



Australian Government
Office of the Australian Information Commissioner

OAIC reference: [include reference]

Department reference: [include reference]

[Name of agency or minister contact]

[Title of agency or minister contact]

[Name of agency or minister]

Sent by email: [include email address]

Written direction and notice – *Freedom of Information Act 1982* – ss 55(2)(e)(ii) and 55V(2)

Dear [name of agency or minister contact]

I refer to Information Commissioner (IC) review of the [agency or minister] decision made [date of decision], under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

I am writing to advise that in order to assist the Information Commissioner in progressing this IC review, I am issuing the attached notice under s 55V(2) and the attached written direction under s 55(2)(e)(ii), for the [agency or minister]'s compliance by [2 weeks].

The purpose of the notice is to require the [agency or minister] to conduct further searches for documents relevant to the FOI request under s 55V(2).

The purpose of the direction is to request documents and submissions pursuant to s 55(2)(e)(ii) of the FOI Act, in order to assist the Information Commissioner in progressing this IC review.

Key issue

The key issue in this IC review is whether the [agency or minister] has taken all reasonable steps to identify the documents relevant to the scope of the applicant's FOI request.

Evidence of searches undertaken for documents

On [date of FOI request], the applicant made a request for the following information:

[Quote the FOI request]

[If relevant, include details about the amendment of scope of FOI request]

For example -

On [date], the applicant amended the scope of their request to the following:

[Quote the amended request]

On [date], the Department refused the applicant's request on the basis that reasonable steps had been taken to find the document requested and the document could not be found.

On [date], the applicant sought IC review under s 54L of the FOI Act.

On [date], the Office of the Australian Information Commissioner (OAIC) notified the Department that the Information Commissioner would review the Department's decision and sought information to assist the Information Commissioner to conduct the review.

On [date], the [agency or Minister] responded to the OAIC, providing a submission in relation to the searches conducted for the document requested. In relation to documents the OAIC sought that records the searches the Department undertook in processing the applicant's request, the [agency or Minister] said:

[Quote or summarise the agency/minister's submissions as appropriate]

In an IC review of an access refusal decision, the Department bears the onus of establishing that their decision is justified or that I should give a decision adverse to the IC review applicant (s 55D(1)).

Section 24A of the FOI Act requires that an agency take 'all reasonable steps' to find a requested document before refusing access to it on the basis that it cannot be found or does not exist.

I am not satisfied that the Department has demonstrated that it has taken all reasonable steps to find the document and that the document cannot be found or does not exist. This is because:

[Provide reasons as to why the OAIC is not satisfied that the agency/minister has complied with s 24A]

For example:

The respondent has not provided particulars about the searches that it has conducted, such as:

- *Notes kept by the individuals conducting searches*
- *Correspondence between the FOI decision maker and individuals who conducted searches*
- *Any other records of searches or recorded consideration of where to search*

Notice pursuant to ss 55V and written direction pursuant to s 55(2)(e)(ii) of the FOI Act

I am a delegate of the Information Commissioner.

In order to assist the Information Commissioner in progressing this IC review, I am issuing the attached notices to you under ss 55V(2) of the FOI Act.

Section 55V of the FOI Act provides that the Information Commissioner may require an agency or Minister to conduct further searches for a document.

The Information Commissioner may also give written directions as to the procedure to be followed in relation to a particular IC review (s 55(2)(e)(ii)).

In order to assist the Information Commissioner in progressing this IC review, I am issuing the attached notice under ss 55V(2) and the attached written direction under s 55(2)(e)(ii), (see **Attachment A**). I am also issuing a checklist to be completed by the Department in conducting further searches (**Attachment B**). Information as to method and timeframe of compliance are contained in **Attachment A**.

Yours sincerely

[Name of delegate]

Director, Reviews
Freedom of Information Branch
Office of the Australian Information Commissioner

[Date]

Attachment A



**Notice to [agency or minister] to conduct further searches
under s 55V of the *Freedom of Information Act 1982***

In relation to [case reference], I, [name of delegate], [role title], delegate of the Australian Information Commissioner for the purposes of the *Freedom of Information Act 1982* (Cth) (FOI Act), require the [agency or minister] to conduct further searches under s 55V(2) of the FOI Act for documents relevant to the scope of the applicant's FOI request, by **[2 weeks]**.

Notice issued by [name of delegate], [role title], Freedom of Information Branch

Signed:

[Date]

Direction to [agency or minister] under s 55(2)(e)(ii) of the *Freedom of Information Act 1982*

In relation to the procedure to be followed in [case reference], I, [name of delegate], [role title], delegate of the Australian Information Commissioner for the purposes of the *Freedom of Information Act 1982* (Cth) (FOI Act), issue the following directions to the Department under s 55(2)(e)(ii) of the FOI Act, to do the following:

[May need to adapt the questions depending on the circumstances of the matter]

1. Complete the attached checklist (**Attachment B**), as evidence of completion of the further searches required to be conducted under s 55V above
2. Return the completed checklist to the OAIC via FOIDR@oaic.gov.au, by [2 weeks].
3. Provide submissions/further submissions as to how [agency or minister] has complied with s 24A of the FOI Act with respect to the applicant's FOI request. [If appropriate, include the following] – Please also include the [agency or minister]'s responses to the questions below:

[List the questions if appropriate]

Your obligations

I draw your attention to the following matters:

Freedom of Information Act 1982

Section 55V of the FOI Act provides that the Information Commissioner may require an agency or Minister to conduct further searches for a document.

Section 55(2)(e)(ii) of the FOI Act provides that the Information Commissioner may give written directions as to the procedure to be followed in relation to a particular IC review.

FOI Guidelines and procedure direction

The Information Commissioner has issued guidelines under s 93A of the FOI Act that Australian Government agencies and Ministers must have regard to when performing a function or exercising a power under the FOI Act. For information about the IC review process, see [Part 10 of the FOI Guidelines](#).

The '[Direction as to certain procedures to be followed in IC reviews](#)' applies to agencies and Ministers during IC reviews and during preliminary inquiries prior to the commencement of an IC review, if such inquiries are undertaken. The Procedure Direction sets out the procedures that agencies and Ministers must follow in respect of the production of

documents, the provision of a statement of reasons where access has been deemed to be refused and the provision of submissions.

In particular, the IC Review Procedure Direction requires agencies and Ministers to:

- justify any requests for the Information Commissioner to inspect documents
- justify any requests for the Information Commissioner to accept submissions in confidence
- provide a response within three weeks to the Information Commissioner's request for information, unless an extension of time has been sought and granted, and
- make a request in writing to the Information Commissioner with supporting evidence prior to the due date if an extension of time is required.

The Information Commissioner will share the submissions you provide during IC review with the applicant unless there are compelling reasons not to. However, we do not provide the applicant with copies of the document/s at issue.

The IC Review Procedure Direction also explains that:

- in the event of non-compliance with the IC review Procedure Direction, the Information Commissioner may proceed to make a decision under s 55K of the FOI Act on the basis that the agency or Minister has failed to discharge their onus under s 55D of the FOI Act

as the model litigant obligation under the *Legal Services Directions 2017* extends to Commonwealth entities involved in merits review proceedings, failure to adhere to the requirements of the IC Review Procedure Direction may amount to non-compliance with the model litigant obligation.

Direction issued by Tania Strathearn, Acting Director, Reviews, Freedom of Information Branch

Signed:

[Date]

ATTACHMENT B

Branch/section/team/officer[s] within the agency that conducted searches:

Search location	Has search been undertaken?	If search has not been undertaken, provide reasons why not.	If search has been undertaken, provide details of who did the search, when, the parameters of the search and the outcome of the search.
Internal record management system [insert name]	Y <input type="checkbox"/> N <input type="checkbox"/>		
Digital files in group drives and Home drives	Y <input type="checkbox"/> N <input type="checkbox"/>		
Any stand-alone computers, laptops or tablets	Y <input type="checkbox"/> N <input type="checkbox"/>		
Mobile phones (text messages and instant messaging applications)	Y <input type="checkbox"/> N <input type="checkbox"/>		
Hand written notes in diaries or notebooks	Y <input type="checkbox"/> N <input type="checkbox"/>		
Records in Microsoft Outlook Calendars and digital diaries	Y <input type="checkbox"/> N <input type="checkbox"/>		
Hardcopy files	Y <input type="checkbox"/> N <input type="checkbox"/>		
Email accounts	Y <input type="checkbox"/> N <input type="checkbox"/>		
All documents currently with an external provider (solicitors, consultants etc)	Y <input type="checkbox"/> N <input type="checkbox"/>		
Any other locations	Y <input type="checkbox"/> N <input type="checkbox"/>		

Our reference:
Agency Reference:

FOI Contact Officer
Agency/Minister's Office
By email:

Dear FOI Contact Officer,

On [DD MM YYYY], the applicant lodged an IC review application of a deemed decision by the agency. On [DD MM YYYY], the OAIC issued a Notice of IC review application and a Direction to produce documents (see attached).

On [DD MM YYYY], the Agency made a substantive decision.

The applicant wishes to proceed with the IC review because [they contest the exemptions as per the attached email and/or they contend there are additional documents / or they dispute the practical refusal].

The IC review process will consider the Agency's reasons for refusing access.

Request for information

[If applicant contests exemptions] As per the attached Direction, the OAIC requires the agency to produce documents relating to the access refusal.

[If applicant contests searches] [Annexure A.2](#) of the Guidelines issued under s 93A of the FOI Act sets out the information that the Respondent must provide to the OAIC. Please provide the information outlined in paragraph 10.100 of the Guidelines that relate to s 24A of the FOI Act.

