



Freedom of information – What information does the government hold?

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Information is a valuable and powerful resource which is at the heart of every government decision and activity. Each year the amount of information held by government grows. The *Freedom of Information Act 1982* (the FOI Act) expressly recognises that information held by government is a national resource and is to be managed for public purposes, and that public access to information is to be provided promptly and at the lowest reasonable cost. Improved access to information promotes government transparency and accountability through increased scrutiny, discussion and public participation in government decision making.

What sort of information is held by government?

Information is held in the form of documents, either paper-based or electronic records. The documents may be created by someone in government or they may have been received from elsewhere.

Much of the information that government holds is personal information about individuals or business and financial information. Other government information relates more broadly to policy and program issues. Government agencies use the information for a range of purposes, including policy development, delivery of public programs, administration of benefits, international relations and regulation of business.

Who in government holds this information?

Government information is held by all departments and government agencies. Ministers, including parliamentary secretaries, also hold official information that may be available for access under the FOI Act, although not all the information they hold will be of that type. For further details see ***FOI fact sheet 10 – Freedom of information and the Minister's office.***

All agencies and ministers maintain a disclosure log on their website, which lists information that has been released in response to FOI requests.

How do I get access to information that the government holds about me?

Many agencies have arrangements in place to give you information they hold about you if you ask. Alternatively you may make an access request under the FOI Act, and the agency or minister must follow the formal processes set out in the Act. For details, see ***FOI fact sheet 5 – Freedom of information: Your personal information.***

Can I get personal information about someone else?

A document which contains personal or business information about an individual or a firm may not be released to anyone else without an authority to act on their behalf. If an FOI access request is made, the person whose information is sought has the right to be consulted about its release.

How do I access non-personal information, such as policy information?

Agencies routinely make large amounts of information about their activities, organisation and programs available on their websites. They often make datasets available for public use and re-use, including on www.data.gov.au. If particular information is not published on a website, agencies will often provide information on request.

A significant FOI Act reform is the introduction from 1 May 2011 of an information publication scheme (IPS) for Australian Government agencies. Under the IPS, each agency must publish an agency publication plan and certain types of information, including routinely accessed information. The IPS is also a mechanism for encouraging agencies to proactively publish other information they hold.

More details about the IPS are in **FOI fact sheet 4 – The information publication scheme for Australian government agencies.**

If you are seeking access to government information which has not been published, you can also make an FOI access request to the relevant agency or minister. Details of how to do so are in **FOI fact sheet 6 – Freedom of information: How to apply.**

How do I access historical information?

Much government information is eventually released to the public when it reaches the 'open access period' under the *Archives Act 1983*. The commencement of the open access period will be progressively reduced from 30 years to 20 years over a 10 year period commencing on 1 January 2011 (for Cabinet notebooks the period is being reduced from 50 years to 30 years).

If you would like access to older government records that are in the 'open access period', you need to apply to the National Archives of Australia – see www.naa.gov.au.

What information may not be available to me under the FOI Act?

You have a right of access under the FOI Act to a document held by government unless:

- the agency that holds the document is exempt from the FOI Act (these are mainly security agencies and some defence agencies)
- the document or the information it contains originated in an exempt agency
- an exemption applies to that type of document
- the document is conditionally exempt and it would be contrary to the public interest to release it
- another legislative scheme gives a right of access to a document, subject to a fee or charge (such as a land title register), or an agency arrangement allows the public to purchase the document.

Some information held by government is exempt from disclosure. Exemptions apply to:

- documents affecting national security, defence or international relations
- Cabinet documents
- documents affecting enforcement of law and protection of public safety
- documents to which secrecy provisions of enactments apply
- documents subject to legal professional privilege
- documents containing material obtained in confidence
- documents disclosure of which would be contempt of Parliament or contempt of court
- documents disclosing trade secrets or commercially valuable information
- electoral rolls and related documents.

Another type of exemption, called a conditional exemption, applies where it would be contrary to the public interest to release a document that falls into one of the eight categories below. Conditional exemptions apply to documents relating to:

- Commonwealth-State relations
- deliberative processes relating to agencies' or ministers' functions
- the Commonwealth's financial or property interests
- certain operations of agencies, such as audits and examinations
- personal privacy
- business
- research (by CSIRO or the Australian National University)
- the economy.

See **FOI Fact sheet 8 – Freedom of information: Exemptions** for more details.

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

For further information

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