



Guidance for agency websites: ‘Access to information’ web page

Introduction

This guidance updates guidance issued by the Australian Information Commissioner in March 2011, *Guidance for agency websites*.

A key objective of the 2010 reforms to the *Freedom of Information Act 1982* (FOI Act) was to facilitate and promote disclosure of information held by government promptly and at the lowest reasonable cost (s 3(4)). The FOI Act sets out a formal process by which a person may exercise that right to obtain access to documents. Importantly, however, the Act also declares that Parliament does not intend to discourage agencies and ministers from making information they hold available in other ways (s 3A(2)).

There is strong evidence that the formal FOI Act processes work more effectively if supplemented by other forms of access to information. The development of complementary access mechanisms is also an important means of implementing Principle 1 in the Office of the Australian Information Commissioner’s (OAIC) *Principles on open public sector information* (available at www.oaic.gov.au), that open access to information should be the default position in government.

Agency websites play an important role in informing the public about the FOI Act and helping people exercise their rights under the Act. They can also play an important role in advancing the objectives of open government more broadly by promoting other forms of access to information. Since the OAIC *Guidance for agency websites* was issued in March 2011, some agencies have advised that the increased focus on their websites on the FOI Act has led members of the public away from existing informal methods of accessing information that do not require an FOI request. These are described in this guidance paper as ‘administrative access schemes’, and are explained more fully in OAIC [FOI Agency Resource 14: Access to government information – administrative access schemes](#).

Administrative access schemes are widely used by agencies to provide personal and case file information to applicants, but are also used increasingly to answer information requests from the public.

Using the FOI process rather than an administrative access scheme can be inefficient for agencies and may provide no benefit to the applicant. The OAIC has accordingly revised its recommended approach to publishing information on agency websites about means of access to information.

The former guidance was framed primarily around rights under the FOI Act. This revised guidance provides an alternative approach that agencies may use to give greater prominence to the agency’s range of information and document access arrangements. The formal FOI access request process, the Information Publication Scheme (IPS) and FOI disclosure log, would continue to be listed prominently on an agency’s website as options available to the public. An element of this revised guidance is a new ‘Access to information’

icon to be featured on an agency's homepage and direct the public to the FOI Act and administrative access scheme procedures.

Broad principles

'Access to information' and 'Freedom of information' approaches

The homepage of an agency's website should link to other pages that explain how the public can obtain information or documents from the agency. The OAIC endorses two means for doing this:

- 'Access to information' approach: the homepage should link to an 'Access to information' web page (see 'Model web page approach A' at the end of this guidance) that describes administrative access schemes established by the agency, how to make an FOI request, the IPS, the agency's FOI disclosure log and, if appropriate, other mechanisms or arrangements for requesting information from the agency. The agency homepage should link to a dedicated 'Access to information' page using the OAIC-developed 'Access to information' icon discussed below.
- 'Freedom of information' approach: the homepage should link to a Freedom of Information web page (see Model web page approach B) that describes how to make an FOI request, the IPS, the agency's FOI disclosure log and information available from the agency outside the FOI Act. The agency homepage should also feature the IPS and FOI Disclosure Log icons (discussed below) to provide a direct link to those pages.

This guidance describes the broad principles underpinning both approaches and provides specific guidance on implementing them, as well as two separate model web pages agencies can choose from to serve as a template for their own website.

Subject to some minor stylistic changes, the 'Freedom of information' approach is the same as that provided in the previous version of the guidance (which has been archived on the OAIC website). This approach may still be preferred by an agency that receives few FOI requests from the public each year and has other settled procedures for consulting the public or stakeholders. The 'Access to information' approach may be preferred by agencies that wish to draw attention to means of accessing information outside of the FOI Act, particularly agencies that receive a large number of information requests from customers or the community.

The OAIC will regard either approach as fully compliant in any relevant FOI evaluation or best practice assessment activity.

Information about FOI requests under both approaches

Whether an agency chooses to adopt the 'Access to information' or 'Freedom of information' approaches recommended by the Information Commissioner, the agency homepage should link to a plain English explanation of:

- a person's right to request access to documents under the FOI Act
- how to make an FOI request, including
 - the requirements for a valid request and how to obtain assistance

- the position title, telephone number and email address of the FOI contact officer or officers. Consideration should be given to establishing generic telephone numbers and email addresses (for example foi@agency.gov.au) that will not change with staff movements
- if the FOI request is made on behalf of another person – the need for the applicant to provide an authority from that other person
- an FOI application form (if available)
- types of documents that are not available under the FOI Act
- charges, including remission of charges
- internal and OAIC review options
- complaints to the OAIC.

The model web pages provided at the end of this guidance contain identical suggested text about the FOI process.

‘Access to information’ approach: customising content to suit agency circumstances

Agencies adopting the ‘Access to information’ approach should clearly draw attention to the sorts of information available outside the FOI Act (whether through an administrative access scheme or some other means) and what information is available only through the FOI access request process. The headings and content description should be understandable to the general public.

The ‘Access to information’ model web page describes the sorts of information that an agency may advise is available outside the FOI Act. However, agencies should customise the headings and the content to suit their circumstances, including the types of requests commonly received and the agency’s information holdings. For example, an agency that does not receive a large number of requests for personal information may choose to remove the ‘Personal information’ headings, or else place personal information as an item in a list of other available information. Similarly, an agency may include media queries or research queries on the ‘Access to information’ web page, or choose to deal with those separately on the agency website.

The web page should draw attention to any available administrative access schemes. An example, provided for under s 15A of the FOI Act, is an administrative arrangement allowing current or former agency employees to access personnel records without making an FOI request. Another example could be an arrangement allowing members of the public to quickly access personal information, such as case files that an agency holds about them.

Examples of other information categories that could be listed on the web page are:

- data
- statistics
- information about the agency’s collections
- resources available elsewhere on the agency website
- agency resources available on other websites, such as data.gov.au.

If the web page becomes sufficiently long, agencies could consider adding a table of contents.

Homepage links, including Access to information, IPS and FOI Disclosure Log icons

The OAIC has developed 'Access to information', 'Information publication scheme' and 'FOI Disclosure Log' icons recommended for use on agency websites. The use of readily identifiable icons will assist in ensuring that those pages are easily discoverable and that a consistent approach is adopted across government.

The recommended use of the icons in each approach is discussed at the beginning of the 'Broad Principles' section above. Agencies using the 'Access to information' approach may also choose to use the IPS and FOI Disclosure Log icons as links on the 'Access to information' page, or to feature all three icons on their homepage.

The icons are available for download from www.oaic.gov.au in a variety of formats suitable for print and online use. Alternative formats are available upon request by emailing enquiries@oaic.gov.au. If agencies need to resize the icons, they should do so proportionally so that the text remains legible.

If agencies do not use the icons, the Information Commissioner recommends that they link to the relevant pages (as outlined above) at an appropriate place in the site's navigation (potential options include the main menu, sidebar or footer of a website).

Accessibility

Agencies using the OAIC-developed icons must ensure that they comply with whole-of-government online accessibility requirements by appropriate alternative text that accompanies the icon.

Guidance to help agencies manage their online presence and understand their legal and policy obligations is available from the Australian Government Information Management Office's (AGIMO) [Web Guide](#). Advice about accessibility in the context of FOI is contained in the *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982 (FOI Guidelines)*, particularly Parts 13 and 14, available at www.oaic.gov.au.

Other web page considerations

IPS and FOI disclosure log pages

Guidance on IPS information architecture is available in Part 13 of the FOI Guidelines. A template FOI disclosure log page is available in Part 14 of the FOI Guidelines.

As explained above, links to the IPS and disclosure log pages should be provided from the 'Access to information' or 'Freedom of information' web pages.

Privacy page

Agencies should link to a privacy page from their homepage.

OAIC guidelines are available to assist Australian and ACT Government agencies to adopt best privacy practice and comply with the *Privacy Act 1988* with respect to their websites. Agencies should have regard to the principles set out in the [Guidelines for Federal and ACT Government Websites](#).

Short form web addresses

Agencies should consider adopting short form web addresses for the following pages:

- Access to information (where applicable): www.agency.gov.au/information
- Freedom of information (where applicable): www.agency.gov.au/foi
- IPS: www.agency.gov.au/ips
- Disclosure log: www.agency.gov.au/disclosurelog
- Privacy: www.agency.gov.au/privacy.

Agencies transitioning to the 'Access to information' approach may wish to consider redirecting any existing www.agency.gov.au/foi short form links to the new 'Access to information' page for an appropriate period of time (where internal web governance and operational arrangements allow).

Model web page approach A: ‘Access to information’

Access to information

We make a range of information available for public access. You can formally request access under the *Freedom of Information Act 1982* (FOI Act) to documents we hold. Alternately we can give you certain information if you request it through other access arrangements we have set up, as outlined below.

Requesting information or documents

Most requests for information or copies of documents can be dealt with informally and quickly — a phone call or email may be all that is required.

[Agencies to link to a dedicated page if necessary or insert details about who to contact, the requests that can be handled in this way, how quickly the public can expect a response, and when they should use the FOI Act instead.]

The Information Commissioner recommends that agencies devise procedures for administrative access, based on the OAIC’s *FOI Agency Resource 14: Access to government information — administrative access schemes*. Note in particular the ‘Administrative access checklist’ in *FOI Agency Resource 14*.]

Personal information — agency clients and customers

You can ask to see or be given a copy of any personal information we hold about you. [Insert details about how to request personal information. The procedures for requesting access to personal information may be a part of the Administrative Access procedures referred to under the previous heading.]

Personal information — current and former agency employees

Current and former agency employees can obtain access to their employment record [insert details about the agency-specific scheme].

Section 15A of the FOI Act requires you to use this procedure before making a request under the FOI Act. You may make an FOI request after 30 days if you are not satisfied with our response.

Information Publication Scheme

As required by the FOI Act, we have an Information Publication Scheme entry [link] that provides information on our structure, functions, appointments, annual reports, consultation arrangements, FOI officer, information we routinely release following FOI requests and information we routinely provide to Parliament.

FOI disclosure log

Our FOI disclosure log [link] lists information we have released since 1 May 2011 in response to requests made under the FOI Act.

Other information we hold

[List other information sources, or contact details as appropriate, for example an administrative access scheme, datasets on data.gov.au, other online resources or a phone/email/postal contact point for certain kinds of information]

Freedom of information requests

Your rights

The FOI Act gives any person the right to:

- access copies of documents (except exempt documents) we hold
- ask for information we hold about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading, and
- seek a review of our decision not to allow you access to a document or not to amend your personal record.

You can ask to see any document that we hold. We can refuse access to some documents, or parts of documents that are exempt. Exempt documents may include those relating to national security, documents containing material obtained in confidence and Cabinet documents, or other matters set out in the FOI Act.

How to make an FOI request

Your request must:

- be in writing
- state that the request is an application for the purposes of the FOI Act
- provide information about the document(s) you wish to access so that we can process your request
- provide an address for reply.

You can use the request form [\[link if applicable\]](#) or you can send your request:

By post FOI Contact Officer
 Branch
 Department
 Address
By email foi@agency.gov.au

[Agencies to insert information about proof of authority they require for a third party to act, for example:

If you are making an FOI request on behalf of another person, you need to provide a specific, written authority from that person to send copies of documents to you or to allow you to inspect copies of documents containing information about the other person.]

If you require assistance with your request, please contact the FOI Contact Officer on XX XXXX XXXX or by email at foi@agency.gov.au.

Fees and charges

There is no application fee for an FOI request.

There are no processing charges for requests for access to documents containing only personal information about you. However, processing charges may apply to other requests. The most common charges are:

Activity item	Charge
Search and retrieval: time we spend searching for or retrieving a document	\$15.00 per hour
Decision making: time we spend in deciding to grant or refuse a request, including examining documents, consulting with other parties, and making deletions	First five hours: Nil Subsequent hours: \$20 per hour
Transcript: preparing a transcript from a sound recording, shorthand or similar medium	\$4.40 per page of transcript
Photocopy	\$0.10 per page
Inspection: supervision by an agency officer of your inspection of documents or hearing or viewing an audio or visual recording at our premises	\$6.25 per half hour (or part thereof)
Delivery: posting or delivering a copy of a document at your request	Cost of postage or delivery

If we decide to impose a charge, we will give you a written estimate and the basis of our calculation. Where the estimated charge is between \$20 and \$100, we may ask you to pay a deposit of \$20, or where the estimated charge exceeds \$100, we may ask you to pay a 25% deposit before we process your request.

You can ask for the charge to be waived or reduced for any reason, including financial hardship or on the grounds of public interest. If you do so, you should explain your reasons and you may need to provide some evidence.

What you can expect from us

We will tell you within 14 days that we have received your request. We will also give you an estimate of the charges that apply to your request. We will give you our decision within 30 days unless that time has been extended. If a document contains information about a third party, we will need to consult them and may need to extend the time to give you our decision by another 30 days. We may also seek your agreement to extend the time by up to 30 days if your request is complex.

If you disagree with our decision

When we have made a decision about your FOI request, we will send you a letter explaining our decision and your review and appeal rights.

You can ask for the following decisions to be reviewed:

- if we refuse to give you access to all or part of a document or if we defer giving you access
- if we impose a charge
- if we refuse to change or annotate information about you that you claim is incomplete, incorrect, out of date or misleading.

A third party who disagrees with our decision to give you documents that contain information about them can also ask for our decision to be reviewed.

Internal review

You can request in writing that we reconsider our decision through an internal review. An internal review will be conducted by another officer in our agency. We will advise you of our new decision within 30 days of receiving your request.

Information Commissioner review

You can ask the Australian Information Commissioner to review our original decision or our decision on internal review within 60 days of the date of decision (or 30 days after you are notified if you are an affected third party). The Information Commissioner can affirm or vary the decision or substitute a new decision. The Information Commissioner may decide not to conduct a review in certain circumstances. More information is available from the [Office of the Australian Information Commissioner](#) (OAIC).

Complaints

If you are unhappy with the way we have handled your request, you can complain to the Australian Information Commissioner who may investigate our actions. More information is available from the [OAIC](#). The [Commonwealth Ombudsman](#) can also investigate complaints about our actions. However, the Commonwealth Ombudsman and the Information Commissioner will consult to avoid the same matter being investigated twice.

More information

For more information about making an FOI request, please contact the FOI Contact Officer on XX XXXX XXXX or by email at foi@agency.gov.au.

Model web page approach B: 'Freedom of information' approach

Freedom of information

We make a range of information available for public access. You can also formally request access under the *Freedom of Information Act 1982* (FOI Act) to documents we hold.

Your rights

The FOI Act gives any person the right to:

- access copies of documents (except exempt documents) we hold
- ask for information we hold about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading, and
- seek a review of our decision not to allow you access to a document or not to amend your personal record.

You can ask to see any document that we hold. We can refuse access to some documents, or parts of documents that are exempt. Exempt documents may include those relating to national security, documents containing material obtained in confidence and Cabinet documents, or other matters set out in the FOI Act.

Documents available outside the FOI Act

You can get certain information, including personal information we hold about you, without following a formal process under the FOI Act. [Agencies to insert types of information.]

You should also check the information we have published under the Information Publication Scheme [link] and FOI disclosure log [link] to see if what you are seeking is already available.

How to make an FOI request

Your request must:

- be in writing
- state that the request is an application for the purposes of the FOI Act
- provide information about the document(s) you wish to access so that we can process your request
- provide an address for reply.

You can use the request form [link if applicable] or you can send your request:

- | | |
|----------|----------------------------------------------------------|
| By post | FOI Contact Officer
Branch
Department
Address |
| By email | foi@agency.gov.au |

[Agencies to insert information about proof of authority they require for a third party to act, for example:

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<i>Transcript:</i> preparing a transcript from a sound recording, shorthand or similar medium	\$4.40 per page of transcript
<i>Photocopy</i>	\$0.10 per page
<i>Inspection:</i> supervision by an agency officer of your inspection of documents or hearing or viewing an audio or visual recording at our premises	\$6.25 per half hour (or part thereof)
<i>Delivery:</i> posting or delivering a copy of a document at your request	Cost of postage or delivery

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