

**About this form**

Use this form to make a complaint to the Information Commissioner about the conduct of a Minister, an agency<sup>1</sup> or its principal officer<sup>2</sup> under the Victorian *Freedom of Information Act 1982* (the FOI Act).

Before completing this form, it is important that you read the section below.

To request that the Information Commissioner conduct a review of a Minister or agency’s decision under the FOI Act, use the Review Form available at: <http://foicommissioner.vic.gov.au/reviews-and-complaints/lodge-a-complaint/>.

**Complaints the Information Commissioner may investigate**

The Information Commissioner now has the ability to investigate a broader range of complaints in relation to freedom of information (FOI) requests made on or after 1 September 2017. The table below provides information on the matters about which you may complain before, on or after that date.

If your complaint can be dealt with through our review process, we will deal with that part of your complaint as a separate review matter.

[\(s 61A of the FOI Act\)](#)

Subject matter of complaint	Can I complain about this if it relates to an FOI request made <b>before</b> 1 September 2017?	Can I complain about this if it relates to an FOI request made <b>on or after</b> 1 September 2017?
<ul style="list-style-type: none"> <li>• An action taken or failed to be taken by an agency in performing its functions and obligations under the FOI Act, including:               <ul style="list-style-type: none"> <li>➢ a decision that a document does not exist or cannot be located</li> <li>➢ delay by the agency in processing a request</li> <li>➢ improper handling of a request</li> </ul> </li> </ul>	✓	✓
<ul style="list-style-type: none"> <li>• A delay by a Minister in dealing with a request</li> </ul>	✓	✓
<ul style="list-style-type: none"> <li>• An action taken or failed to be taken by a Minister in making a decision to:               <ul style="list-style-type: none"> <li>➢ defer access to a document under s 24 of the FOI Act</li> <li>➢ disclose a document claimed to be exempt under s 33 (personal affairs)</li> <li>➢ disclose a document claimed to be exempt under s 34 (trade secrets etc)</li> </ul> </li> </ul>	✓	✓
<ul style="list-style-type: none"> <li>• an action taken or failed to be taken by the principal officer of an agency in performing functions and obligations under –               <ul style="list-style-type: none"> <li>➢ Part IB – Professional Standards issued by the Information Commissioner</li> <li>➢ Part II – Publication of certain documents and information</li> </ul> </li> </ul>	X	✓
<ul style="list-style-type: none"> <li>• A decision by a Minister that a document does not exist or cannot be located</li> </ul>	X	✓

**How long do I have to lodge a complaint?**

Your complaint must be lodged with the Information Commissioner within 60 days of the relevant action or conduct that is the subject of your complaint. Otherwise, the Information Commissioner cannot accept it.

<sup>1</sup> Defined in s 5 of the FOI Act to mean a department, council or other ‘prescribed authority’ (as defined in s 5).

<sup>2</sup> Defined in s 5 of the FOI Act to include, for example, the head of a Government Department, or a Chief Administrative Officer of a Council.

# COMPLAINT FORM

## More information

If you have any questions about this form or the application process, please phone us on 1300 842 364, email us at [enquiries@foicommisioner.vic.gov.au](mailto:enquiries@foicommisioner.vic.gov.au), or visit our website [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).

Non-English speakers can contact our office through the Translating and Interpreting Service (TIS). To use this service, please telephone 131 450.

## 1) Your details

Title:	Given Name(s):	Surname:
Your organisation (if applicable):		
Email address:		
Street or postal address:		
Suburb/Town:	State/Territory:	Postcode:
Phone (daytime): ( )	Mobile:	
Preferred method of contact?	<input type="checkbox"/> Phone	<input type="checkbox"/> Email <input type="checkbox"/> Mobile <input type="checkbox"/> Post

## 2) Other requirements when contacting you

Is there anything else we should know when contacting you?  Yes  No

If yes, please provide details:

Do you need an interpreter?  Yes  No If yes, in which language?

