

Instructions drafting EOT decisions

1. Open EOT queue
2. Review the EOT request
3. Calculate deemed date and any previous EOTs granted and include in OAIC processing period calculator
4. Consider when FOI was lodged, their attempts to request an EOT from the applicant, reasons and actions taken by the agency leading up to the EOT request
5. Create decision from EOT templates in Resolve (In the "All Actions" tab, select 'new action' EOT letter templates>EOT Letters and select applicable template
 - a. It will create 2 templates in the documents tab. The first is the decision and the second is the cover for the email
6. Create decision using relevant email template
7. Start editing the email
 - a. Read each paragraph carefully and fill in the required information
 - b. Insert paragraphs that have not covered the factors you considered for your decision and refer back to their reasons – can cut and paste from the application when listing them
 - c. Add your own signature block - delegation is at the APS 5 level
 - d. When completed, save the draft email into the documents tab and label "[CLEARANCE] Draft 15AB/AC/54D/51D)" (In the "All Actions" tab, select "Add Action>await clearance – director but change it to your supervisor and add comments that you would like decision reviewed
8. When cleared, check out and amend any edits
9. Send by email to both the agency and the applicant
 - a. Upload copy of sent email
10. Once finalised, close case in Resolve
 - a. Add the decision in the decision field
 - b. Ensure all orange fields are completed
 - c.
 - d. Complete all actions
 - e. Select closure action items and follow steps to close file
 - f.



Australian Government

Office of the Australian Information Commissioner

Extension of time training

FOI Case Management Branch



Types of Extensions of time

The *Freedom of Information Act 1982* (Cth) (the FOI Act) provides that a valid FOI request must be processed within the statutory processing period.

The statutory processing period is 30 days from the date on which the request was received unless validly extended (s 15(5)(b)).

Extensions without application to the Information Commissioner

The FOI Act allows the agency or minister to extend the statutory processing period in certain circumstances:

- s 15AA by agreement with the applicant.
- s 15(6) for consultation with a third party (s 26A Commonwealth-State; s 27 business; s 27A person privacy).
- s 15(8) for consultation with a foreign entity.

Extensions of time by application to the Information Commissioner

The FOI Act also provides that an agency or minister can apply to the Information Commissioner for further time to process a request where the agency has been unable to finalise the matter within the statutory processing period:

- s15AB – complex or voluminous requests.
- s 15AC – deemed access refusals.
- s 51DA – deemed refusal for amendment or annotation.
- s 54D – deemed internal review decisions.

The current delegations to make extension of time decisions are at APS 5 level (for APS employees).



Australian Government

Office of the Australian Information Commissioner

'Stop clock' provisions

Provisions where the processing clock stops

Section 24AB – request consultation

Section 24AB(8) of the FOI Act provides:

Consultation period to be disregarded in calculating processing period

- (8) The period starting on the day an applicant is given a notice under subsection (2) and ending on the day the applicant does one of the things mentioned in paragraph (6)(b) or (c) is to be disregarded in working out the 30 day period mentioned in paragraph 15(5) (b).

Note: Paragraph 15(5)(b) requires that an agency or Minister take all reasonable steps to notify an applicant of a decision on the applicant's request within 30 days after the request is made.

Provisions where the processing clock stops cont.

Section 31 – decision to impose a charge

Section 31 of the FOI Act provides:

Processing period to be calculated disregarding period when charge unpaid

- (2) In working out the length of the processing period (or that period as extended) for the purposes of paragraph 15(5)(b), disregard the number of days in the period starting on the charge notice day and ending on the earliest occurring of the following days:
 - (a) the day the applicant pays the amount of the charge (or a deposit on account of the charge prescribed by the regulations), whether or not the decision to impose the charge has been considered under section 29, or is the subject of a review under this Act;
 - (b) if the amount of the charge is changed under section 29, or following a review under this Act—the day the applicant pays the amount of the charge (or a deposit on account of the charge prescribed by the regulations) as changed following the review;
 - (c) if, under section 29, or following a review under this Act, a decision is made with the effect that the charge is not imposed—the day the applicant is notified of the decision.

Note: A decision under section 29 relating to the imposition of a charge or the amount of a charge may be the subject of an internal review (see Part VI), an IC review (see Part VII) or review by the Tribunal (see Part VIIA).



Australian Government

Office of the Australian Information Commissioner

Extensions of time – provisions and decision making

Section 15AA

15AA Extension of time with agreement

An agency or Minister may extend the period referred to in paragraph 15(5)(b) for dealing with a request, or that period as extended under subsection 15(6) or (8) (consultation), by a further period of no more than 30 days if:

- (a) the applicant agrees in writing to the extension; and
- (b) the agency or Minister gives written notice of the extension to the Information Commissioner as soon as practicable after the agreement is made.

