



May 2020

New IC review: Triage Process work sheet

Introduction


This checklist provides general guidance to review officers in the Intake and Early Resolution Team for the registration and triage process of IC review applications.

Checklist to assist with Registration of IC review applications

- ☐ Conduct a search on resolve, click 'Find Client' to search for the correct applicant (exercising caution with companies/directors etc. – cross reference with decision and review form)
- ☐ Enter last name of FOI applicant
- ☐ If there are no hits, check 'New Client' and enter in all possible fields (in particular contacts)
 - i. For Address, check validate and select from existing postcode, or 'Not registered' if there are no options
 - ii. Check save and check 'New Case'
- ☐ If there is a hit, open the client page for the correct person and click 'New Case' on top right-hand corner
- ☐ Select 'IC Review' or appropriate type and click ok
- ☐ Everything in orange must be completed
- ☐ Enter Review Type – be careful! This cannot be changed post selecting
 - i. Most common options: Access refusal (includes charges and amendment), access grant (when someone opposes to the release of documents)
- ☐ Method: To be determined
- ☐ Enter respondent/agency's details. Never create an agency – select from options existing
 - i. There is no need to select an individual for agency – select from options existing
 - ii. If a party is represented the review adviser should add an additional party in 'Parties' tab
- ☐ Received date: This is the date the application was received by the OAIC. The review adviser should include the method of receipt.

Summary of Comments on Doc 2.pdf

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 Number: 1 Author: Hannah Kreiselmaier Date: 20/05/2020 7:51:00 AM +10'00'

Hi Sandra, could we include instructions for selecting "FOI Contact Officer" as the Agency contact, this assists greatly when creating the s 54Z notices on resolve as the letter will not populate without a contact having been selected.

☐ Complete a google search of the FOI applicant to determine if the applicant has any media links. If so flag with supervisor to determine if sensitivity needs to be changed.

☐ Save the entries – This should create a case number.

☐ The review adviser will notice two new actions popping up:

- i. Record case details and attach documents¹
- ii. Send acknowledgment letter

☐ Clear categories on email with application etc. and drag onto the file on Resolve.

- i. On outlook, put the category back on the email and move to 'Read case' folder
- ii. Check off 'Record case details' button

Applications received via smart form²

Does the IC review request include a full copy of the decision?

Section 54N(1)(b) of the FOI Act provides that in order to make a valid application for IC review a person must include a copy of the notice given under s 26 of the IC reviewable decision for which an IC review is sought.

Check that:

- ☐ the decision has been provided
- ☐ the decision is complete and that there are no missing pages or attachments
- ☐ the applicant has not sought IC review of more than one decision. If this is the case, register separate decisions

If the decision is complete, fill in the 'Agency Decision' tab on resolve, include decision maker 'add issue' and allocate to FOI IC reviews Assessment.

IC review request does not include a copy of the decision, conduct inquiries with the applicant

- ☐ In the first instance by phone. If the applicant has not provided a phone number,
- ☐ By email – See attachment A for Template email correspondence to the applicant requesting the applicant to provide the decision within one week
- ☐ Create a resolve action reminder due in 7 days
- ☐ If a decision is not provided in 7 days, draft a s 54N decision³ – see attachment B for Template s 54N decision and refer the draft decision to your Director for clearance⁴⁵
- ☐ If the decision is cleared, notify the applicant and close the IC review.

If the decision is provided,

Conduct the Triage process on resolve

- ☐ Enter in summary

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Number: 1	Author: Hannah Kreiselmaier	Date: 20/05/2020 7:53:00 AM +10'00'
Should we include instructions for categorising the documents (such as key document for decision, general for internal correspondence etc).		
Number: 2	Author: WAVAMUNNO,Sandra (Inactive)	Date: 19/05/2020 12:13:00 PM +10'00'
Steph, please complete this part including steps that are not referred to above		
Number: 3	Author: Hannah Kreiselmaier	Date: 20/05/2020 7:57:00 AM +10'00'
Should we include that in rare circumstances we might consider conducting informal PI's with the Agency in order to obtain the decision, however this should be discussed with a supervisor on a case by case basis.		
Number: 4	Author: WAVAMUNNO,Sandra (Inactive)	Date: 19/05/2020 12:41:00 PM +10'00'
Steph, please include attachment B as a sample letter of correspondence to the applicant advising that the IC review is closed under s 4N		
Number: 5	Author: WAVAMUNNO,Sandra (Inactive)	Date: 19/05/2020 12:44:00 PM +10'00'
Rocelle, are you happy with this approach?		

- ☐ Paste template. See sample Attachment C for assessor notes entered on resolve and allocate to FOI IC Reviews Assessments.

IC review contains subject matter that is time critical or sensitive in nature such as review of an access grant decision

- ☐ If yes, immediately contact the Department for the details of the FOI applicant notifying the Department that a third party who was consulted has sought review. Invite the Department not to release the documents pending the outcome of the access grant IC review application.
- ☐ If no, allocate to FOI IC reviews Assessments

IC review applicant is also seeking to lodge a complaint about the way an agency has handled their FOI request

- ☐ Check whether the applicant has sought review using the IC complaint smart form or indicated that they wish to lodge a complaint
- ☐ Check the outcome that the applicant is seeking
- ☐ Consider whether to contact the applicant to discuss whether to proceed with a complaint or an IC review application. In particular;
- the outcome that the applicant is seeking
 - the time frames involved
 - ask the applicant to clarify the outcome they are seeking in writing
 - if the applicant is seeking to proceed with a complaint refer the applicant's correspondence to your Assistant Director for discussion at the weekly complaints meeting

Attachment A – Template for requesting decision

Our reference: MRXX/XXXXX

Agency reference: XXXXX

Mrs / Mr [Firstname] [Lastname]

By email:

Dear Ms/Mr [Lastname]

Thank you for your application for review.

Section 54N of the Freedom of the Information Act 1982 (the FOI Act) says that in order to make a valid application for IC review a person must send us a copy of the decision they want reviewed with their application.

If you wish to proceed with this IC review, please provide a copy of the FOI decision you wish to have reviewed by @1week. If no decision letter is provided, the matter will be closed as invalid.

If you would like to discuss this matter you may contact me on [enter phone number] or via email FOIDR@oaic.gov.au. Please quote the reference number MR@@@.

Yours sincerely

Attachment B – Template for s54N decision

Our reference: (ref number)
Agency reference: (ref number)

(applicant)
Sent by email: (email)

Dear (name)

Your IC review application about the (agency)

I write to you regarding your application for IC review about the (agency) (the Department) decision made (date).

On (date), I wrote to you and asked you to provide a copy of the decision you wanted the Information Commissioner to review. I asked you to provide the requested information by (date).

On (date), I wrote to you again advised that s 54N of the Freedom of the Information Act 1982 says that in order to make a valid application for IC review a person must send us a copy of the decision they want reviewed with their application. I advised that if you do not provide the requested information by (date), your matter would be closed as invalid.

You have not responded to my email. I confirm that this matter has been closed under s 54N of the FOI Act.

Kind regards

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