

# FOI - Freedom of information

## An introduction to FOI requests and the Court

The *Freedom of Information Act 1982* (FOI Act) gives the Australian community the right to access documents held by most Australian Government agencies, as well as Australian Government ministers. The FOI Act is regulated by the [Office of the Australian Information Commissioner](#) (OAIC), an independent statutory agency.

While the Court is a “prescribed authority” under the FOI Act, the Act has limited application to the Court. It only applies to requests for documents that relate to the management and administration of the Court’s registry and office resources; it does not apply to court documents. The FOI Act also does not apply to judicial officers or requests for documents relating to the handling of complaints about judicial officers.

## How FOI requests are made

For an FOI request to be validly made to the Court it must be: in writing, state that the request is an application for the purposes of the FOI Act, provide sufficient information to enable the Court to identify the document(s) requested, provide a return email/postal address. More information about making an FOI request can be found on the Court’s [Freedom of Information Requests](#) internet page.

Any staff considering making an FOI request to access their personal information should first contact the [People & Culture team](#). Under section 15A of the FOI Act, past or present employees of the Court cannot request access to personnel records under the Act unless they have first utilised the Court’s established procedures to access those records and are either: not satisfied with the outcome or have not been notified of the outcome within 30 days of making the request.

Under Part V of the FOI Act, individuals also have the right to seek amendment or annotation of their personal information contained in documents held by the Court.

## How the Court processes FOI requests

Once the Court has received a valid FOI request, it must acknowledge receipt of the FOI request within 14 days. The FOI Act requires that a decision be provided to the FOI applicant as soon as practicable, but no later than 30 calendar days after the request was received.

In limited circumstances, the statutory deadline for providing a decision may be extended. For example, with the agreement of the FOI applicant or if the Court needs to consult a third party regarding the request. More information about processing periods can be found on the OAIC's page: [How long does an agency have to process a freedom of information request?](#)

## **Staff who are asked to find documents requested under the FOI Act**

Staff of the Court may be asked by the Court's FOI team to find documents that have been requested under the FOI Act. Due to the statutory timeframes, it is critical that staff look for documents promptly.

The Court's [FOI fact sheet for court staff](#) provides more information for those staff who are asked to search for documents under the FOI Act or, in some cases, provide their views on whether documents should be released. In essence, staff who are asked to find documents must take "all reasonable steps" to find the documents requested and will be asked by the FOI team to complete an [FOI search minute template \(docx, 48 kb\)](#) to record the steps and time taken to look for documents.

## **FOI decisions and reviews**



When a decision is made about an FOI request, the Court sends a letter to the FOI applicant providing notification of the decision and outlining the applicant's review and appeal rights. If an FOI request is refused in any respect, the Court is required to provide a statement of reasons to the applicant. The Court is also required to publish information that has been released in response to each FOI request on its [FOI Disclosure Log](#), subject to limited exceptions under the FOI Act.

Where an FOI applicant is not satisfied with the Court's decision, they may request the Court reconsider its decision through an internal review. An applicant may also request that the Australian Information Commissioner review the Court's original or review decision. Time limits apply to these requests, with more information available on the Court's [Freedom of Information Requests](#) page.



## Contact

For any queries, concerns or suggestions regarding FOI, please contact Scott Tredwell, General Counsel.

### Internal documents and links

- [Freedom of Information Requests](#) (FCA website) 
- [FOI Disclosure Log](#) (FCA website) 
- [FOI fact sheet for court staff](#)
- [FOI search minute template \(docx, 48 kb\)](#)

### External links

- [Office of the Australian Information Commissioner](#) 
- [Freedom of Information Act 1982](#) 
- [FOI guidelines](#) 