



September 2018

FOI resource 1

Twelve tips for Freedom of Information (FOI) decision makers

1. Government information is a national resource

Government information is for public access and use. Remember there is a presumption of openness in the *Freedom of Information Act 1982* (FOI Act). Give access outside the FOI Act wherever you can (for example, through an administrative access or disclosure scheme).

2. Know the law

Be on top of the FOI Act and the Australian Information Commissioner's Guidelines. Understand your obligations as a decision maker and the rights and responsibilities of applicants and third parties.

3. Help applicants

Help applicants meet the formal requirements for an FOI request. Help them narrow the scope if their request is too large or vague. Keep in regular contact with them, especially if there's any delay in making a decision.

4. Search thoroughly

Apply a flexible and common sense approach to the wording of an FOI request. Make sure you search records thoroughly for the documents that could come within the scope of the request.

5. Meet the timeframes

You have 30 calendar days to process a request, and another 30 days if you need to consult third parties. The applicant can also agree to a further 30 days. You may have a further 30 days, but only if the applicant agrees. Meet the timeframes – beat them if possible. You can only apply to the Information Commissioner for an extension of time if you have sound reasons.

6. Transfer requests early

If a request should be handled by another agency or minister, make sure you act quickly, as the processing time doesn't stop.

7. Consider whether charges are warranted

Consider whether a charge is warranted for processing a request. You cannot charge an applicant for access to their own personal information. A charge should fairly reflect the work involved in providing access.

8. Keep good records

Develop and maintain effective records. Keep file notes and save emails. Use a schedule of documents in making your decision.

9. Know what's in the public interest

Would disclosure of a conditionally exempt document be contrary to the public interest? Make sure you consider how relevant public interest factors apply to the particular documents before you. Disregard irrelevant factors.

10. Decide each case on its own merits

Approach each request as a new request. Precedents can be helpful, but look out for specific circumstances.

11. Explain your decision

Explain clearly why you made your decision. Address all issues concerning charges, exemptions and deletion of information. Write your decision with the applicant in mind.

12. Be part of a network

Share information and resources with other FOI practitioners. Join the Information Contact Officer Network (ICON). Attend ICON meetings to keep up to date with the latest developments in FOI, privacy and information policy. Subscribe to the OAIC's mailing list. Attend an FOI training seminar.

Need more? Checklists, guidance notes and other guidance material are available on our website.

For further information

GPO Box 5218 Sydney NSW 2001 | P 1300 363 992 | E enquiries@oaic.gov.au

Or visit our website www.oaic.gov.au

The information provided in this resource is of a general nature. It is not a substitute for legal advice.

