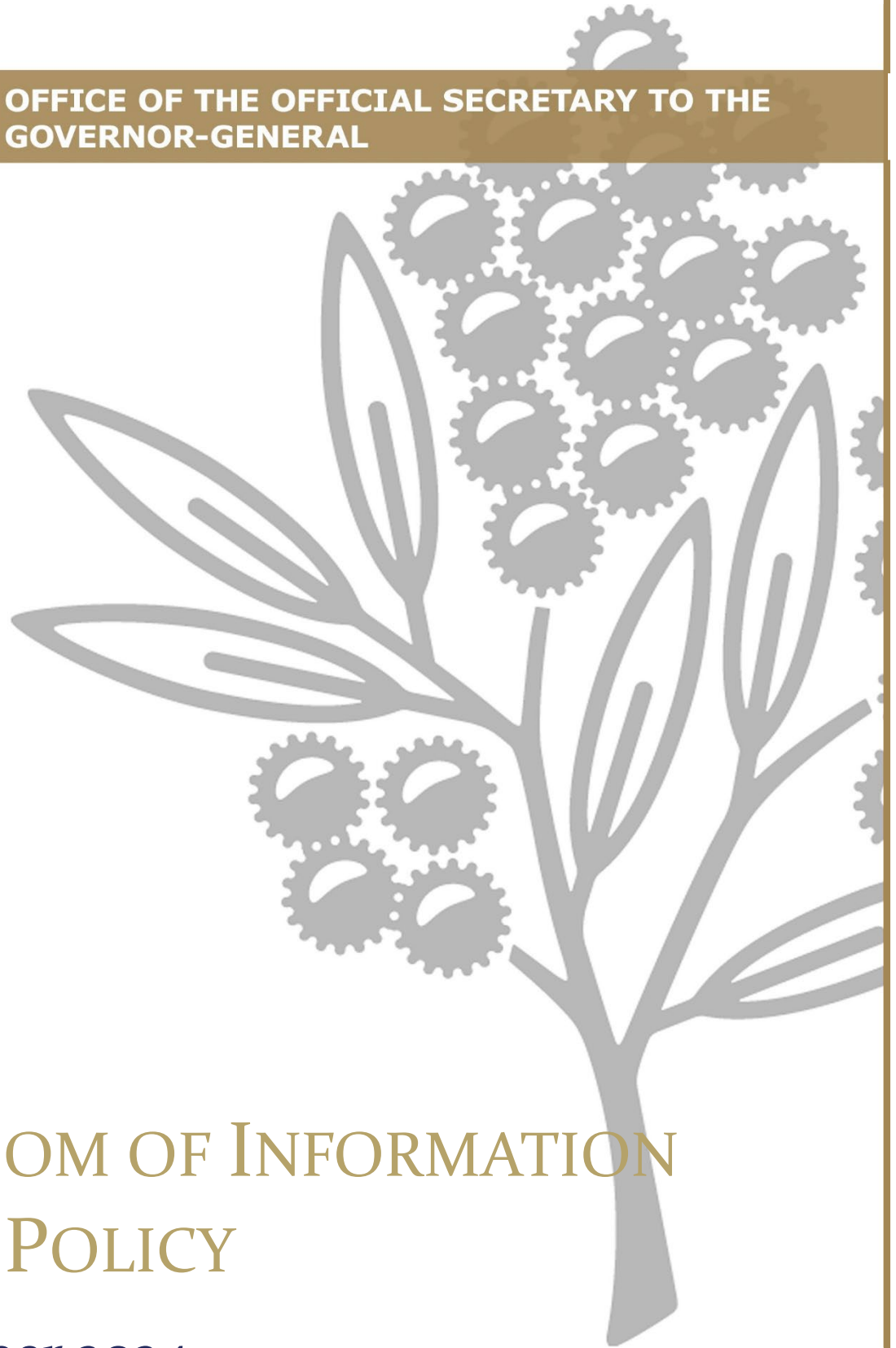




OFFICE OF THE OFFICIAL SECRETARY TO THE  
GOVERNOR-GENERAL



# FREEDOM OF INFORMATION (FOI) POLICY

September 2024

Review September 2026

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# INTRODUCTION

## Policy Details

### Policy owner

This policy is owned and updated by the Executive branch.

### Release and review history

Version	Approved by	Description	Date
1.0	-	Original version	May 2012
1.1	Deputy Official Secretary – Jeff Barnes	Reviewed for currency and updated to reflect current IPS plan	September 2024

## Purpose

The *Freedom of Information Act 1982* (FOI Act) applies to the Office of the Official Secretary to the Governor-General (the Office). This policy sets out the Office’s policy and commitment to ensuring Freedom of Information (FOI) legislative obligations are upheld, contributing to a stronger foundation for greater openness and transparency in government.

## Scope

This policy applies to all employees and contractors who undertake duties on the Office’s behalf (e.g. ADC’s).

## Legislation and standards/principles

This policy relates to the implementation of the Freedom of Information Act 1982; available on the Australian Federal Register of Legislation: <https://www.legislation.gov.au/C2004A02562/latest/text>. References to various sections of the FOI Act are made throughout the text and this policy should be read in conjunction with the Act and the Office of the Information Commissioner Guidelines.

## Monitoring and review

This policy will be reviewed every two years or as required to reflect changes in the broader Australian Government legislative and regulatory environment, best practices standards, and to ensure currency and relevancy to the business of the Office.

## Summary

The broad objective of the FOI Act is to give the public the right to access documents held by the Australian Government. As a prescribed authority under the FOI Act, the Office is required to comply with this Act.

The FOI Act gives members of the public the right to:

- access copies of documents (except exempt documents) held by the Office
- ask the Office to change or annotate information if it is incomplete, out of date, incorrect or misleading (where the information relates to the person making the request)
- seek a review of a decision not to allow access to a document or not to amend their personal records.

While a member of the public can ask to access any document held by the Office, the Office can refuse access to some documents, or parts of documents that are exempt. The FOI Act does not apply to the Governor-General, and section 6a of the FOI Act specifically details that requests for access to documents of the Office can only relate to matters of an administrative nature, and not to documents relating to the discharge of the Governor-General's substantive functions.

# FREEDOM OF INFORMATION ACT

## Aim of the FOI Act

The FOI Act was specifically created to facilitate access to information in documentary form in the possession of agencies. It extends the right of every person to access information in the possession of the Government of the Commonwealth in two ways:

- a. it requires Commonwealth agencies (Departments and authorities) to publish information about their operations and powers affecting members of the public as well as their manuals and other documents used in making decisions and recommendations affecting the public
- b. it requires agencies to provide access to documents in their possession unless the document is within an exception or exemption specified in the legislation.

The underlying rationale behind the FOI Act is open and accountable government. Its object is to extend as far as possible the right of the Australian community to access information in the possession of the Commonwealth (s 3).

Broadly, the aims of the legislation are to:

- enable people to participate in the policy and decision-making processes of government
- inform people of government functions and enable them to access decisions that affect them
- open government activities to scrutiny, discussion, review and criticism
- enhance the democratic accountability of the Executive
- provide access to information collect and created by public officials.

Another important aim of the legislation is to give individuals access to their personal records kept by government and thus enable them to correct any personal information that is incomplete, incorrect, out of date or misleading.

Where documents are disclosed in response to an FOI request, there is no restriction under the FOI Act on what the applicant may do with that information. For this reason, disclosure under the Act has been described as 'disclosure to the whole world'.

## Limited application of FOI Act – Governor-General exemption

There are no Commonwealth departments and few Commonwealth authorities to which the Act does not apply. However, it does not apply to the Governor-General, Parliament or Parliamentary departments.

