



## CHECKLIST FOR APPLICANTS UNDER FOI

Please also see the brochure "*Guidelines for Using FOI in Western Australia*"

**You want to exercise your right of access to government documents. Have you:**

**Applied in writing to the right State or local government agency?**

If you do not know which agency holds the document or documents you want, contact the agency you think should hold the documents and ask to speak to the FOI Co-ordinator. Agencies are obliged to assist you to make an application that conforms with the legislative requirements.

No special form is required.

**Identified the document(s) required?**

You should try to describe the particular document or documents you seek, otherwise the agency may refuse to deal with your request if it is too broad. Ask to see the agency's Information Statement which contains a list of the types of documents held by that agency. The FOI Co-ordinator can also assist you.

**Paid the application fee of \$30 if the document contains non-personal information?**

No application fee is payable for access to personal information about you.

**Asked for an estimate of charges?**

You may ask for an estimate of charges when you make your access application.

The agency must tell you if the charges might exceed \$25 and the agency will ask if you want to proceed with the application.

**Paid any deposit required by the agency?**

If the agency requires you to pay a deposit, you should discuss with the agency how the application may be changed to reduce the charges payable.

You should also consider allowing the agency more time to deal with your request on the condition that charges are waived or reduced.

If the agency gives you a notice requiring a deposit to be paid and you do not notify the agency of your intention to proceed, the agency will consider your application to be withdrawn. If that occurs, any advance deposits paid by you will be refunded.

If you disagree with the charges imposed, ask for an internal review of that decision. If you still disagree with the decision after internal review, you can seek external review by the Information Commissioner.

**Negotiated any reduction or extension of the "permitted period" with the agency?**

If you require the documents by a certain date for some specific purpose, you can ask the agency to provide you with a decision on access within a shorter

period than the 45 days allowed by the FOI Act. You should negotiate an agreed date with the agency.

If you and the agency are unable to agree on a shorter period and you need the documents, you can ask the Information Commissioner to reduce the time allowed to the agency to comply with the FOI Act.

***The agency should notify you when your application has been received. The agency must deal with your application and decide whether to give or refuse access within 45 days after the application is received. If you do not receive a decision from the agency within 45 days, or within such other period as is agreed between the agency and you, the agency is taken to have refused access. Your options are:***

- If the decision was made by an officer of the agency other than the principal officer, apply to the agency immediately for internal review of the “deemed refusal”.**

Internal review is not available if the decision-maker is the principal officer of the agency, or if you applied for documents of a Minister.

- If the decision was made by the principal officer of the agency or a Minister, apply immediately for external review by the Information Commissioner.**

The Information Commissioner is unlikely to allow a complaint to be made if internal review is available and you have not applied for internal review. The Information Commissioner may allow a complaint to be made if you show cause why internal review should not be applied for or should not be completed.

- Apply to the Information Commissioner to allow the agency an extension of time on such conditions as the Information Commissioner thinks fit.**

You can ask the Information Commissioner to reduce or waive the charges payable if the agency is given an extension of time to deal with your access application and decide whether to give access.

***If you have applied for internal review (where appropriate) and you are still dissatisfied with the decision of the agency, you may:***

- Apply to the Information Commissioner for external review of the agency’s decision.**

You must apply to the Information Commissioner within 60 days after receiving written notice of the agency’s decision upon internal review.

**This checklist for applicants is a general guide. If you are considering making an FOI application you can contact the Office of the Information Commissioner for further advice or explanation.**

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