### 3) If you apply on behalf of another person

Please complete the section below if you are requesting a review of an application on behalf of another person. You will need the written authorisation of this person for you to apply on their behalf.

Are you making this application on behalf of someone else?  Yes  No

If yes, please fill in the details of this person:

Title:                      Given Name (s):                      Surname:

Email address:

Street or postal address:

Suburb/Town:                      State/Territory:                      Postcode:

Their phone (daytime)                      (    )                      Mobile:

Your relationship to this person:

Why are you applying on this person's behalf?

### 4) Agency/Minister Information

Agency/Minister concerned:

Contact person (*if known*):

Contact details (*if known*):                      (    )

Agency/Minister's reference number(s) (*if available*):

Date of action or conduct you are complaining about. (The complaint must be made within 60 days after the relevant action or conduct complained of occurred.)

## 5) Type of Complaint

Please indicate by ticking one or more boxes below to show what type of complaint you are making to the Information Commissioner:

**It is important you take into account the date you made your freedom of information request, to determine whether the Information Commissioner can accept the complaint. Please see the above section 'Complaints the Information Commissioner may investigate' for further details.**

If your complaint relates to an **agency or a principal officer**:

- The decision that a document does not exist
- The decision that a document cannot be located
- Delay in processing your request
- Any other action taken or failed to be taken by the agency or a principal officer under the *Freedom of Information Act 1982*, including the improper processing or handling of a request (please provide specific details at section 6 of this complaint form)

If your complaint relates to a **Minister**:

- Delay by the Minister in dealing with your request
- Decision by a Minister that a document does not exist
- Decision by a Minister that a document cannot be located
- Action taken or failed to be taken by the Minister in making a decision to defer access to a document under section 24
- Action taken or failed to be taken by the Minister in making a decision to disclose a document claimed to be exempt under section 33 (personal affairs information)
- Action taken or failed to be taken by the Minister in making a decision to disclose a document claimed to be exempt under section 34 (business or commercial information)

**6) Complaint details**

What action, decision or conduct are you lodging this complaint about? (Continue to next page if insufficient space)

Have you already complained about this directly to the agency or Minister?  Yes  No

If so, when did you complain to the agency or Minister? (leave blank if unsure)

If you have already complained about this directly to the agency or Minister, what was the result of that complaint?

What result do you want from the current complaint that you are lodging?

## 7) How to lodge this complaint

Please lodge your completed complaint form to the office of the Information Commissioner by:

Email [enquiries@foicommisioner.vic.gov.au](mailto:enquiries@foicommisioner.vic.gov.au)

Post PO Box 24274, Melbourne, Vic 3001

## 8) What happens next?

An initial assessment of your complaint will be conducted. We will contact you to acknowledge receipt of your complaint.

## 9) Privacy information

We will handle your personal information in accordance with the *Privacy and Data Protection Act 2014* (Vic), the *Health Records Act 2001* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

If the Information Commissioner accepts your complaint, this Office –

- is required to provide a copy of your complaint form, together with any other supporting documentation you provide, to the agency or Minister concerned (under s 61D);
- may notify another person of your complaint, where their rights or interests may be affected by the subject-matter of your complaint (under s 61D);
- may make preliminary inquiries of and consult with the relevant agency or Minister, or any other person whose rights or interests may be affected by the subject-matter of the complaint (under s 61G);
- may obtain or receive information from the relevant agency or Minister, or any other person whose rights or interests may be affected by the subject-matter of the complaint, where it is relevant to your complaint; and
- may consult with another person or body that the Information Commissioner considers may more effectively or appropriately respond to your complaint (where that person or body has jurisdiction to deal with the complaint), and communicate any information obtained or received in the course of dealing with your complaint to that other person or body (under s 61C).

## 10) Checklist

- All relevant parts of the form have been completed.
- I have noted the Privacy Information in part 9 of this form.
- The following supporting documents/further information has been attached to this application: