

What if I don't get the information I wanted?

If you are not satisfied with the decision, you can apply in writing for an internal review. This will be conducted by the organisation.

You can also apply for internal review if you have not received a notice of decision within 30 days of the organisation receiving your application (unless the organisation has notified you of an extension of time to make the decision).

If you are not satisfied with the outcome of the internal review decision, you can complain to the Information Commissioner.

Useful Links:

Forms including a form to access your information: <https://infocomm.nt.gov.au/resources/forms>

Public Sector Organisations and other agencies and their contact details: <https://infocomm.nt.gov.au/contact/public-sector-organisations>

Information Commissioner's Guidelines: <https://infocomm.nt.gov.au/resources/guidelines>

This guideline is produced by the Information Commissioner to promote awareness and understanding about the *Information Act 2002*. It is not a substitute for the Act. You should read the relevant provisions of the Act to see how it applies in any particular case. Any views expressed in this guideline about how the Act works are preliminary only.