

About this form

Use this form to make an application for review to the Information Commissioner of a decision of a Minister, an agency¹ or its principal officer² under the Victorian *Freedom of Information Act 1982* (Vic) (the FOI Act).

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

To make a complaint to the Information Commissioner about the conduct of a Minister, an agency or its principal officer under the FOI Act, use the Complaint Form available at: <http://foicommisioner.vic.gov.au/reviews-and-complaints/lodge-a-complaint/>

Decisions the Information Commissioner cannot review

The Information Commissioner now has the ability to conduct reviews of a broader range of decisions 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 can make an application for review, on or after that date.

[\(s 49A of the FOI Act\)](#)

Subject matter of review	Can I seek review of the decision if it relates to an FOI request made before 1 September 2017?	Can I seek review of the decision if it relates to an FOI request made on or after 1 September 2017?
• A decision of an agency refusing to grant access to a document in accordance with a request (except a decision refusing to grant access to a document on the basis that the document is claimed to be exempt under ss 28 or 29A)	✓	✓
• A decision of an agency refusing to grant access to a document on the basis that the document is claimed to be exempt under s 28	X	✓
• A decision of an agency refusing to grant access to a document on the basis that the document is claimed to be exempt under s 29A	X	X
• A decision by an agency not to amend information in a document pursuant to a request under s 39	✓	✓
• A decision by a Minister or a principal officer of an agency refusing access to a document in accordance with a request (except a decision refusing to grant access to a document on the basis that the document is claimed to be exempt under ss 28 or 29A)	X	✓
• A decision of a Minister or a principal officer of an agency refusing to grant access to a document on the basis that the document is claimed to be exempt under s 28	X	✓
• A decision of a Minister or a principal officer of an agency refusing to grant access to a document on the basis that the document is claimed to be exempt under s 29A	X	X
• A decisions by a Minister or a principal officer of an agency not to amend information in a document pursuant to a request under s 39	X	✓
• A decision by an agency deferring the provision of access to a document	✓	✓
• A decision by a Minister deferring the provision of access to a document	X	✓
• A decision of an agency not to waive or reduce an application fee, whether or not the fee has already been paid	✓	✓
• A decision of a Minister to waive or reduce an application fee, whether or not the fee has already been paid	X	✓

¹ Defined in s 5 of the FOI Act to mean a department, council or other 'prescribed authority' (as defined in s 5).

² 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.

How long do I have to apply for a review?

Your application for review must be made to the Information Commissioner within 28 days after the day you are given a notice in writing of the agency's decision.

If the decision was to refuse access to a document containing health information pursuant to section 36 of the *Health Records Act 2001*, you have 70 days after the day you are given a notice to apply for a review.

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, or visit our website 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?			<input type="checkbox"/>	Yes	<input type="checkbox"/>	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) Your original request

Please attach a copy of your original FOI request(if available).

Have you attached a copy of your original request to this application?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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If not, please provide details below of the documents you requested.

5) Which decision do you want reviewed?

An application for review must identify the agency or Minister concerned. This is the organisation or person that made the decision you want reviewed. Please attach a copy of the decision notice (if available).

Date you received the agency's decision on your request

Have you attached a copy of the agency's decision notice to this application? Yes No

If you have not attached a copy of the decision, please provide the following details:

Agency or
Minister Name

Date of the decision (this is the date of the decision notice)

Reference number (if contained in the notice)

Name of decision maker

Please tick one or more of the boxes below to indicate the type of decision made:

- to refuse access to a document (or parts of a document) you requested
- to defer access to a document you requested
- not to waive or reduce an application fee
- not to amend a document with personal information

6) How to submit this application

Please submit your completed application to the Information Commissioner by:

Email enquiries@foicommisioner.vic.gov.au

Post PO Box 24274, Melbourne, Vic 3000

7) What happens next?

An initial assessment of your application for review will be conducted. We will contact you to acknowledge receipt of your application and for any further information. The Information Commissioner has 30 days after we receive your application to complete a review, unless you agree to a longer period in writing.

8) 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 application for review, this Office –

- is required to notify the agency or Minister to which your request relates of your application for review (under s 49D(1));
- may, with your consent, provide a copy of your application for review to the relevant agency or Minister (under s 49D(2));
- may make preliminary inquiries of and consult with you and the relevant agency or Minister on matters relevant to your review (under s 49K);
- may, if necessary, notify and consult relevant third parties on your FOI request, if your request was one for access to documents, and if consultation is required in considering whether an exemption in ss 29, 31, 31A, 33, 34 or 35 applies (*note that this may involve disclosing details such as your name, the terms of your FOI request, and the documents falling within the scope of your request*);
- may obtain or receive information from the relevant agency or Minister, or a relevant third party, where it is relevant to your review;
- may consult with a relevant authority³ that has jurisdiction to deal with your matter, and refer it to that authority if the Information Commissioner considers it appropriate to do so (under s 49O) (*note that this may involve providing the relevant authority with a copy of any information obtained or received in the course of conducting your review*).

9) Checklist

- All relevant parts of the form have been completed.
- I have noted the Privacy Information in part 8 of this form.
- A copy of the original FOI request has been attached (if available).
- A copy of the decision notice has been attached (if available).
- The following supporting documents/further information has been attached to this application:

³ Defined in s 49O(5) to mean a person or body prescribed by the *Freedom of Information Regulations 2009* (Vic) for the purposes of this section.