In respect to the Office, section 6a of the FOI Act specifically details that:

“This Act does not apply to any request for access to a document of the Official Secretary to the Governor-General unless the document relates to matters of an administrative nature. For the purposes of this Act, a document in the possession of a person employed under section 13 of the *Governor-General Act 1974* that is in his or her possession by reason of his or her employment under that section shall be taken to be in the possession of the Official Secretary to the Governor-General.”

While a member of the public can ask to access any document held by the Office, the Office can refuse access to some documents, or parts of documents that are exempt.

# COMPLIANCE WITH THE FOI ACT

As a non-corporate Commonwealth entity, the Office is a prescribed authority that is subject to the FOI Act and is also required to comply with the Information Publication Scheme (IPS) requirements of the FOI Act.

In accordance with section 8(1) of the FOI Act, the Office's IPS Plan describes how the Office complies with the IPS and how it will implement and administer the IPS. This policy sets out the principles the Office will follow in order to make information accessible in accordance with the FOI Act.

# FOI RESPONSIBILITIES

The Official Secretary has delegated the role of FOI Decision Maker (under s23 of the FOI Act) to the Deputy Official Secretary.

The Executive Officer is the primary contact point for all FOI and/or IPS queries. In undertaking this role, the EO will ensure that the specified timeframes in the FOI Act are met, namely;

- a. FOI requests will be acknowledged within 10 days of receipt

- b. FOI applicants will be notified of a decision within 30 days<sup>1</sup> of receipt of a valid request<sup>2</sup>
- c. Requests for internal review will be acknowledged within 10 days of receipt
- d. Internal review decisions will be provided to applicants within 30 days of request
- e. Update the disclosure log with details of documents released under the FOI Act within 10 working days of giving the FOI applicant access to the documents (note that some disclosures, for example those relating to personal information, are exempt from publication).

The following table outlines the boarder responsibilities of all Office staff.

Position	Responsibilities
OS	Conduct internal review of access refusals or access grant decisions (or delegate this task).
DOS	FOI Decision Maker, under s23 of the FOI Act. Approve charges for processing requests.
Directors	Marshal and examine relevant documents and make recommendations for the decision-maker, within designated timeframes. Provide relevant documents for decision-maker (if applicable).
All staff	Develop and maintain effective records. Keep file notes and save work-related emails. Follow record keeping and record management policies of the Office.
FOI Coordinator	First point of contact for all FOI requests and/or IPS information queries. Know the law, and what is in the public interest. Draft correspondence for all FOI requests. Acknowledge receipt of requests and remain in contact with the applicant. Meet the timeframes specified in the FOI Act. Maintain accurate records of all FOI requests, action taken, and correspondence. Respond to OAIC and ministerial reporting. Publish released information in the Office's disclosure log. Monitor Information Publication Scheme (IPS) compliance. Maintain IPS register and plan and disclosure log. Ensure all FOI and IPS documents, including this policy, are accurate, up-to-date and complete.

<sup>1</sup> Under the FOI Act, processing time may be extended in certain limited circumstances; for example by agreement with the applicant, with approval of the Information Commissioner, or to provide time for consultation with third parties.

<sup>2</sup> See the FOI Act for full definition of a valid request; where a request does not provide adequate information at receipt, the processing period commences only once all necessary information has been provided by the applicant.

# PRINCIPLES IN MAKING DECISIONS

The Office seeks to facilitate and promote public access to information and encourages prospective applicants to consider submitting informal requests for documents. If the request is straightforward and not private or confidential the requested document may be provided more quickly. If it is considered that more work or consideration will be involved, staff can assist you to make a formal FOI request.

Upon the receipt of a valid request for access to a document (see section 15 of the FOI Act for the full definition of a valid request), the Office commits to provide an acknowledgement of receipt within 10 days.

In assessing requests for documents under the FOI Act, the Office takes into consideration the following principles:

## **Transparency**

The Office seeks to promote transparency and accountability by releasing information as far as possible and using exemptions only to protect essential public interests. Where possible, information will be released in a complete and unredacted format.

## **Impartiality**

The FOI decision maker will be impartial and have no personal stake in the decision to be made. They will be free of both actual and apparent bias, that is, of conduct that might appear to a fair-minded observer to affect their impartiality in reaching a decision. Where the Office's primary FOI decision maker may be subject to actual or apparent bias, an alternative decision maker will be nominated to assess the FOI request.

## **Timeliness**

The Office commits to issuing decisions within the 30-day window required by the FOI Act, to promote timely provision of information to the public.

## **Consultation**

Prompt and effective consultation with relevant parties involved in dealing with an FOI access request is essential to good administration. The Office consults with FOI applicants where necessary to address any formal requirements that have not been met, or to refine the scope of requests for which a practical refusal reason may otherwise exist. The Office consults with other agencies where documents being examined for possible release under the FOI Act relate to other agencies. Additionally, the FOI Act requires consultation with various third parties in certain situations where documents affect Commonwealth-State relations (section 26A), are business documents (section 27) or are documents affecting another person's privacy (section 27A). The Office undertakes third-party consultation promptly and commits to deliver an FOI decision to the applicant within the extended timeframe (under section 15(6) of the FOI Act, third-party consultation extends the timeframe for decision making by 30 days) and aims to issue a decision sooner where practicable.

## **Promotion of free access to information**

Under section 29 of the FOI Act, the Office may impose a charge in respect of a request for access to a document or for providing access to a document. In all cases the Office seeks to process requests

without applying a charge, however reserves the right to impose a charge where the processing of a request will likely require a substantial body of work which would divert resources from other business areas. In these cases, the Office will advise the applicant of the decision to apply a charge, work with the applicant to negotiate a revised scope or withdraw the request, and should the applicant decide to proceed, will follow the requirements set out in section 29 of the FOI Act with regard to notifying, documenting and calculating charges.

### Helpfulness

Where a request cannot be immediately actioned due to a poorly defined scope, or where a practical refusal (under section 24 of the FOI Act) reason may exist, or where the Office is not best placed to handle an application for documents under the FOI Act, the Office will consult with the applicant to attempt to refine the scope of the request. Where appropriate, the request may be transferred section 16 of the FOI Act to an agency with whom the content of the request better aligns. Where this is not possible or appropriate, the Office may direct an applicant to publicly available information that relates to the terms of the request.

## RIGHTS OF REVIEW

### Internal review of decision

An applicant may request internal review within 30 days of receiving an FOI decision. An internal review will be conducted by a different officer from the original decision-maker.

No particular form is however the Office requests that applicants set out the grounds on which they consider that the decision should be reviewed. Applications for internal review can be made:

- via email to [FOIcontactofficer@gg.gov.au](mailto:FOIcontactofficer@gg.gov.au)
- by mail to The Official Secretary to the Governor-General, Government House, CANBERRA ACT 2600

If an applicant seeks an internal review, they afterward have a right to apply for Information Commissioner review (IC review) of the internal review decision.

### Information Commissioner review or complaint

Applicants also have the right to seek IC review of an FOI decision. An application for IC review must be made in writing within 60 days of the decision. For third parties who object to disclosure of their information, an application for IC review must be made in writing within 30 days of the decision.

If an applicant is dissatisfied with the handling of an FOI request, they can lodge a complaint with the OIAC. However, the OIAC suggests that complaints are made to the agency in the first instance.

The complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify this office as the agency about which you are complaining. The OIAC recommend that complaints be made via the FOI Complaint Form available on the OIAC website.

An IC review application or FOI complaint can be made in one of the following ways:



- online at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>
- via email to [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)
- by mail to GPO Box 5218 Sydney NSW 2001, or
- by fax to 02 9284 9666.

More information about the Information Commissioner reviews and complaints is available at the Office of the Australian Information Commissioner website: [www.oaic.gov.au/freedom-of-information/foi-review-process](http://www.oaic.gov.au/freedom-of-information/foi-review-process).