Section 15AB

15AB Extension of time for complex or voluminous requests

- (1) An agency or Minister may apply to the Information Commissioner for an extension of the period referred to in paragraph 15(5)(b) for dealing with a request if the agency or Minister considers that the period is insufficient to deal adequately with a request because the request is complex or voluminous.
- (2) If the Information Commissioner is satisfied that the application is justified, the Information Commissioner may, by written instrument, extend the period by a further period of 30 days, or such other period as the Information Commissioner considers appropriate.

Note: For variation and revocation of the instrument, see subsection 33(3) of the *Acts Interpretation Act 1901*.
- (3) The Information Commissioner must, as soon as practicable, inform the following persons of the period for which the extension has been given:
 - (a) the applicant;
 - (b) the agency or Minister.

Section 15AC

15AC Decision not made on request within time—deemed refusal

Scope

- (1) This section applies if:
 - (a) a request has been made to an agency or Minister; and
 - (b) the period (the *initial decision period*) covered by subsection (2) has ended since the day the request was received by, or on behalf of, the agency or Minister; and
 - (c) notice of a decision on the request has not been received by the applicant.
- (2) The initial decision period covered by this subsection is the period of 30 days mentioned in paragraph 15(5)(b) (or that period as extended, otherwise than under this section).

Deemed refusal

- (3) Subject to this section:
 - (a) the principal officer of the agency or the Minister is taken to have made a decision personally refusing to give access to the document on the last day of the initial decision period; and
 - (b) notice of the decision is taken to have been given under section 26 to the applicant on the same day.

Section 15AC cont.

Agency or Minister may apply for further time

- (4) However, the agency or Minister concerned may apply, in writing, to the Information Commissioner for further time to deal with the request.
- (5) The Information Commissioner may allow further time considered appropriate by the Information Commissioner for the agency or Minister to deal with the request.
- (6) If the Information Commissioner allows further time, the Information Commissioner may impose any condition that he or she considers appropriate.
- (7) Subsection (3) (deemed refusal) does not apply, and is taken never to have applied, if the agency or Minister:
 - (a) makes a decision on the request within the further time allowed; and
 - (b) complies with any condition imposed under subsection (6).
- (8) However, subsection (3) (deemed refusal) applies as if the initial decision period were extended by the time allowed by the Information Commissioner under subsection (5) if the agency or Minister:
 - (a) does not make a decision on the request within the further time allowed; or
 - (b) does not comply with any condition imposed under subsection (6).

No further time allowed

- (9) If subsection (8) (deemed refusal after allowance of further time) applies, the Information Commissioner does not have the power to allow further time under this section in relation to the decision taken to be made under subsection (3) in its operation as affected by subsection (8).

Decision making

- Based on the facts and circumstances
- Is the extension appropriate?
- Consider the FOI applicant's comments
- Decision makers can grant, decline or vary



Australian Government

Office of the Australian Information Commissioner

Tips and questions

Tips

- Check the dates – agencies don't always get it right
- Has the agency applied for the correct type of EOT?
- Has the OAIC been notified of the s 15AA? – if not request a copy
- Is the reasoning adequate?
- Do I need to consult with the FOI applicant?

Resources

- [Part 3 of the Information Commissioner guidelines: Processing and deciding on requests for access | OAIC](#)
- [Apply for an extension of time to process a freedom of information request | OAIC](#)
- [FOI processing period calculator](#)

Questions, discussion, shared
wisdom from our FOI team's
extensive experience...



Australian Government

Office of the Australian Information Commissioner

Decision to grant an extension of time under s 15AC of the *Freedom of Information Act 1982*

Agency	«RequestorClientTradingName»
Applicant	«RequestorClientTitleFirstnameSurname»
Date of decision	8 July 2026
OAIC reference number	«CaseNumber»
Agency reference number	«Agency_Reference_Number»

Decision

- On «ReceivedDate», «RequestorClientTradingName» (the Agency) applied to the Information Commissioner under s 15AC(4) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of «Extension_days» days to <<Extension Date>> to process «RequestorClientTitleFirstnameSurname»'s (the Applicant) request of «Agency_Request_Received_Date» (the FOI request). This application was made on the basis that the processing period is insufficient to adequately deal with the FOI request.
- [If irrelevant] On [consultation letter date], the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. [If response] The Applicant responded to our enquiries and provided comments which I have taken into consideration. [Or if no response] The OAIC invited the Applicant to provide any comments by [date], but no response has been received.
- As a delegate of the Information Commissioner, I am authorised to make decisions on applications for further time under s 15AC(5) of the FOI Act.
- Under s 15AC(5) I have decided to grant the Agency further time to deal with the request to <<Extension Date>>. My reasons are outlined below.
- [optional - if granting less than the full amount of time requested] I note the Agency has requested an extension of time to [requested date], however, based on the information before the OAIC, I have decided to grant an extension to <<Extension Date>>. While the request appears to involve some challenges for the Agency, I am not satisfied that a Choose an item. day extension of time is justified in the circumstances based on:
 - the limited available evidence of work undertaken on the FOI request to date
 - the steps involved, or processing time required, to finalise the request
 - the limited nature of the complexity involved

- objections provided by the Applicant.
- [If relevant] the Agency did not first attempt to obtain the Applicant's agreement under s 15AA to an extension.

Reasons for decision

- Subsection 15AC(5) of the FOI Act provides that I may allow further time that I consider appropriate for the agency or Minister to deal with the request.
- In making my decision under s 15AC(5), I have considered the information provided by the Agency, [if relevant] the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.272] – [3.280].
- On the information before the OAIC, I am satisfied that the application for further time until <<Extension Date>> is justified, for the following reasons:
 - [If complex or challenging] Based on the Agency's submissions, I am satisfied that the request involves some challenges for the Agency, based on [the sensitive nature of the documents requested/ the range of documents captured by the request/ challenges involved in the search and retrieval of any relevant documents/ absence of key decision-making personnel/ difficulties incurred in obtaining timely responses from business areas or consulted third parties/ the requirement to obtain subject matter expertise from relevant business line areas in relation to any potential sensitivities involved, etc.].
 - [If voluminous] Based on the Agency's submissions that the Applicant's request captures approximately XXX[documents/pages], I am satisfied the request is [also] voluminous in nature.
 - [If related to extension sought or total processing time] The further time sought by the Agency does not appear to be excessive in the circumstances.
 - [desirability of actual decision over IC review] Granting this further time will also reinstate the applicant's right to seek an internal review of the Agency's decision, and to extend the timeframe for the applicant to apply for an IC review of the Agency's decision.
 - [if applicant does not object to the extension] The applicant has advised the OAIC that they have no objections of the further time sought by the Agency.
- In granting this further time, I have also considered:
 - The work already undertaken by the Agency to finalise the request
 - Measures taken by the Agency to ensure a decision is made within the extended time period
 - Steps taken by the Agency to first request a s 15AA agreement from the Applicant
 - Steps taken by the Agency to utilise relevant extension of time provisions available under the FOI Act to allow for third party consultation
 - Steps taken by the Agency to keep the Applicant informed of progress
- [Optional, if applicant objections raised] While I have considered the Applicant's objections, including their submissions that [summarise reasons], I am satisfied that this application for further time remains justified for the reasons outlined above.
- The new due date for the Agency's decision on the FOI request is now <<Extension Date>>.

12. This further time granted under s 15AC of the FOI Act means that the deemed refusal is taken never to have applied if the agency makes a decision on the request by <<Extension Date>>. Such an extension can only be granted once and cannot be extended by a variation.
13. Innote that the *Freedom of Information (Charges) Regulations 2019* provides if an applicant is not notified of a decision on a request within the statutory time limit (including any extension of time), the agency or Minister cannot impose a charge for providing access, even if the applicant was earlier notified that a charge was payable (regs 7(2), (3)). This further time granted under s 15AC of the FOI Act means that charges cannot be reimposed and any deposit the applicant has paid should be refunded.
14. If the Agency does not provide the applicant a decision by <<Extension Date>>, or the applicant disagrees with a decision from the agency, it will be open to the applicant to seek Information Commissioner review (IC review). Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review would need to be made within 60 days of the agency's decision or deemed decision.
15. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
16. This extension of time matter is now closed. Your review rights are set out below.
17. If you would like to discuss this matter, please contact our office on 1300 363 992 or by email at FOIDR@oaic.gov.au, quoting reference number <<CaseNumber>>.

Yours sincerely,

[NAME]

Director / Assistant Director / Review Advisor / Assistant Review Advisor
Freedom of Information Case Management Branch
Office of the Australian Information Commissioner

8 July 2026

Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For Applicants: [How to make an FOI request: Extensions of time](#)

For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the [online FOI complaint form](#) if at all possible.

Further information about how to make a complaint can be found published on our website:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Australian Government

Office of the Australian Information Commissioner

Decision to decline an extension of time under s 15AC of the *Freedom of Information Act 1982*

Agency	«RequestorClientTradingName»
Applicant	«RequestorClientTitleFirstnameSurname»
Date of decision	8 July 2026
OAIC reference number	«CaseNumber»
Agency reference number	«Agency_Reference_Number»

Decision

- On «ReceivedDate», the «RequestorClientTradingName» (the Agency) applied to the Information Commissioner under s 15AC(4) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of «Extension_days» days to «Extension_Date» to process «RequestorClientTitleFirstnameSurname»'s (the applicant) request of «Agency_Request_Received_Date» (the FOI request). This application was made on the basis that the processing period is insufficient to adequately deal with the FOI request.
- [If irrelevant] On [consultation letter date], the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. [If response] The applicant responded to our enquiries and provided comments which I have taken into consideration. [Or if no response] The OAIC invited the Applicant to provide any comments by [date], but no response has been received.
- I am a delegate of the Information Commissioner. I am authorised to make decisions on applications for further time under s 15AC(5) of the FOI Act.
- On the basis of the information before me, I have decided to decline the Agency's request for further time to deal with the request. A decision on the Applicant's request therefore was due by <<Original Decision Due Date>>. The Agency is encouraged, in the interests of administrative efficiency, to continue to process the request and release documents administratively if the applicant has not yet applied for IC review of the deemed decision. My reasons are outlined below.

Reasons for decision

- Subsection 15AC(5) of the FOI Act provides that I may allow further time that I consider appropriate for an agency or Minister to deal with the request.

6. In making my decision under s 15AC(5), I have considered the information provided by the Agency, [if relevant] the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.272] – [3.280].
7. On the information before the OAIC, I am not satisfied that the application for further time is justified, for the following reasons:
 - The Applicant's request does not appear to involve sufficient complexity so as to warrant extra processing time, based on [the limited range and/or number of documents captured by the request/ the limited evidence of any technical or practical challenges involved in the search and retrieval or processing of documents, etc.]
 - [If relevant] The application provides limited evidence of appropriate work being undertaken by the Agency to process the FOI request to date. As such, it appears the Agency did not utilise the initial processing period effectively and I cannot find that an extension is justified.
 - [if relevant] While I acknowledge the Agency's submissions regarding its resourcing challenges, a lack of staff because of inadequate allocation of resources or failure to assign additional temporary resources to FOI processing at peak times does not justify an extension in the absence of other extenuating circumstances. On this occasion, there do not appear to be other circumstances to demonstrate that the Applicant's request is otherwise complex or voluminous for the Agency to deal with so as to justify an extension under s 15AC(5).
8. [If related to extension sought or total processing time] The further time sought by the Agency appears excessive. Its requested extension of a further period of [XX days], if granted, would yield a total processing period of [XX days], which would be over [X times] the processing period referred to in s 15(5)(b) of the FOI Act.
9. [optional- if applicant has requested IC review] I also note that the applicant has already exercised their Information Commissioner review (IC review) rights in relation to the agency's deemed access refusal decision and an IC review is now under consideration by this office. I consider that allowing further time for the agency to deal with the request will interfere with the IC review process currently underway.
10. The effect of this decision is that the agency remains deemed to have made an access refusal decision on the applicant's request on <<Original Decision Due Date>>.
11. I note that the *Freedom of Information (Charges) Regulations 2019* provides if an applicant is not notified of a decision on a request within the statutory time limit the agency or Minister cannot impose a charge for providing access, even if the applicant was earlier notified that a charge was payable (regs 7(2), (3)). This extension under s 15AC of the FOI Act means that charges cannot be imposed and therefore any deposit the applicant has paid should be refunded.
12. [Optional- If applicant has not requested IC review] It is open to the applicant to seek Information Commissioner review (IC review) of the agency's deemed access refusal decision of <<Original Decision Due Date>>. Further information on [applying for IC](#)

review is available on the OAIC website. Any application for IC review would need to be made within 60 days of the agency's decision or deemed decision.

13. For further information, the OAIC website provides a resource containing information on applying for an extensions of time to process freedom of information requests.
14. This extension of time matter is now closed. Your review rights are set out below.
15. If you would like to discuss this matter, please contact our office on 1300 363 992 or by email at FOIDR@oaic.gov.au, quoting reference number «CASENUMBER».

Yours sincerely,

[NAME]

Director / Assistant Director / Review Advisor / Assistant Review Advisor
Freedom of Information Case Management Branch
Office of the Australian Information Commissioner

8 July 2026

Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For Applicants: [How to make an FOI request: Extensions of time](#)

For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the [online FOI complaint form](#) if at all possible.

Further information about how to make a complaint can be found published on our website:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .