Consultation with third parties

3.74 An agency or minister may need to consult a third party where documents subject to a request affecting Commonwealth-State relations (s 26A), are business documents (s 27) or are documents affecting another person’s privacy (s 27A).

3.75 Where an agency or minister finds that disclosure of a document would likely affect Commonwealth-State relations, the agency or minister must not decide to give the applicant access to the document unless consultation has taken place in accordance with arrangements entered into between the Commonwealth and the State about consultation under s 26A.

3.76 The consultation requirements in relation to documents that are business documents (s 27) or documents affecting personal privacy (s 27A) only require an agency or minister to undertake consultations if it is reasonably practicable to give that person a reasonable opportunity to make submissions in support of the exemption contention (ss 27(5) and 27A(4)). In determining whether it would be reasonably practicable to consult, the agency or minister should have regard to all circumstances, including the time limits for processing the request.

3.77 There must be some rational basis which the agency or Minister can discern, based on the face of the document or from anything else actually known to the decision-maker, indicating that disclosure of the document would, or could be expected to, unreasonably affect the person adversely in relation to his or her personal information, lawful business or professional affairs. The mere appearance of a person’s name in the document, in the absence of anything more, may not be sufficient for it to be apparent that a person might reasonably wish to make an exemption contention.

3.78 Where an agency or minister is required to consult with a third party:

- the timeframe for making a decision is extended by 30 days (s 15(6))
- the agency or minister must give the third party a reasonable opportunity to make submissions in support of the exemption contention (ss 27(4)(a) and 27A(3)(a))
- any submissions by the third party must be considered (ss 27(4)(b) and 27A(3)(b))
- the third party must be given notice of the decision and their review rights (ss 27(6) and 27A(5)), and
- the applicant will only be given access to a document when the third party’s opportunities for review have run out (ss 27(7) and 27A(6))

3.79 The extension of the processing period by 30 days referred to in s 15(6) does not apply to the internal review or IC review. Where an agency identifies during an internal review that there is a need to consult with a third party who had not previously been consulted, the timeframe for processing the internal review request is not extended.

3.80 If an affected third party does not agree with a decision by an agency or minister to give an applicant access to a document, the agency or minister should also explain to the third party that a submission must be made in support of the exemption contention before the third party’s review rights would apply. If the third party does not make a submission in support of the exemption contention, the agency or minister is not required to provide written notice of the decision to the third party concerned, nor is the agency or minister required to wait until the third party’s review rights have expired before providing access to the applicant (ss 27(8) and 27A(7)).
3.81 If a third party is consulted, they should be advised that if a response is not received within the specified timeframe the agency or minister may proceed to make an access grant decision.

3.82 More information on consultation with third parties is in Part 6 of these Guidelines. The third party should also be made aware that the agency or minister is generally required to publish the documents that are released in response to an access request unless an exception applies (see Part 14 of these Guidelines). Agencies should also be mindful when consulting with third parties that consultations are undertaken in accordance with the Privacy Act and that the requester’s personal information is not provided to the third party without their consent.
Documents disclosing business information (s 47G)

6.180 Section 47G conditionally exempts documents where disclosure would disclose information concerning a person in respect of his or her business or professional affairs, or concerning the business, commercial or financial affairs of an organisation or undertaking (business information), where the disclosure of the information:

- would, or could reasonably be expected to, unreasonably affect the person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs (s 47G(1)(a)), or
- could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency (s 47G(1)(b))

6.181 If the business information concerns a person, organisation or undertaking other than the applicant, the decision maker may be required to consult that third party (see [6.202] – [6.213] below).

Exemption does not apply in certain circumstances

6.182 The conditional exemption does not apply if the document contains only business information about the applicant (s 47G(3)). Where the business information concerns both the applicant and another business, the provision may operate to exempt the information of the applicant, but only if the applicant’s business information cannot be separated from the information of the other business or undertaking.

6.183 This conditional exemption does not apply to trade secrets or other information to which s 47 applies (s 47G(2)). In other words, a decision maker should seek an exemption under s 47 for documents containing such information if the circumstances call for it. This is a limited exception to the normal rule that more than one exemption can apply to the same information (see s 32).

Elements of the exemption

6.184 The operation of the business information exemption depends on the effect of disclosure rather than the precise nature of the information itself. Nevertheless, the information in question must have some relevance to a person in respect of his or her business or professional affairs or to the business, commercial or financial affairs of an organisation or undertaking (s 47G(1)(a)).

6.185 For the purposes of this conditional exemption, an undertaking includes an undertaking carried on by, or by an authority of, the Commonwealth, Norfolk Island or a state or territory government (s 47G(4)). However, it has been held that the business affairs exemption is not available to a person within a government agency or undertaking, nor to the agency or undertaking itself.[140] In other words, it is intended to protect the interests of third parties dealing with the government. Therefore, decision makers should be aware that the application of this conditional exemption to an agency’s own business information is uncertain and should avoid relying on it, even if the agency is engaged in competitive business activities.[141] As an alternative, one of the specific exemptions for agencies in respect of particular documents in Part II of Schedule 2 may be available.

Could reasonably be expected
6.186 This term is explained in Part 5. As in other applications, it refers to an expectation that is based on reason. Mere assertion or speculative possibility is not enough. [142]

Unreasonable adverse effect of disclosure

6.187 The presence of ‘unreasonably’ in s 47G(1) implies a need to balance public and private interests. The public interest, or some aspect of it, will be one of the factors in determining whether the adverse effect of disclosure on a person in respect of his or her business affairs is unreasonable. [143] A decision maker must balance the public and private interest factors to decide whether disclosure is unreasonable for the purposes of s 47G(1)(a); but this does not amount to the public interest test of s 11A(5) which follows later in the decision process. It is possible that the decision maker may need to consider one or more factors twice, once to determine if a projected effect is unreasonable and again in assessing the public interest balance. Where disclosure is not unreasonable, the decision maker will need to apply the public interest test in s 11A(5). This is inherent in the structure of the business information exemption.

6.188 The test of reasonableness applies not to the claim of harm but to the objective assessment of the expected adverse effect. For example, the disclosure of information that a business’ activities pose a threat to public safety, damage the natural environment; or that a service provider has made false claims for government money may have a substantial adverse effect on that business but may be reasonable in the circumstances to disclose. Similarly, it would not be unreasonable to disclose information about a business that revealed serious criminality. [144] These considerations require a weighing of a public interest against a private interest, preserving the profitability of a business, but at this stage it bears only on the threshold question of whether the disclosure would be unreasonable. [145]

6.189 The AAT has said, for example, that there is a strong public interest in knowing whether public money was accounted for at the appropriate time and in the manner required; and in ensuring that public programmes are properly administered. [146]

6.190 The AAT has distinguished between ‘truly government documents’ and other business information collected under statutory authority. The first category includes documents that have been created by government or that form part of a flow of correspondence and other documents between the government and business. The AAT concluded that such documents inclined more to arguments favouring scrutiny of government activities when considering whether disclosure would be unreasonable. [147] By implication, the exemption is more likely to protect documents obtained from third party businesses.

6.191 Where disclosure would result in the release of facts already in the public domain, that disclosure would not amount to an unreasonable adverse effect on business affairs. [148]

Business or professional affairs

6.192 The use of the term ‘business or professional affairs’ distinguishes an individual’s personal or private affairs and an organisation’s internal affairs. The term ‘business affairs’ has been interpreted to mean ‘the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs’. [149]

6.193 The internal affairs of an organisation include its governance processes, the processes by which organisations are directed and controlled. For example, documents relating to member voting processes are not exempt under s 47G, because member voting forms part of the governance affairs of an organisation. [150]
6.194 In the absence of a definition in the FOI Act, ‘professional’ bears its usual meaning. For FOI purposes, ‘profession’ is not static and may extend beyond the occupations that have traditionally been recognised as professions, reflecting changes in community acceptance of these matters.\[151\]
For example, the Information Commissioner accepts that medical and scientific researchers have professional affairs.\[152\] The word ‘profession’ is clearly intended to cover the work activities of a person who is admitted to a recognised profession and who ordinarily offers professional services to the public for a fee. In addition, s 47G(5) makes it clear that the conditional exemption does not apply merely because the information refers to a person’s professional status.

6.195 Any extension of the normal meaning of ‘profession’ will require evidence of community acceptance that the occupation in question should be regarded as a profession. For example, the absence of any evidence indicating community acceptance that the audit activities of officers of the Australian Taxation Office constituted ‘professional affairs’ led the AAT to refuse to extend the ordinary meaning of the expression in that case.\[153\]

Organisation or undertaking

6.196 The term ‘organisation or undertaking’ should be given a broad application, including Commonwealth, Norfolk Island or State undertakings (s 47G(4)). An organisation or undertaking need not be a legal person. However, a natural individual cannot be an organisation but may be the proprietor of an undertaking, for example, when the individual is a sole trader. The exemption may apply to information about an individual who is a sole trader to the extent that the information concerns the undertaking’s business, commercial or financial affairs.

Prejudice future supply of information

6.197 A document that discloses the kind of information described in [6.180] above will be conditionally exempt if the disclosure could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency (s 47G(1)(b)).

6.198 This limb of the conditional exemption comprises two parts:

- a reasonable expectation of a reduction in the quantity or quality of business affairs information to the government
- the reduction will prejudice the operations of the agency\[154\]

6.199 There must be a reasonable likelihood that disclosure would result in a reduction in both the quantity and quality of business information flowing to the government.\[155\] In some cases, disclosing the identity of the person providing the business information may be sufficient to prejudice the future supply of information.\[156\] Disclosure of the person’s identity may also be conditionally exempt under s 47F (personal privacy). In these cases, consideration should be given to whether the information may be disclosed without also disclosing the identity of the person supplying the information.

6.200 Where the business information in question can be obtained compulsorily, or is required for some benefit or grant, no claim of prejudice can be made. No prejudice will occur if the information in issue is routine or administrative (that is, generated as a matter of practice).\[157\]
6.201 The agency will usually be best placed to identify, and be concerned about the circumstances where the disclosure of documents might reasonably be expected to prejudice the future supply of information to it.[158]

Consultation

6.202 Where a document includes business information relating to a person, organisation or undertaking other than the applicant, an agency or minister should give that individual or organisation (the third party) a reasonable opportunity to make a submission that the document should be exempt from disclosure under s 47 (trade secrets) or conditionally exempt under s 47G and that disclosure would be contrary to the public interest, before making a decision to give access (s 27).

6.203 For the purposes of consulting a third party, business information means:
   
a. information about an individuals’ business or professional affairs

b. information about the business, commercial or financial affairs of an organisation or undertaking (s 47G(2))

6.204 Because the requirement to consult covers a third party who may wish to contend that a document is exempt under s 47 as well as s 47G, business information includes information about trade secrets and any business information the value of which would be destroyed or diminished if disclosed. See Part 5 for further guidance on the application of s 47.

6.205 Consultation should occur where:
   
a. it is reasonably practicable. This will depend on all the circumstances including the time limits for processing the request (s 27(5)). For example, it may not be reasonably practicable if the agency cannot locate the third party in a timely and effective way.

b. it appears to the agency or minister that the third party might reasonably wish to make a submission that the document should be exempt from disclosure under either s 47 or s 47G having regard to:
   
   - the extent to which the information is well known
   - whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the information
   - whether the information is publicly available, and
   - any other relevant matters (s 27(3)).

6.206 Agencies and ministers should generally start from the position that a third party might reasonably wish to make a submission. This is because the third party may bring to the agency or minister’s attention sensitivities that may not otherwise have been apparent.

6.207 From a practical perspective, a decision maker should identify early any need to undertake consultation to benefit from the 30-day extension to the timeframe for making a decision (s 15(6)). This is because the extension only applies when consultation starts within the initial decision making period (that is, in the first 30 days). Where consultation is undertaken, the agency or minister must inform the applicant as soon as practicable that the processing period has been extended (s 15(8)).

Submissions
6.208 Where consultation occurs, a third party should be asked if they object to disclosure and invited to make submissions about:

- whether the conditional exemption should apply
- whether, on balance, access would be contrary to the public interest

6.209 An affected third party who is consulted under s 27 may contend that exemptions under ss 47 or 47G should apply. Where the third party contends that exemptions other than ss 47 or 47G should apply, it is open to agency or minister to rely on those exemptions in its decision. However, should the agency or minister decide to grant access to the documents, the third party does not have a right to seek review of that decision on grounds other than those specified in s 27.

6.210 The third party should be asked to provide reasons and evidence for their submission. To assist them to make a submission it may be necessary to provide a copy of the information. This could be done by providing an edited copy of the document, for example, by deleting any material that may be exempt under another provision. An agency should also take care not to breach any obligation under the Privacy Act during consultation, for example, by identifying the applicant without their consent. If an edited copy of the document has been provided for consultation purposes, that copy should be clearly marked where material has been edited, and it should be stated that the copy has been provided for the purpose of consultation.

6.211 An agency or minister must have regard for any submissions made before deciding whether to give access to the document (ss 27(4) and 27(5)). The third party does not, however, have the right to veto access and agencies should take care that the third party is not under such a misapprehension.

6.212 Where an agency or minister decides to give the applicant access to documents, after a third party has provided a submission, they must give the third party written notice (s 27(6)). Access to a document must not be given to the applicant until the third party’s opportunities for review have run out, or if review did occur, the decision still stands (s 27(7)).
Personal and business information — third-party review rights

1 June 2014

Introduction

A third party may have a right to be consulted by an agency before it decides to grant access under the Freedom of Information Act 1982 (FOI Act) to a document containing their personal or business information. The third party may also have a right to seek internal or Information Commissioner (IC) review of a decision to grant access, or to be a party to IC review proceedings commenced by an FOI applicant who was refused access.

Section 27A of the FOI Act requires an agency to consult a person before deciding to grant access to a document containing their personal information, if the person may wish to contend that the document is conditionally exempt under s 47F (personal privacy) and giving access would on balance be contrary to the public interest. A third party consulted under s 27A can contend only that access should be refused under s 47F.

Section 27 of the FOI Act requires an agency to consult a person, organisation or undertaking before deciding to grant access to a document containing their business information, if the third party may wish to contend that the document is exempt under s 47 (trade secrets and commercially valuable information) or conditionally exempt under s 47G (disclosure would unreasonably affect the person’s business affairs or prejudice the supply of information, and would be contrary to the public interest). A third party consulted under s 27 can contend that access should be refused under either s 47 or s 47G, even if the agency consultation was directed to one only of those provisions.

A third party who contends during the consultation process that access should be refused has the right to seek internal or IC review of any subsequent agency decision to grant access.

If the agency decides after consultation to refuse access, the third party must be informed of any later agency decision to grant access, and of any application by the FOI applicant for IC review of an access refusal decision.

A third party who was not consulted at the primary decision-making stage but believes they should have been may complain to the Information Commissioner.

The flowcharts in this agency resource illustrate a third party’s review rights and opportunity to be notified of agency decisions. This resource is based on an OAIC consultation paper, ‘Personal and business information: Third party review rights under the Freedom of Information Act 1982’. Advice about consultation under ss 27 and 27A is available in Parts 6 and 8 of the Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982, available at www.oaic.gov.au <http://www.oaic.gov.au>.

This agency resource deals with consultation by an agency, though the same consultation principles apply to FOI requests to ministers.

Flowcharts — third party review rights

In the flowcharts below ‘third party’ means a person or business who can or should be consulted under ss 27 or 27A before an agency decides to give access to a document containing their personal or business information.
Scenario 1: Primary agency decision to grant access

Was the third party invited to make a submission under ss 27 or 27A prior to the agency's access grant decision?

YES

Did the third party make a submission opposing release?

YES

The agency must notify its access grant decision to the third party, who can then apply for internal or IC review. The FOI applicant cannot be given access until the third party's opportunity to apply for internal and IC review has run out.

NO

The agency is not required to notify the third party of its access grant decision. The third party cannot apply for internal or IC review of the agency's decision. The FOI applicant should be given access as soon as reasonably practicable following the agency's decision.

Scenario 2: Primary agency decision to refuse access

Link to text description of Scenario 1.
Was the third party invited to make a submission under ss 27 or 27A prior to the agency's access refusal decision?

**NO**

The agency is not required to notify the third party of its access refusal decision. The third party cannot apply for internal or IC review of the agency's decision.

**YES**

Did the third party make a submission opposing release?

**NO**

**YES**

The agency is not required to notify its access refusal decision to the third party, but it is good practice to do so as the third party must later be notified if the access refusal decision is either changed on internal review to an access grant decision or is the subject of an application for IC review.

[Link to text description of Scenario 2](#)

**Scenario 3: Application by third party for internal review of an access grant decision**

The agency is not required to notify the FOI applicant of the internal review application, but it is good practice to do so as the FOI applicant will have earlier received notice of the access grant decision. The time for making the internal review decision cannot be extended to facilitate consultation with the FOI applicant.

If the access grant decision is affirmed, the agency must notify the third party, who can apply for IC review of the agency's decision. The FOI applicant cannot be given access until the third party's opportunity to apply for IC review has run out.

If the access grant decision is changed to an access refusal decision, the agency must notify both the FOI applicant and the third party. The FOI applicant can apply for IC review of the agency's decision.

**Scenario 4: Application by FOI applicant for internal review of an access refusal decision**
Was the third party invited to make a submission under ss 27 or 27A prior to the agency's access refusal decision?

**YES**

The agency is not required to notify the third party of the internal review application, or provide an opportunity to make a further submission.

If the access refusal decision is affirmed, the agency is not required to notify its decision to the third party.

If the access refusal decision is changed to an access grant decision, the third party must be notified and can apply for IC review of the agency's decision. The FOI applicant cannot be given access until the third party's opportunity to apply for IC review has run out.

**NO**

The agency must consider whether to consult the third party under ss 27 or 27A. The time for making the internal review decision cannot be extended to facilitate consultation.

If the access refusal decision is affirmed, the agency is not required to notify its decision to the third party.

If the access refusal decision is changed to an access grant decision, a third party who was invited to make a submission and did so must be notified of the decision and their right to seek IC review. The FOI applicant cannot be given access until the third party's opportunity to apply for IC review has run out.

**Link to text description of Scenario 4.**

**Scenario 5: Application by third party for IC review of an access grant decision**

The OAIC is required to notify the FOI applicant of the IC review application (s 54Z). The FOI applicant can apply to the OAIC to be made a party to the IC review as a person whose interests are affected by the IC review.

**Scenario 6: Application by FOI applicant for IC review of an access refusal decision**

The OAIC is required to notify the FOI applicant of the IC review application (s 54Z). The FOI applicant can apply to the OAIC to be made a party to the IC review as a person whose interests are affected by the IC review.

**Link to text description of Scenario 6.**
Flowchart text descriptions

Scenario 1 text description: Primary agency decision to grant access
Was the third party invited to make a submission under ss 27 or 27A prior to the agency’s access grant decision?
If no:
• the agency is not required to notify the third party of its access grant decision. The third party cannot apply for internal or IC review of the agency’s decision. The FOI applicant should be given access as soon as reasonably practicable following the agency’s decision.

If yes:
• did the third party make a submission opposing release?
  ◦ If no, the agency is not required to notify the third party of its access grant decision. The third party cannot apply for internal or IC review of the agency’s decision. The FOI applicant should be given access as soon as reasonably practicable following the agency’s decision.
  ◦ If yes, the agency must notify its access grant decision to the third party, who can then apply for internal or IC review. The FOI applicant cannot be given access until the third party’s opportunity to apply for internal and IC review has run out.

Back to Scenario 1 flowchart.

Scenario 2 text description: Primary agency decision to refuse access
Was the third party invited to make a submission under ss 27 or 27A prior to the agency’s access refusal decision?
If no:
• the agency is not required to notify the third party of its access refusal decision. The third party cannot apply for internal or IC review of the agency’s decision.

If yes:
• did the third party make a submission opposing release?
  ◦ If yes, the agency is not required to notify its access refusal decision to the third party, but it is good practice to do so as the third party must later be notified if the access refusal decision is either changed on internal review to an access grant decision or is the subject of an application for IC review.
  ◦ If no, the agency is not required to notify the third party of its access refusal decision. The third party cannot apply for internal or IC review of the agency’s decision.

Back to Scenario 2 flowchart.

Scenario 4: Application by FOI applicant for internal review of an access refusal decision
Was the third party invited to make a submission under ss 27 or 27A prior to the agency’s primary decision to refuse access?
If no:
• the agency must consider whether to consult the third party under ss 27 or 27A. The time for making the internal review decision cannot be extended to facilitate consultation.
• if the access refusal decision is affirmed, the agency is not required to notify its decision to the third party.
• if the access refusal decision is changed to an access grant decision, a third party who was invited to make a submission and did so must be notified of the decision and their right to seek IC review. The FOI applicant cannot be given access until the third party’s opportunity to apply for IC review has run out.

If yes:
• the agency is not required to notify the third party of the internal review application, or provide an opportunity to make a further submission.
• if the access refusal decision is affirmed, the agency is not required to notify its decision to the third party.
• if the access refusal decision is changed to an access grant decision, the third party must be notified and can apply for IC review of the agency’s decision. The FOI applicant cannot be given access until the third party’s opportunity to apply for IC review has run out.

Back to Scenario 4 flowchart.

Scenario 6: Application by FOI applicant for IC review of an access refusal decision

Was the third party invited to make a submission under ss 27 or 27A, at either the primary or internal review stage?

If no:
• the OAIC must consider whether to consult the third party under ss 27 or 27A
• neither the agency nor the OAIC is required to notify the third party of the IC review application. However, the third party can apply to be made a party to the IC review as a person whose interests are affected by the IC review.

If yes:
• the agency must take all reasonable steps to notify the third party of the IC review application, whether or not they made a submission opposing release. The agency must give a copy of the notice to the Information Commissioner. The third party has a right to be a party in the IC review proceedings.

Back to Scenario 6 flowchart.<
What are agencies’ obligations with regard to Commonwealth contracts?

11 April 2019

Tags: refuse access, government contractor

 Agencies must ensure that Commonwealth contracts entered into on or after 1 November 2010 contain measures that enable them to obtain certain documents from a contractor or sub-contractor to answer an FOI access request. See Part 2 of the Guidelines and Documents Held by Government Contractors: Agency Obligations under the Freedom of Information Act 1982.

What contracts are covered?

FOI Act applies to documents created or held by contractors or subcontractors who provide services on behalf of an agency to the public or third parties. It does not apply to contracts for the provision of services to the agency, such as information technology services or cleaning services. See Part 2 of the Guidelines and Documents Held by Government Contractors: Agency Obligations under the Freedom of Information Act 1982.

What should an agency do if a contractor will not comply with their contractual obligation to provide access to documents?

Contractors who do not comply with such measures will be in breach of their contract. Agencies should seek legal advice on options available to them. See Part 2 of the Guidelines and Documents held by Government Contractors: Agency Obligations under the Freedom of Information Act 1982.

Can an agency refuse a request for access to a document if they have not received it from a contractor?

Yes. An agency can refuse a request for access if they have taken contractual measures to ensure they receive a document from a contractor and have taken all reasonable steps to ensure they receive the document, but have not received the document from a contractor. See s 24A(2) of the FOI Act and Part 3 of the Guidelines.
When an FOI request affects you

On this page
If someone requests access to a document under the Freedom of Information Act 1982 (FOI Act) that includes information about you or your business, you have certain rights because you have an interest in the outcome of the request.

When a requested document contains information about you or your business that may be exempt or conditionally exempt under the FOI Act, the agency or minister must give you or your business a reasonable opportunity to make a submission that the document is exempt from disclosure. For example, a document may be exempt because it contains trade secrets or commercially valuable information, or it may be conditionally exempt because of your personal or business interests.

Can you find out who wants access to the document?
You may contact the agency or minister and ask. Generally, however, an agency won’t disclose the name of the individual who requested access to the document, unless the individual gives their consent.

How do you make a submission?
The agency or minister inviting you to make a submission will let you know how to do it and how long you have to submit it.

What happens to your submission?
The agency or minister will take your submission into account when deciding whether to give the applicant access to the document they requested. Although you have the right to state your view, the agency or minister makes the final decision.

If the agency or minister decides to give the applicant access to the document they requested, they’ll let you know in writing. They won’t disclose the document to the applicant until the time for you to appeal the decision has expired.

Your review rights
You can ask the agency for an internal review if you disagree with their decision to disclose a document.

If you ask for an internal review, an agency or minister can’t disclose the requested document to the applicant until all your opportunities to ask for a review of the decision have run out. An agency will give you 30 days after letting you know, in writing, their decision, to ask for an internal review.

The applicant’s review rights
The applicant can also ask for an internal review if the agency decides not to disclose the document. The agency will let you know if the internal review results in them deciding to disclose the document. However, if you ask us for an Information Commissioner (IC) review, the agency will have to wait for the outcome of the IC review before they disclose the document.
If the applicant asks us for an IC review of the decision not to disclose the document, we'll let you know, in writing, and you have the right to take part in the review.

**Related**

**Internal review**
An agency reviews their decision on your FOI request

**Information Commissioner review**
We review an agency’s decision on your FOI request