[If applicant contests a practical refusal] Paragraph [Part 3](#) of the Guidelines issued under s 93A of the FOI Act sets out the information that the Respondent must provide to the OAIC. In relation to decisions made to refuse an applicant's request under s 24, on the basis that a practical refusal reason exists in relation to the documents, the Respondent must provide the following:

- The original FOI request and any correspondence with the FOI applicant that modifies the scope of the FOI request
- Copies of any correspondence including file notes of telephone conversations relating to the Respondent's request consultation process, including a copy of; the letter sent to the applicant, and the applicant's response (if any).
- Records that demonstrate the number of documents and/or pages encompassed by the request, including but not limited to notes of any searches conducted, and consultations with relevant staff members
- An estimation of the number of hours processing time involved, and a breakdown of this time to demonstrate what this is based on.

- Evidence of document sampling, if undertaken. If no sampling was undertaken, submissions addressing why a sample of the documents requested was not examined.¹
- The names and contact details of anyone who was consulted by the Respondent, formally under ss 15(7), 26A 27A, or informally (including consultations with other government agencies)
- Submissions in support of the Respondent's decision, in particular why the Respondent considers that processing the request would involve both a substantial and unreasonable diversion of resources². Completion of the form set out at Attachment A will be taken as submissions in support of the practical refusal reason.

You are required to provide this information by [3 weeks].

Yours sincerely,

Name

Intake and Early Resolution Team
Freedom of Information Branch
Office of the Australian Information Commissioner

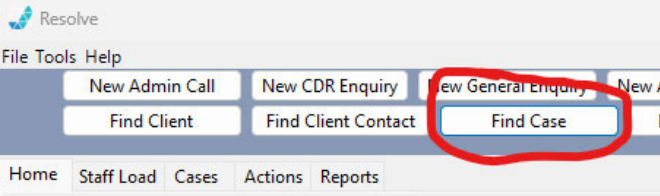
[Enclosed: IC review application and decision under review].

Request for information

You are required to provide this information by 22 May 2024.

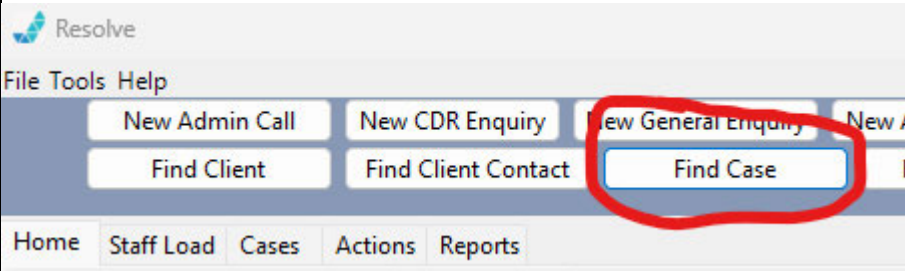
Kind Regards,

Access Grant: Where a third party has sought IC review because they intend to .

Step	Instructions
1	<p>Check resolve for any other IC reviews/requests with the same Agency reference number. This step will also confirm whether any EOT's were made in relation to the request.</p>  <p>If there are other files in relation to the agency reference number (i.e. EOT files, complaints or duplicate IC reviews) Xref to the new resolve file.</p> <p>If there is already an IC review file (eg. MRXX/XXXXX), do not continue with step 2. Confirm whether the file is a duplicate, and close using relevant template:</p> <ol style="list-style-type: none"> 1. App made to IC review applications (i.e. submitted two smartforms, or submitted 1 smartform and 1 email) <ol style="list-style-type: none"> a. The applicant is provided with one week to response. Move matter to Triage Queue while waiting for a response. 2. Duplicate file erroneously registered by the OAIC <p>If the matter is not a duplicate – Go to Step 2.</p>
2	<p>Check validity of application for IC review. Do we have:</p> <ol style="list-style-type: none"> 1. Decision letter by Agency/Department; and 2. An address to send communication to A. <p>Yes? Go to step 3. No? Send RFI to A requesting required information. Allow 1 week for A to respond. If no response, close as s 54N invalid and notify A. Procedure ends here.</p>
3	<p>If the applicant is seeking review of a decision which was issued over 30 days ago? Yes? Go to step 4. No? Go to step 7.</p>
4	<p>Send 54T Invitations – Access Grant Matters to A. Allow 1 week for a response. Add Assessor Note: Substantive Decision Add next action note “54T due” Add next action date: 1 week from issue of email Go to step 5.</p>
5	<p>54T application received by due date? No – Close matter as invalid under s 54N. Procedure ends here. Yes – Go to step 6.</p>
6	<p>Make decision on 54T (See ‘How To – 54T Grant or Refusal’ for more detail) application:</p> <p>Grant 54T – Create EOT (IC request file) record in Resolve. Write 54T Grant decision letter and issue to applicant. Notify applicant of Grant EOT. Go to step 7.</p>

	<p>OR//</p> <p>Decline 54T - Create EOT record in Resolve. Write 54T Decline decision letter and issue to applicant. Notify applicant of Decline EOT. Close IC review as invalid. Procedure ends here.</p>
7	<p>Send email to Respondent requesting FOI Applicant details. Template here > Access Grant Matter Rego - Request for FOIA details to R.docx. Allow 1 week to respond.</p> <p>Assessor Note: Access Grant Next Action: FOIA details due Next Action Date: 1 week</p> <p>Go to step 8.</p>
8	<p>Once details have been received, send access grant review notification email to FOI applicant. Template here: Access Grant review notification to FOI applicant.docx</p> <p>Go to step 9.</p>
9	<p>Prepare Resolve file to progress:</p> <ul style="list-style-type: none"> • Add Assessor note: [CAT] ss [insert relevant sections of the act] • Add Next action note: Access Grant • Add Next Action date: todays date (this marks when matter joined the Assessments queue) • Make sure Agency decision has been added. • Complete action flow until "All assessment info available" • Move matter to IC Reviews – Assessments Queue

TRIAGE PROCESS - ACCESS REFUSALS

Step	Instructions
1	<p>Check resolve for any other IC reviews/requests with the same Agency reference number. This step will also confirm whether any EOT's were made in relation to the request.</p>  <p>If there are other files in relation to the agency reference number (i.e. EOT files, complaints or duplicate IC reviews) Xref to the new resolve file.</p> <p>If there is already an IC review file (eg. MRXX/XXXXX), do not continue with these next steps. Confirm whether the file is a duplicate, and close using relevant template:</p> <ol style="list-style-type: none"> 1. <u>App made to IC review applications (i.e. submitted two smartforms, or submitted 1 smartform and 1 email)</u> <ol style="list-style-type: none"> a. The applicant is provided with one week to response. Move matter to Triage Queue while waiting for a response. 2. <u>Duplicate file erroneously registered by the OAIC</u> <p>If there are no duplicate IC reviews, go to step 2.</p>
2	<p>Check Freedom of Information (FOI) request date.</p> <p>(Refer to IC review application and/or copy of applicant's original FOI request to Agency)</p> <ul style="list-style-type: none"> ○ Make a note of FOI request date in 'Summary' field DD Month Year – FOI request date <p>NOTE:</p> <p>Agencies have 30 days from the date of the FOI request to provide a response unless the timeframe has been extended by a mechanism within the FOI Act. Applicants have 60 days from an access refusal decision to apply for IC review.</p> <p>Go to step 3.</p>
3	<p>Has the IC review applicant sought review (IC review application received date) within 60 days of the <u>FOI decision</u> date?</p> <ul style="list-style-type: none"> • Yes: <ul style="list-style-type: none"> ○ IC review application is valid. ○ Make a note of IC review application received date in 'Summary' field

	<ul style="list-style-type: none"> ○ Go to Step 4 • No: <ul style="list-style-type: none"> • If the applicant has not received a decision from the Agency at all, stop process here. Refer to 'Deemed Access Refusals – Triage Process Guide' instead. • If the applicant has included a request for a s 54T extension in their IC review application, see 'How To – 54T Grant or Refusal'. • Where IC review is lodged out of time and the application does not include a s 54T extension application: <ul style="list-style-type: none"> ○ Send applicant 54T invitation, allow 1 week to respond: 54T Invitation ○ Update Next Action Note: "Invite 54T ○ Update Next Action date: [due date of 54T invitation] ○ Move to Triage Queue ○ Process will pause here until response received and 54T decision has been made. See: How To - 54T Grant of Refusal ○ Once 54T decision has been made (if granted), go to step 4
4	<p>Was the IC review application received via email?</p> <ul style="list-style-type: none"> • Yes <ul style="list-style-type: none"> ○ Send applicant IC review acknowledgement email using Acknowledgement templates for IC reviews.docx • No <ul style="list-style-type: none"> ○ If application was received through website, automatic acknowledgement would have been sent at time of submission. <p>Go to Step 5</p>
5	<p>Action the following before moving the IC review to the Assessments queue:</p> <ul style="list-style-type: none"> • Copy the summary field template Summary Field Template.docx into the 'Summary' field in Resolve. Fill in the details for the case. • Add Assessor note: ss [insert relevant sections of the act] • (as at 23/8) Leave 'Next Action' blank • Check/Add 'Agency decision' via 'Agency Decision' tab • Add appropriate 'Issue' strings. • Add Next Action date: today's date (this marks when matter joined queue) • Complete 'Action flow until 'Open Action' field has 'All assessment info available' as next step. • Move IC Review to 'FOI - IC Reviews – Assessments' queue by updating the 'Case Officer' field



June 2023

IC review case categories

IC review case categories provide an indication of the complexity and range of issues to be determined in an IC review application.

IC review case categories are used to allocate IC reviews efficiently and equitably across all teams and assist in the implementation of strategies to address the backlog in IC reviews awaiting allocation.

The table below sets out the case categories and identifies the range of issues to be determined within each category.

In relation to matters assessed as a categories [cat 4] and [cat 5.4] (most complex and voluminous), consideration may be given as to whether the application should be declined under s 54W(b) in line with part [10.88] of the FOI Guidelines. This worksheet should be read in conjunction with the conducting IC review assessments worksheet: [D2019/002542](#)

Related guidance

These documents contain further guidance about the issues to be determined in IC reviews:

Conducting an IC review: Identification of systemic and significant issues: [D2019/001898](#).

Conducting IC reviews: Assessments: [D2019/002542](#).

Category	Description	Issues
Category 0 [Cat 0]	Invalid applications	<p>Section 54N (Out of Jurisdiction)</p> <p>The IC review application does not meet the requirements of s54N (copy of decision not provided) – after a reasonable opportunity to provide one.</p> <p>The IC review application does not meet the requirements of s 54S and a s54T extension of time has been declined/or not been made following an invitation to make one (IC review application is out of time)</p> <p>The IC review application is intended for a state jurisdiction.</p> <p>Misdirected (Not FOI related)</p> <p>Misdirected (FOI request not yet made)</p> <p>No IC reviewable decision (e.g., in circumstances where an agency has issued a Practical refusal consultation notice)</p>

Category	Description	Issues
Category 0.5 [Cat 0.5]	Deemed access refusal	Access refusal reason: s15AC (decision not made on request within time) – deemed refusal.
Category 1 [Cat 1]	Less complex May be resolved by way of of ss 54W, 55F or 55K	Access refusal reason: charges Access refusal reason: searches (sole issue) Access refusal reason: material irrelevant to FOI request (s 22 only) Access refusal reason: exception to FOI Act (s 7 only) Access refusal reason: s 4 Access refusal reason: s 20 Access refusal reason: s 21
Category 2 [Cat 2]	Less complex May be resolved by way of of ss 54W, 55F or 55K	Access refusal reason: practical refusal Access refusal reason: searches and s 12 Access refusal reason: searches and s 17 Access refusal reason: s 25 Access refusal reason: single non-conditional exemption (may include s 22) (33, 34, 37, 38, 42, 45, 46, 47) Access refusal reason: searches and single non-conditional exemption (may include s 22) (ss 33, 34, 37, 38, 42, 45, 46, 47) Access refusal reason: single conditional exemption (may include s 22) (47B, 47C, 47D, 47E(b), 47E(c), 47E(d), 47F, 47G, 47H, 47J) Access refusal reason: searches and single conditional exemption (may include s 22) (47B, 47C, 47D, 47E(b), 47E(c), 47E(d), 47F, 47G, 47H, 47J)
Category 3 [Cat 3]	Complex May be resolved by way of of ss 54W, 55F or 55K	Access refusal reason: various exemptions (more than one) involving a small number (<50) of documents OR < 200 pages of exempt material Access refusal reason: searches and various exemptions (more than one) involving a small number (<50) documents OR < 200 pages of exempt material May involve third party issues
Category 4 [Cat 4]	Most complex and voluminous May be resolved by way of of ss 54W, 55F or 55K	Access refusal reason: amendment Access refusal reason: various exemptions (more than one) involving a large number (>50) of documents OR > 200 pages of exempt material Access refusal reason: searches and various exemptions (more than one) involving a large number (>50) of documents OR > 200 pages of exempt material May involve third party issues
Category 5 [Cat 5]	IC reviews with systemic and significant issues More likely to be resolved by way of s 55K decision	IC reviews with the following significant and systemic issues: <ul style="list-style-type: none">- Access grant decisions- IC review applicant is a Parliamentarian- IC review applications relating to Ministers (Respondents or subject matter).

Category	Description	Issues
		<ul style="list-style-type: none"> - Access refusal reason includes following exemptions (4, 25, 33, 34, 46, 47B, 47D, 47H, 47J) - Request relates to official documents of a minister, senior officials' diaries, electronic communications, incoming government briefs - Requests relates to ongoing public debate or highly publicised investigations - Exemptions relate to waiver of privilege - Whether novel issues raised or whether it can be a lead case to address systemic issues - Request relates to PID complaint
Category 5.1	Category 5.1	Significant and systemic issues identified above and:
[Cat 5.1]	[Cat 5.1]	Access refusal reason: charges
		Access refusal reason: searches (sole issue)
		Access refusal reason: material irrelevant to FOI request (s 22 only)
		Access refusal reason: exception to FOI Act (s 7 only)
		Access refusal reason: s 4
		Access refusal reason: s 20
		Access refusal reason: s 21
Category 5.2	Category 5.2	Significant and systemic issues identified above and:
[Cat 5.2]	[Cat 5.2]	Access grant decisions
		Access refusal reason: practical refusal
		Access refusal reason: searches and s 12
		Access refusal reason: searches and s 17
		Access refusal reason: s 25
		Access refusal reason: single non-conditional exemption (may include s 22) (33, 34, 37, 38, 42, 45, 46, 47)
		Access refusal reason: searches and single non-conditional exemption (may include s 22) (33, 34, 37, 38, 42, 45, 46, 47)
		Access refusal reason: single conditional exemption (may include s 22) (47B, 47C, 47D, 47E(b), 47E(c), 47E(d), 47F, 47G, 47H, 47J)
		Access refusal reason: searches and single conditional exemption (may include s 22) (47B, 47C, 47D, 47E(b), 47E(c), 47E(d), 47F, 47G, 47H, 47J)
Category 5.3	Category 5.3	Significant and systemic issues identified above and:
[Cat 5.3]	[Cat 5.3]	Access refusal reason: various exemptions (more than one) involving a small number (<50) of documents OR < 200 pages of exempt material
		Access refusal reason: searches and various exemptions (more than one) involving a small number (<50) documents OR < 200 pages of exempt material
		May involve third party issues

Category	Description	Issues
Category 5.4 [Cat 5.4]		<p>Significant and systemic issues identified above and:</p> <p>Access refusal reason: amendment</p> <p>Access refusal reason: various exemptions (more than one) involving a large number (>50) of documents OR > 200 pages of exempt material</p> <p>Access refusal reason: searches and various exemptions (more than one) involving a large number (>50) of documents OR > 200 pages of exempt material</p> <p>May involve third party issues</p>



Australian Government
Office of the Australian Information Commissioner



Conducting IC reviews: Assessments

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Conducting IC review: Assessments

This worksheet provides guidance to assist with assessing IC review applications. This worksheet should be read in conjunction with the FOI Guidelines and other guidance material, including the IC review case categories ([D2020/000377](#)) and Identification of Systemic and Significant Issues worksheets: [D2019/001898](#).

Preliminary assessments

Once an IC review application has been registered and assessed for validity, it proceeds to preliminary assessment ('FOI – Assessment' queue). The Assessments Queue's function is to determine whether an IC review application will proceed to review or will be declined by the OAIC. The scope of an IC review application may be required to be clarified in order to determine whether an IC review will progress or be declined.

Preliminary assessment involves a review of:

- the FOI request
- the decision under review
- the applicant's reasons for review
- any responses to preliminary requests for information, including submissions
- the coding of the Resolve file to check accuracy

Attachment A: Assessments Process

Attachment A: Assessments Process

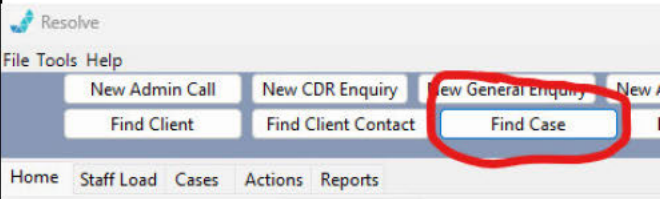
Step	Action
Step 1	<p>Review the documents relevant to the IC review including the:</p> <ul style="list-style-type: none"> • IC review application • The decision letter • Any attached correspondence from the applicant or respondent <p>Does the IC review relate to an IC reviewable decision as outlined in s 53A (access refusals) or 53B (access grants) of the FOI Act? If No – Go to Step 2 If Yes – Go to Step 3</p>
Step 2	<p>IC review is invalid.</p> <ul style="list-style-type: none"> • Add Next Action: “Invalid/OOJ” • Add a File Note to the record to explain why the matter is invalid • Assign case to “FOI – Triage” Queue <p>Process Ends Here</p>
Step 3	<p>In order for the scope of an IC review to be clear, you must be able to identify which parts of the IC reviewable decision the applicant disputes and why.</p> <p>Is the scope of the IC review clear?</p> <p>If No – Go to Step 4 If Yes – Go to Step 8</p>
Step 4	<p>Send Request for Information to IC review applicant to clarify scope using the template saved here: Scope Clarification Template.</p> <p>Update the Next Action field with the appropriate option:</p> <ul style="list-style-type: none"> • [Draft] RFI to A • [Draft] RFI to A, possible 54W(a)(i) (Please include a file note explaining why) • Possible 54W(b) (Please include a file note explaining why) <p>Go to Step 5</p>
Step 5	<p>Applicant has responded to RFI by due date?</p> <p>If No – Go to Step 6 If Yes – Go to Step 7</p>
Step 6	<p>Move matter to ‘FOI – IC Reviews – Declines’.</p> <p>Update Next Action note to: [PENDING] Draft 54W(c)</p>

	Procedure Ends Here
Step 7	<p>Is the scope of the IC review clear?</p> <p>If No:</p> <ul style="list-style-type: none"> • If appropriate, send a second RFI to attempt to obtain a clear scope. • If inappropriate to send a second RFI or unable to obtain a clear scope after 2 RFI's, matter can be closed under s 54W(c). Go to Step 6 <p>If Yes – Go to Step 8</p>
Step 8	<p>Is the matter appropriate to decline under s 54W(b)?</p> <p>See FOI Guidelines paragraphs 10.104 – 10.105. Examples may include:</p> <ul style="list-style-type: none"> • Complex matter more appropriately handled by AAT • Perceived or actual conflict of interest in OAIC undertaking review • Strong possibility of IC decision appeal to AAT e.g. <ul style="list-style-type: none"> ○ Strong commercial interests ○ Complex/novel: <ul style="list-style-type: none"> ▪ Volume of documents ▪ International jurisdiction ▪ Matter relates to something of current political or cultural significance <p>If Yes:</p> <ul style="list-style-type: none"> • Move to Declines Queue • Add appropriate Next Action: “A has requested 54W(b)” or “Assessed 54W(b)” • Add a file note to explain the reason for moving to the declines queue • Process Ends Here. <p>If No – Go to Step 9</p>
Step 9	<p>Ensure the Agency decision tab is correct and that the issues accurately reflect the scope of the matter.</p> <p>Go to Step 10</p>
Step 10	<p>Complete summary field on main page of Resolve:</p> <p>[Timeline of key case events]</p> <p>Decision under review: Original decision dated/Deemed refusal dated... Revised decision dated @.</p> <p>[Exemptions use]: @ document/s found within scope of request, released/exempt in full/part under exemption/s @.</p> <p>[Searches use]: No document/s found within scope of request. Access refused under s 24A (insert relevant subsection if known).</p> <p>[Practical refusal use]: @ document/s found within scope of request. (Insert @ hours to process, decision making etc. any key points)</p> <p>[Charges use]: \$@ (insert calculation)</p>

	<p>Number of documents at issue: @ (delete if not applicable)</p> <p>Scope of review: Applicant seeks review of [Practical refusal/Exemptions ss @/Searches]. Applicant states (insert any key statements that allude to applicant's scope of request. If not known request in acknowledgement).</p> <p>FOI Request: [Quote if short or provide summary]</p> <p>For searches matter - Go to step 11</p> <p>For all other matters – Go to Step 12</p>
11	<p>For Searches matters:</p> <p>Consider whether further searches by the respondent are required.</p> <p>Examples where further searches may be required:</p> <ul style="list-style-type: none"> - preliminary inquiries have determined the respondent did not search for the correct document/s - preliminary inquiries have determined the searches were insufficient as the relevant location was not searched or relevant business area did not conduct searches. <p>Where you consider further searches are required by the respondent, make a file note and include '55V required' in your assessor note at step 12.</p> <p>Consider whether the statement of reasons is adequate.</p> <p>Examples where statements of reasons may be inadequate are:</p> <ul style="list-style-type: none"> - Applicant states further relevant documents exist but s 24A (unable to locate docs) is not mentioned in the decision letter - The decision letter includes s 24A but no or minimal explanation of searches undertaken is provided. Appropriate searches explanations should include: <ul style="list-style-type: none"> o Address the interpretation of the scope of the request. The scope of the FOI request should be interpreted broadly. o Which area within the agency undertook the searches and why that business area is the most relevant business area to search for docs o Provide details about the searches undertaken, such as systems searched and/or search terms <p>Where you consider the statement of reasons provided is inadequate, make a file note and include '55E required' in your assessor note at step 12.</p> <p>Go to Step 12</p>
Step 12	<p>Determine which 54Z commencement of IC Review template/s will be required for the matter.</p> <p>To do this, make note of which of the following categories apply:</p>

	<ul style="list-style-type: none"> • Deemed • Access Grant • 54L(2) • Searches • Exemptions • Searches and Exemptions • Practical Refusal • Charges • Amendment of Records • 55E required (D2024/020967) • 55V required (D2024/020986) <p>Go to Step 13.</p>
Step 13	<p>Matter is appropriate to proceed to IC review. Undertake the following actions:</p> <ul style="list-style-type: none"> • Add Assessor note with the category of the case e.g. “[CAT 4]” followed by the sections of the act that are relevant to the scope of the review <ul style="list-style-type: none"> ○ IC review categories are outlined in D2020/000377 • At the end of the assessor note add any key words that apply from the list at step 8 • Check/Update the Issue String for the matter • Check/Update the Category field on the main page of Resolve • Add details of any third party to the IC review to the ‘Parties’ tab • Complete Action Flow steps: <ul style="list-style-type: none"> ○ All assessment info available>Ready for Assessment ○ Decide Path>Conduct Review - 54Z ○ Move to Review Allocation <p>End Process</p>

Triage Workflows – Deemed Access Refusals

Step	Instructions
1	<p>Cross reference the agency reference number in the “Find Case” tab within Resolve to determine if any other reviews or requests relate or exist.</p>  <p>If there is already an existing Information Commissioner (IC) review with a matching agency reference number, review the matter to ensure the details of the applicant and respondent match also. If they do, check that the matter is not a duplicate request.</p> <p>If it appears to be a duplicate go to step 2.</p> <p>If it is not a duplicate matter go to step 3.</p>
2	<p>If the matter appears to be a duplicate matter (matching agency reference numbers, identical FOI requests and requests for review email to OAIC):</p> <p>If the duplicate matter has been registered due to OAIC admin error, and the FOI applicant is not aware of the duplicate registration - Email Catherine Walsh with a CC to your Director to have the Resolve file created in error deleted.</p> <p>In all other circumstances, send the relevant duplicate template email to the applicant and prepare matter for closure.</p> <ul style="list-style-type: none"> ➤ App applies for IC review twice.docx ➤ Duplicate file erroneously registered by OAIC.docx <p>Move matter to Triage Queue Next Action Note: “Duplicate of MRXX/XXXXX” Next Action date: Due date of response to duplicate email (if relevant)</p> <p>Procedure Ends here.</p>
3	<p>Is the IC review valid?</p> <p>The validity requirements for IC reviews are set out in s 54N of the FOI Act.</p> <p>The FOI applicant will need to include the following details to complete a valid IC review registration:</p> <ul style="list-style-type: none"> ➤ Their address (generally email); and

	<ul style="list-style-type: none"> ➤ A copy of their original FOI request to the Commonwealth Department/Agency; or ➤ The date of lodgement of their FOI request to the Commonwealth Department/Agency <p>Applicant representatives will also need to include a signed third-party authority form from the applicant for an IC review to be valid. If they have not included this, please send the representative the below OAIC authority template once registration is complete.</p> <ul style="list-style-type: none"> ➤ OAIC Privacy and Authority Consent Form - Feb 2024.pdf ➤ RFI for Authority email.docx <p>Note:</p> <ul style="list-style-type: none"> • The Decision for review must be an IC reviewable decision as prescribed in s 54L and 54M of the FOI Act. • The Agency must be a Commonwealth Agency to be valid. State based Agency's or private/commercial entities are out of jurisdiction for the OAIC. • The Commonwealth Agency must not be an exempt Agency. Exempt Agencies are provided in Schedule 2, Part 1, Division 1 of the FOI Act. <p>You may need to update the Summary field and/or the Agency Decisions/issues tab if you have determined an IC review application is invalid.</p> <p>Go to Step 4</p>
4	<p>Has the IC review application been lodged in time?</p> <p>Time limits for applying for IC review are set out in s 54S of the FOI Act.</p> <p>For Deemed Access Refusal Decisions s54S(1) applies, which allows an applicant 60 days after the day the Deemed Access Refusal occurred.</p> <p>You may need to update the Summary field and/or the Agency Decisions/issues tab if you have determined an IC review application is invalid.</p> <p>Note: Under s 54T of the FOI Act, the OAIC is able to grant extensions of time for applicants to seek IC review.</p>

	Go to Step 5
6	<p>Move to the “Open Actions” tab located at the bottom right-hand corner of the matter.</p> <p>Work through the action items as prompted:</p> <ol style="list-style-type: none"> 1. Record case details and attach docs 2. Allocate to Triage Officer 3. Send Acknowledgement (See Note below) <p>Note: Acknowledgements</p> <p>For Web Case IC reviews, an automatic acknowledgement will have already been sent to the applicant upon submitting the Web Case. Therefore, there is no need to send the applicant the acknowledgement template via email.</p> <p>For registrations that have been received by the FOIDR inbox, please send the acknowledgement template for deemed refusals, below. Ensure a copy of the sent email is uploaded to the Resolve file documents.</p> <p>➤ Acknowledgement templates for IC reviews.docx</p> <p>Please note, if a Request for Information (RFI) is required to be sent to the applicant upon registration, this email can be altered to include a brief acknowledgement of registration instead of sending two separate emails.</p> <p>Go to step 7</p>
7	<p>Continue working through action flow as prompted:</p> <ol style="list-style-type: none"> 4. Generic application info complete 5. Application valid (See Note below) 6. Deemed refused under ss 15AC(3) – select “Preliminary Inquiry Required” <p>Note: Application Valid</p> <p>For deemed refusal decisions that have been submitted out of the statutory timeframe for seeking review, continue to register the application as valid.</p> <p>Go to Step 8</p>
8	Continue working through action flow as prompted:

7. Send PI to Respondent (See Note below)

Note: Send PIs to Respondent

- Send the [preliminary inquiries](#) template to the respondent email address using the below template:
- [PIs to R.docx](#) + attach a copy of the original FOI request or the OAIC registration form.
- Then in the “Next Action” tab of the matter type “PIs due” then in the “Next Action Due Date” set the date for 7 days’ time.

Note: Please double check the Respondent details match the original FOI request email the applicant has sent to the Respondent to ensure they are the same.

Other things to note:

If you are awaiting any other information from the applicant, please include a note in the “Next Action” section on Resolve. See [Naming Conventions](#).

Example:

Next Action:	PIs due; RFI to A due
Next Action Due Date:	27-Feb-2024

For out of time applications – Go to **Step 9**

For all other applications – Go to **Step 10**

9

Out of time applications:

Determine whether it is appropriate to grant an s 54T extension:

If applicant has not received any purported decision following the deemed refusal, they may be unaware of their review rights and the timeframes under s 54S to apply for IC review.

- If the review has been lodged within a reasonable period of time from lodgement of their FOI request (generally 120 days from lodgement of an FOI request, or 90 days from a deemed refusal decision would be considered reasonable to apply for IC review)
- Or the applicant has provided a reasonable explanation for why they were unable or unaware to lodge their IC review application in time

- And, it is not evident on the face of the IC review application that a closure reason under s 54W would apply if the review was commenced (e.g. frivolous or lacking in substance)

It may be appropriate to consider it is implied the applicant is seeking extension under s 54T by virtue of their application for IC Review.

Where the IC review would attract a closure reason under s 54W if commenced, or the reasons for a protracted delay in lodgement of the IC review application are insufficient to justify the delay, it may be inappropriate for a s 54T to be granted in any event and the IC review should be closed as invalid on the basis it has been lodged outside of the timeframe prescribed in s 54S. Speak to your EL1 for assistance if required.

If you have determined it is appropriate to grant an implied s 54T, proceed with the instructions below.

Granting an implied 54T

Once full registration is completed, select “IC Requests” in the top right-hand section of the matter. Then select “New IC Request” to create an extension of time for the applicant.

Complete the following fields:

1. Request type: “Extension of Time”
2. Request form: “Individual/Organisation”
3. Sub Type: “s54T”
4. Case Officer: “your name”
5. Requestor Details: this should automatically be inputted
6. How received: “Website”
7. Agency reference number
8. Agency request received: the date FOI was received by the agency
9. Original Decision date: the original date that the decision was due to the applicant
10. Extension Date: Determine how many days between the IC review received date and the last day to seek IC review
11. Days extended: how many days the extension was granted
12. Request Decision: “Granted”
13. Note: “Granted”
14. Summary field: “Deemed Decision – s 54T extension application is implied in IC review. Granted.”
15. Once complete click ‘Save’ and then ‘Close ‘Case’

Triage Workflows – Deemed Access Refusals

10	<p>Once the above steps have been completed, draw your attention to the “Case Officer” field located in the top Details banner within the matter in Resolve.</p> <p>If the Respondent is DHA assign to: “FOI – IC Reviews – DHA Deemed” queue.</p> <p>For all other respondents assign to: “FOI – IC Reviews – Deemed” queue.</p> <p>End Triage Process</p>
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Deemed Queue Process

Table 1: Deemed Queue Process

Step	Description
1	<p>Matter is allocated to Deemed Queue (Deemed or s 22 Deemed Queues).</p> <p>The criteria for a matter moving to this queue is:</p> <ul style="list-style-type: none"> • There has been a deemed refusal decision, or based on current information it appears a deemed refusal decision has occurred. • The applicant has not received any decision on their FOI request (whether In jurisdiction or out of jurisdiction). <p>Check if preliminary inquiries issued?</p> <ul style="list-style-type: none"> - Yes. Go to Step 4 - No. Go to Step 2
2	<p>Preliminary inquiries may not be required if we have sufficient information to confirm the matter has been deemed to be refused, e.g:</p> <ul style="list-style-type: none"> - Xrefs checked and an extension of time application confirms the due date of the request has now passed - The applicant has provided correspondence from the respondent that confirms the matter has deemed <p>Preliminary inquiries required?</p> <ul style="list-style-type: none"> - Yes. Go to Step 3 - No. Go to Step 7
3	<p>Issue Preliminary Inquiries using the template email located in s 47E(d)</p> <p>[REDACTED]</p> <p>Go to Step 4</p>
4	<p>Preliminary Inquiries response received by due date?</p> <p>Yes – Go to Step 5 No – Go to Step 7</p>
5	<p>Respondent has confirmed matter is Deemed?</p> <p>Yes – Go to Step 7 No – Go to Step 6</p>
6	<p>Consider the reasons for the respondent advising the request is not deemed.</p> <p>If there is sufficient information to determine the request was not deemed at the time of the IC review application (for example where the processing period has been validly extended) the IC review request is invalid as no IC reviewable decision has yet occurred. Use Email template located in s 47E(d)</p> <p>[REDACTED]</p> <p>If you are unsure whether the Respondent’s views are accurate, discuss the matter with your EL1/2 during your weekly queue discussion meeting.</p>

	<p>If you continue to consider the request is Deemed to be refused despite the respondent's views, go to Step 7.</p>
7	<p>Draft 54Z/55T notice and direction letter.</p> <p>See the instructions saved in s 47E(d)</p> <p>Once EL2 cleared and signed, issue the notice to the respondent.</p> <p>Go to Step 8</p>
8	<p>54Z/55T response received by due date?</p> <p>Yes – Go to Step 11 No – go to Step 9</p>
9	<p>Respondent has sought an extension of time?</p> <p>Yes – Go to Step 10 No – Go to Table 2: Deemed Queue Escalation Process</p>
10	<p>Consider the following factors:</p> <ul style="list-style-type: none"> - What is the explanation for the additional time required? - How long is the extension for? - When was the original FOI request lodged? - Has the respondent provided any evidence of recent contact with the applicant regarding the delay and their response? <p>Is it reasonable to grant the extension requested?</p> <ul style="list-style-type: none"> - Yes – Grant a short extension of up to 2 weeks - Insufficient information provided to determine – Request further information from the respondent regarding the extension requested. - No – Go to Table 2: Deemed Queue Escalation Process
11	<p>Revised or substantive decision issued?</p> <p>Yes – Go to Step 13 No – Go to Step 12</p>
12	<p>Submissions provided?</p> <p>Yes – Go to Step 13 No – Respondent has not complied with the 54Z/55T notice. Go to Table 2: Deemed Queue Escalation Process</p>
13	<p>Ask the Applicant if they wish to proceed.</p> <p>If the Agency has provided non-confidential submissions, share these with the applicant when issuing the proceed. If you are unsure if the submissions are confidential, ask the respondent agency before sharing the submissions with the applicant.</p> <p>See the following resources saved in s 47E(d)</p>

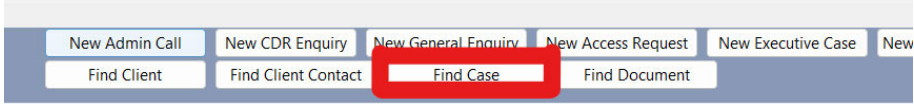
	<ul style="list-style-type: none"> - Instructions – Drafting proceed emails - Proceed email template (Deemed Queue) <p>Go to Step 14</p>
14	<p>Response to proceed email received?</p> <p>Yes – Go to Step 15 No – Go to Step 18</p>
15	<p>Applicant withdraws IC review?</p> <p>Yes – Close the IC review as withdrawn No – Go to Step 16</p>
16	<p>Applicant wishes to proceed?</p> <p>Yes – Go to Step 17 No/Unclear – Issue a further proceed email seeking clarification or further information. Return to Step 14</p>
17	<p>Action the following before moving the IC review to the Assessments queue:</p> <ul style="list-style-type: none"> • Copy the summary field template Summary Field Template.docx into the ‘Summary’ field in Resolve. Fill in the details for the case. • Add Assessor note: [CAT] ss [insert relevant sections of the act] • Add Next action note: [NOW] Assess for 54Z • Check/Add ‘Agency decision’ via ‘Agency Decision’ tab • Add appropriate ‘Issue’ strings. • Add Next Action date: todays date (this marks when matter joined queue) • Complete ‘Action flow until ‘Open Action’ field has ‘All assessment info available’ as next step. • Move IC Review to ‘FOI - IC Reviews – Assessments’ queue by updating the ‘Case Officer’ field
18	<p>Applicant has not responded to the proceed email by the due date.</p> <p>Matter is closed under s 54W(c), see:</p> <ul style="list-style-type: none"> ➤ Instructions - Drafting s54W(c) Decisions.docx ➤ 54W(c) - Decision not to continue to undertake or continue to undertake an IC review (2.0).docx ➤ Email - Closure to both parties - 54W(c).docx

Table 2: Deemed Queue Escalation Process

Step	Description
1	<ul style="list-style-type: none"> • Draft 55R notice to Respondent for EL2 clearance using 55R letter template. • Draft Covering Email using the 55R covering email template. • Send an email to the EL2 containing the completed snapshot template. The template can be located in Attachment A of D2020/005955.

	<p>Once cleared by EL2, the notice will be sent to the FOI Assistant Commissioner for final clearance and their signature.</p> <p>Once the FOI Assistant Commissioner has cleared and signed the notice, issue the notice via email using the cleared covering email.</p> <p>Go to Step 2.</p>
2	<p>Response received by due date?</p> <p>Yes – Go to Step 6 No – go to Step 3</p>
3	<p>Respondent has sought an extension of time?</p> <p>Yes – Go to Step 4 No – Go to Go to Step 5</p>
4	<p>Consider the following factors:</p> <ul style="list-style-type: none"> - What is the explanation for the additional time required? - How long is the extension for? - When was the original FOI request lodged? - Has the respondent provided any evidence of recent contact with the applicant regarding the delay and their response? <p>Is it reasonable to grant the extension requested?</p> <ul style="list-style-type: none"> - Yes – Escalate to EL2. EL2 will escalate to the Assistant Commissioner and if appropriate will respond to grant a short extension. - Insufficient information provided to determine – Escalate to EL2 to request further information. <p>No – Go to Step 5</p>
5	<p>Discuss referral to AFP with your EL2.</p> <p>See Guidance for staff: Referring conduct to the AFP.</p> <p>Procedure ends here.</p>
6	<p>Respondent has provided a compliant response.</p> <p>Procedure ends here.</p>

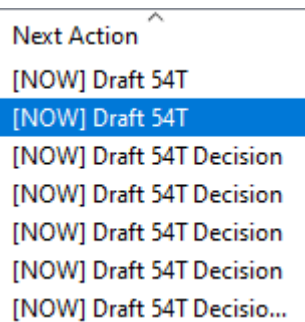
TRIAGE PROCESS – FOI Complaints

Step	Instructions
1	<p>Complete registration using guides:</p> <ol style="list-style-type: none"> 1. Registration of FOI complaint from Web Cases Queue.docx 2. Registration of FOI complaint from Inbox.docx
2	<p>Check resolve for any other IC reviews/requests with the same Agency reference number. This step will also confirm whether any EOT's were made in relation to the request.</p>  <p>If there are other files in relation to the agency reference number (i.e. EOT files, complaints or duplicate IC reviews) Xref to the new resolve file.</p>
3	<p>Is the complaint unrelated to FOI, out of jurisdiction, or relates to a State Agency?</p> <ul style="list-style-type: none"> • No <ul style="list-style-type: none"> ➤ Skip to step 4 • Yes? This will be an instant invalid closure. Follow the below steps <ul style="list-style-type: none"> ➤ Draft email using relevant template from s 70 closure folder in teams: s 70 Closures - out of jurisdiction ➤ Send closure email to C ➤ Update resolve file <ul style="list-style-type: none"> ▪ ██████ INSERT STEPS ➤ Close Resolve file <ul style="list-style-type: none"> ▪ ██████ INSERT STEPS
6	
7	
8	

Under s 54S of the FOI Act, an IC review application in relation to an access refusal decision must be made within 60 days after the day notice of the IC reviewable decision was given.

Section 54T of the FOI Act allows the Information Commissioner to extend the time for making an application for IC review if the Information Commissioner is 'satisfied that it is reasonable in all the circumstances to do so'. It is therefore open to the applicant to request an extension of time to make a valid application for IC review.

When these out of time applications come through Triage will issue a 54T invitation. Once the applicant has responded, the Next Action note will be updated to "[NOW] Draft 54T":

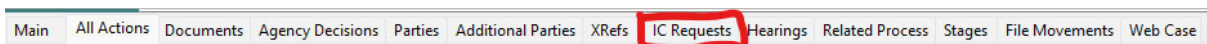


HOW TO PROCESS:

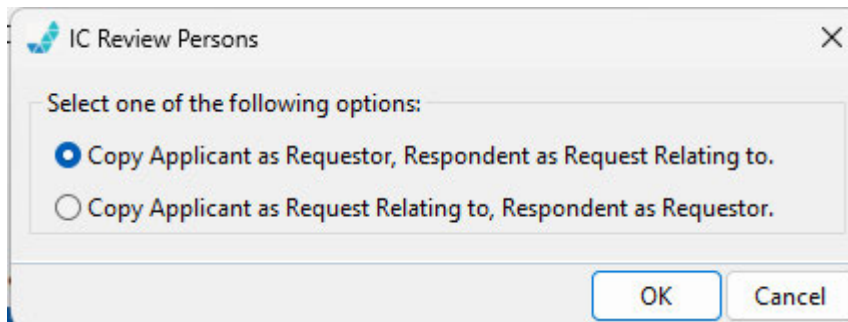
1. If a 54T invite has not already been sent to the applicant, you will need to send one and receive a response before drafting the decision. The template for the 54T Invitation is here: [54T Invitation](#). Provide 1 week to respond before you can move on to the next steps.
 - a. Remember:
 - i. Check if submissions are in original smartform application.
 - ii. Check to see if there are EOT files with the same agency reference number which may tell you the processing period to respond has been extended.
2. Read submissions from A and decide if it's a grant or refusal. Submissions will be saved in Documents as "54T Response from A", or if this not there, they will be included in the original application form. Relevant considerations as to whether a s 54T should be granted include:
 - a. the length of the requested s 54T extension
 - b. Whether the applicant has provided a reasonable explanation for the delay
 - c. Whether the applicant has rested on their rights and allowed the decision maker to believe they would not seek review due to time passed
 - d. Whether the respondent would suffer prejudice as a result of the extension
 - e. The merits of the IC review application (in particular, would a s 54W closure reason apply if we commenced review)
 - f. Whether it is fair and equitable in the circumstances to extend the timeframe.
3. At this stage, action flow should be up to 'Respondent's View Appropriate', as below:

Action	Due Date	Outcome
<input checked="" type="checkbox"/> Record case details and attach docs (MR I&T)	25-Aug-2023	
<input checked="" type="checkbox"/> Allocate to Triage Officer (MR I&T)	28-Aug-2023	
<input checked="" type="checkbox"/> Send Acknowledgement Letter (MR I&T)	28-Aug-2023	
<input checked="" type="checkbox"/> Generic Application Info Complete? (MR I&T)	28-Aug-2023	Application is Complete
<input checked="" type="checkbox"/> Application Valid? (MR I&T)	28-Aug-2023	No, Out of Time
<input checked="" type="checkbox"/> Request Applicant lodge s54T Request (MR OT)	28-Aug-2023	
<input checked="" type="checkbox"/> Await s54T Request (MR OT)	14-Sep-2023	s54T Request Received
<input checked="" type="checkbox"/> Prepare and Send 54T invitation	28-Aug-2023	
<input type="checkbox"/> Respondent's View Appropriate (MR OT)	31-Aug-2023	

4. Create IC EOT Request:
 - a. Click IC Requests



5. Select New IC Request, and the following window will pop up. It will automatically be set as 'Copy Applicant as Requestor, Respondent as Request Relating to.' Select 'OK'



6. The IC Request file will open and look like this.

New IC Request - IC Request Entry

Save Undo Print Print Preview Close IC Request Search Document Content

Details

Request Type: [] Case Number: [] File Security: OFFICIAL []
 Request from: [] Case Officer: [] Destruction Status: []
 Sub Type: [] Target Date: 19-Nov-2023 [] Retention Class: []
 COVID-19 Delay: []

Title: []

Warning: There is an alert for the Request Relating To Client

Main All Actions Documents Parties XRefs File Movements

Requestor Details

[] Find Open Unknown

Request Relating to

[] Find Open Unknown

Contact: FOI Contact Officer Find Open Select

Represented By (Requestor)

[] Find Open

Represented By (Request Relating To)

[] Find Open

IC Request Details

Received Date: 9-Nov-2023 [] Agency Request Received: []
 How Received: [] Original Decision Date: []
 Registered By: [] Extension Date: []

7. Begin filling in required yellow fields on main page of IC request (applicant will already be entered – you do not need to add it again).
 - a. Case officer: you (this will already be set)
 - b. Request Type: extension of time
 - c. Request from: Individual/Organisation
 - d. Sub Type: s54T-to lodge an IC review
 - e. How Received: Email or Website (depending on how 54T request was received)
 - f. Received Date: change date to the date the 54T request was received by OAIC

New IC Request - IC Request Entry

Save Undo Print Print Preview Close IC Request Search Document Content

Details

Request Type: Extension of time [] Case Number: []
 Request from: Individual/Organisati [] Case Officer: Lynch, Claire []
 Sub Type: s54T-to lodge an IC r [] Target Date: 19-Nov-2023 []

IC Request Details

Received Date: 9-Nov-2023 []
 How Received: Email []

8. Begin filling in EOT dates and decision fields (you will need to refer back to A's submissions in main IC review file)
 - a. Agency Request Received: this is the date the original FOI request was made (or request for internal review)

- b. Original Decision Date: This will be the date of the Agency/Department’s decision (or deemed refusal decision)
- c. Extension Date: this will be the date the IC review was requested (not the 54T). Will be the date the smart form was received on the website.
- d. Request Decision: Granted
- e. Summary Window: 54T Granted

IC Request Details

Received Date: 27-Oct-2023
 How Received: Email
 Registered By: Lynch, Claire
 Agency Reference Number:

Agency Request Received: 26-Jun-2023
 Original Decision Date: 26-Jul-2023
 Extension Date: 13-Oct-2023
 Days Extended:
 Request Decision: Granted
 Note:

Summary (Press F2 for Full Screen)
 Granted

Open Actions

Action Name	Due Date
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- 9. Save the IC request (Save) this will auto populate more fields
- 10. Then select ‘Close IC Request’

Save Undo Print Print Preview **Close IC Request** Search Document Content

- 11. Return to original IC review MR23/XXXXX file
- 12. Complete actions up to ‘All assessment info available? (MR MA)’. Actions should reflect this:

Action	Due Date	Outcome
<input checked="" type="checkbox"/> Record case details and attach docs (M...	16-Oct-2023	
<input checked="" type="checkbox"/> Allocate to Triage Officer (MR I&T)	18-Oct-2023	
<input checked="" type="checkbox"/> Send Acknowledgement Letter (MR I&...	18-Oct-2023	
<input checked="" type="checkbox"/> Generic Application Info Complete? (M...	18-Oct-2023	Application is Complete
<input checked="" type="checkbox"/> Application Valid? (MR I&T)	18-Oct-2023	No, Out of Time
<input checked="" type="checkbox"/> Request Applicant lodge s54T Request ...	10-Nov-2023	
<input checked="" type="checkbox"/> Await s54T Request (MR OT)	29-Nov-2023	s54T Request Received
<input checked="" type="checkbox"/> Respondent's View Appropriate (MR OT)	10-Nov-2023	No Respondent's View Required
<input checked="" type="checkbox"/> Process 54T Request (MR OT)	10-Nov-2023	s54T Granted
<input checked="" type="checkbox"/> s54T Grant Notification (MR OT)	10-Nov-2023	
<input type="checkbox"/> All Assessment info available? (MR MA)	10-Nov-2023	

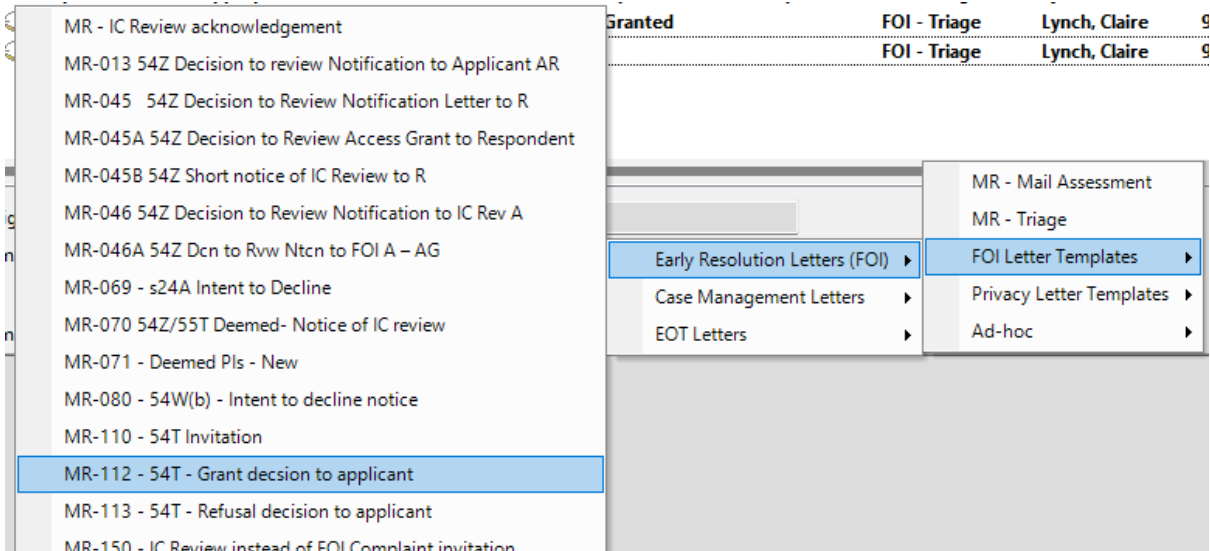
- 13. Delete final action (‘All assessment info available? (MR MA)’). Highlight action > right click > delete action.

All Assessment info available? (MR MA) 10-Nov-2023

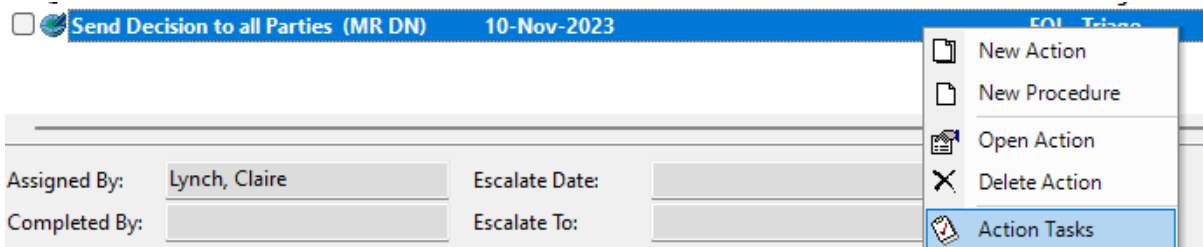
- New Action
- New Procedure
- Open Action
- Delete Action

Assigned By: Lynch, Claire Escalate

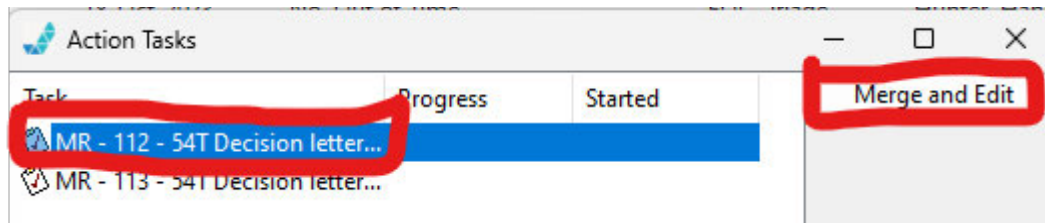
- 14. Right click > new procedure > FOI letter templates > Early resolution letters (FOI) > MR-112 – 54T – Grant decision to A



15. A new action will appear labelled 'Send Decision to all Parties (MR DN)'. Highlight action > right click > action tasks



16. An action tasks window will pop up. The grant decision letter will already be highlighted. Click 'Merge and edit'



17. A recipient's window will pop up. You de-select the respondent and only have the applicant selected. If there is a representative, only have the representative selected. Select ok:

Person	Role
²² [REDACTED]	Respondent Cli...
FOI Contact Officer	Respondent Co...
<input type="checkbox"/> [REDACTED]	Applicant Clie...
<input checked="" type="checkbox"/> [REDACTED]	Represented By ...



18. Resolve will generate letter in Word

19. You will need to amend the layout of the letter, so that the 'Background' section is before the 'Decision' section. Should look like this:

I refer to your request for an extension of time to seek Information Commissioner review (IC review) of the decision deemed to be made by the ²² [REDACTED] under the Freedom of Information Act 1982 (the FOI Act) on Yes.

An IC review application in relation to an access refusal decision must be made within 60 days after the day notice of the IC reviewable decision was given (s 54S of the FOI Act).

On the basis that you have been given notice of the Department/Agency's decision on 26 June 2023, the last day for making an application for IC review of Department/Agency's decision was [Date].¹ Your IC review application was received 13 October 2023 and was consequently made outside of the time prescribed in s 54S of the FOI Act.

Background

On [date], you made a request to the Department under the FOI Act for:

FOI request.....

¹ (delete/complete as appropriate)

Under [3.141] of the FOI Guidelines, the processing period refers to calendar days, not business (working) days. If, however, the last day for notifying a decision that falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first business day following that day. As such the...

On 26 June 2023, the Department made a decision on your FOI request.

On 26 June 2023, the Department was deemed to have refused your FOI request under s 15AC of the FOI Act when it did not make a decision within the statutory processing period.

On 13 October 2023, you made an application for IC review of the Department/Agency's decision.

On [date], you were invited by the Office of the Australian Information Commissioner (the OAIC) to request an extension of time to apply for IC review of the Department/Agency's decision, and to provide reasons why you consider an extension of time should be granted.

On [date], you sought an extension of time and provided the following reasons:

Reasons....

Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on requests for extensions of time under s 54T of the FOI Act.

Section 54T of the FOI Act provides that the Information Commissioner may extend the time for making an IC review application if satisfied that it is reasonable in all the circumstances to do so.

I have considered the reasons provided in support of your request for an extension of time. In particular, I have considered...

- [Insert considerations]

In light of this, I have decided under s 54T of the FOI Act to grant your request.

Based on the information before the OAIC, I am satisfied that granting an extension of time under s 54T of the FOI Act to is reasonable in all the circumstances.

20. For reasons of decisions (where is says '[insert considerations]'), open our I&ER teams channel > files > triage queue > example 54T reasons.docx. Use whatever of these examples fits the decision you're working on
21. Under the 'Next Steps' heading, remove which ever paragraph doesn't apply. If this is IC review of a deemed decision, you will need to keep the paragraph that talks about preliminary inquiries. If it is an access refusal/access grant, you will need to keep the paragraph that talks about assessment by a senior member of the team

Next steps

You will be advised about the next steps in the IC review process once your application has been assessed by a senior member of the FOI Team. The assessment by a senior member of the FOI team can take 8-12 weeks and sometimes longer depending on the complexity of the issues raised in the IC review.

The OAIC will conduct preliminary enquiries with the Department regarding the status of your FOI request of . We will contact you once the Department responds to advise the next steps

22. APS 5 and above can put their name on the letter [REMINDER: all letters need to be checked by Hannah or Bernie until otherwise indicated]
23. Save as a copy of the letter as a PDF on your desktop and then save and exit the letter in word. Then make sure document is checked in resolve.
24. Label document in Resolve as 'Draft 54T'
25. Create email and attach PDF from your desktop. Body of email will say:

Subject line – OAIC - MRXX/XXXX - Extension of time request under s 54T of the FOI Act

Our reference: MRXX/XXXX
Agency reference: XXXXXX

Mr/Mrs Applicants name
Represented by XXXXXX

By email:

Extension of time request under s 54T of the FOI Act

Dear XXXXX,
Thank you for your application(s) for an extension of time to apply for Information Commissioner Review (IC review) <on behalf of>.


Please find attached a decision issued under s54T of the FOI Act regarding your extension of time request.
Kind regards,

26. Send email.
27. Save copy of email to resolve
28. Label email as "54T Grant to A"

Draft 54T

OAIC - FOI DR 54T Grant to A

29. Delete all open actions in resolve
 - a. There should only be the send decisions action open from before – you can delete this otherwise it will ruin the action flo
30. Go to All Actions tab in resolve
31. Deselect the action 'Application Valid'

 Application Valid? (MR I&T) 18-Oct-2023 No, Out of Time

32. Then double click the open 'application valid' action
33. Change status to 'application is valid' and click ok

Status:

34. This will open a new action called "deemed refused under ss ..."
35. Complete the action depending on whether the matter needs to move deemed queue or assessments queue (Bernie, Georgia and Hannah hunter can assist with this if unsure)

36. Update summary window to include all possible details about request and progress of review



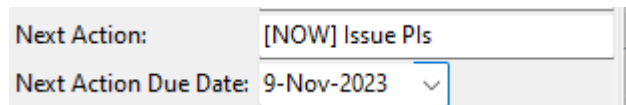
37. Change case office to move matter to correct queue

38. Update 'Next action' note, either:

- a. [NOW] issue PIs; or
- b. If moving to assessment, include exemptions that applicant is having reviewed

39. Next Action Due Date will be the date you moved the matter onto assessments or deemed.

E.g



40. Ensure Issues have been added to resolve file

Issues (To add an issue - open the Agency Decision)					
Issue	Review Reason	Comments	Outcome	Primary Issue	Decision Type
access refused - 53A(a)	s15AC - no reasons			Y	Deemed Initial

Issues (To add an issue - open the Agency Decision)					
Issue	Review Reason	Comments	Outcome	Primary Issue	Decision Type
partial access refused - 53A(...)	disclose lawful methods or pr...			Y	Internal Review
partial access refused - 53A(...)	s42 - legal professional privilege			N	Internal Review
partial access refused - 53A(...)	s47C - Deliberative process - c...			N	Internal Review

41. Save and close resolve file 54



Australian Government

Office of the Australian Information Commissioner

Registration of FOI Extension of Time applications received via Email

Office of the Australian Information Commissioner



2 May 2024

Contents

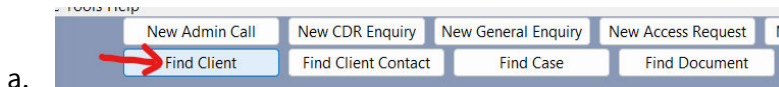
Summary	2
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Summary

This document has been created to provide a step by step guide to registration of Extension of Time applications under s 15AA, 15AB, 15AC, 51DA 54D received by Email.

Part 1: Check for client profile

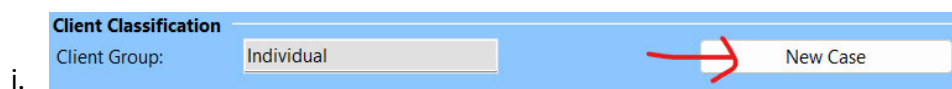
1. Open resolve main page
2. Select 'Find Client' from top bar



3. In 'Display Name' type in the Respondent Agency or Department (for most departments you can use their abbreviation i.e. 'DHA')



- a. Double click on the correct option from the list.
- b. Click 'New Case'



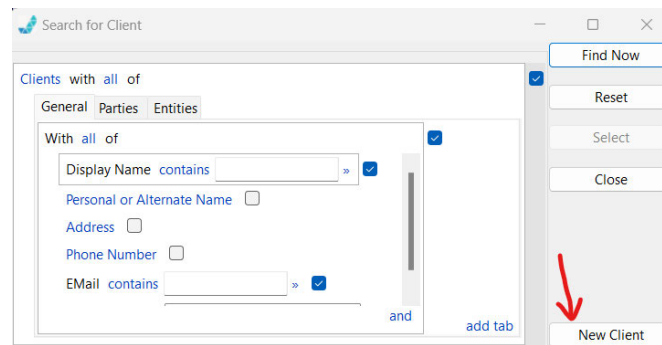
- c. Then select 'IC Request' from the pop-up box.
- i.

4. Then resolve file will generate.

Part 2: setting up Extension of Time file

5. Change Request Type to 'Extension of Time'
6. Request from to 'Agency'
7. Sub-Type - choose the option relevant to the type of extension requested. The extension request will state the type of extension required:
 - a. s 15AA
 - b. s 15 AB
 - c. s 15AC
 - d. s 51DA
 - e. s 54D
8. Add Received Date as date the email was received by the OAIC

9. Add How Received as 'Email' unless the email has been generated by a Smartform error, in which case the correct entry is 'Website'
10. The 'Requestor Details' section will already contain the Agency name but the Requestor Details 'Contact' section will be blank. Click 'Find' and a new window will appear. Use the Display Name field to search for the FOI Officer who is requesting the extension using the format 'Surname, Firstname'. Click 'Find Now' to generate search results.
11. For any search results, check the name relates to the correct Agency. If you locate a profile which matches the details of the FOI Officer, double click on the search result and the Requestor Details Contact will be updated.
12. If you are unable to locate an accurate profile for the FOI Officer, you will need to create a new profile. From the Search window, click 'New Client'.

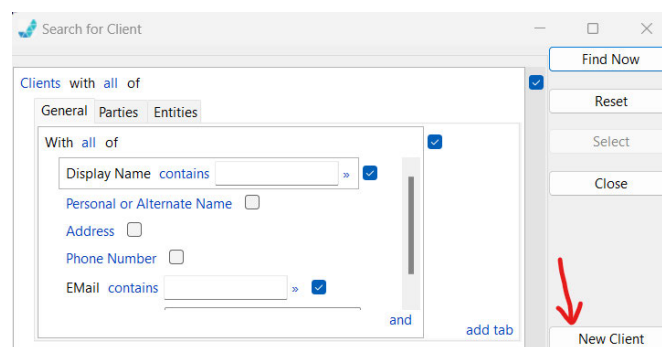


- i.
 - b. Fill in the new client profile using all the information available in the email application. We will always need the first and last name and email address. If it has been provided.
 - c. Once you have entered the details click OK. If Prompted click 'Yes' to copying the Agency contact details to the individual contact.
13. Now Add 'Request Relating to' details. This section relates to the person who has lodged the relevant FOI request to the Agency.
 - a. Select 'Find'
14. Type applicant's name into 'Display Name', using the format 'Surname, Firstname', you may need to search the first and last name separately. REMEMBER: the applicant is the person making the FOI request (or the person authorising another person to lodge an FOI request on their behalf), any representative (migration agent of legal) will be entered later.

a.

15. There will be two options. Either the applicant will already have a profile, or they will not.

- a. Applicant has a profile – Go to Step 16
 - b. Applicant does not already have a profile – Go to Step 17
16. If the **applicant has a profile** in resolve: double-click the profile and confirm the contact details for the FOI applicant from the application are the same as the contact details on the existing Resolve profile.
- a. If the details are correct, double click on the correct profile from the search results list and the details will populate.
17. If the **applicant does not already have a profile**, you will need to create one.
- a. In the same window you opened to find the client (referred to in step 15) select the ‘New Client’ option



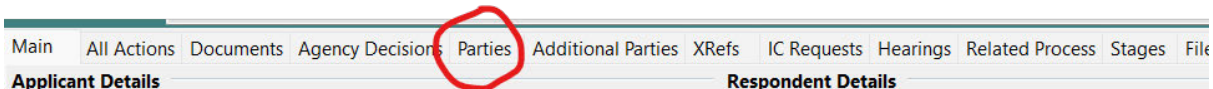
- i.
 - b. Fill in the new client profile using all the information available in the email application. We will always need the first and last name and email address. If it has been provided, then include the phone number and street address.
 - i. ‘Client Group’ will be ‘individual’ in majority of the cases, unless any of the drop-down options apply.
 - c. Once you have entered the details click OK. The details will populate in the ‘Request Relating to’ field.

18. Insert ‘Agency Reference Number’ – this will be found in the application. Either the Agency will have provided it, or it will be within the attached documents.
19. Add ‘Agency Request Received’ Date – This is the date that the Agency received the FOI request.
20. Add ‘Original Decision Date’ -this is the existing FOI due date that the Agency is seeking to be extended. The date should be stated within the extension application. If it is not provided, leave this field blank.

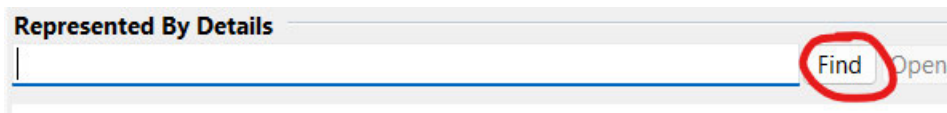
21. Add 'Extension Date' - This is the date of the requested extension.
22. Add 'Days Extended' - This is the number in days from the Original Decision Date to the Extension date e.g. 30
23. Now click 'Save' in the top-left of the file. This will generate an OAIC reference number.

Part 3: If the applicant is represented.

24. If the applicant is represented, you will need to add these details manually.
25. Click on the 'Parties' tab.

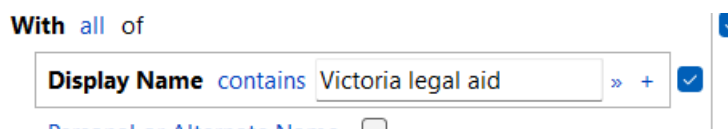



26. Under 'Represented by Details' click on 'Find'



27. Search the representative in 'Display Name' and double click on the correct resolve file listed (details have to be the same as application). Another Contact Options screen will pop up. If the representative is already listed, select them. If the representative is not listed, you will need to add a new contact at the top of the list. If there is no individual representative, only the organisation, select 'Add Contact later'.

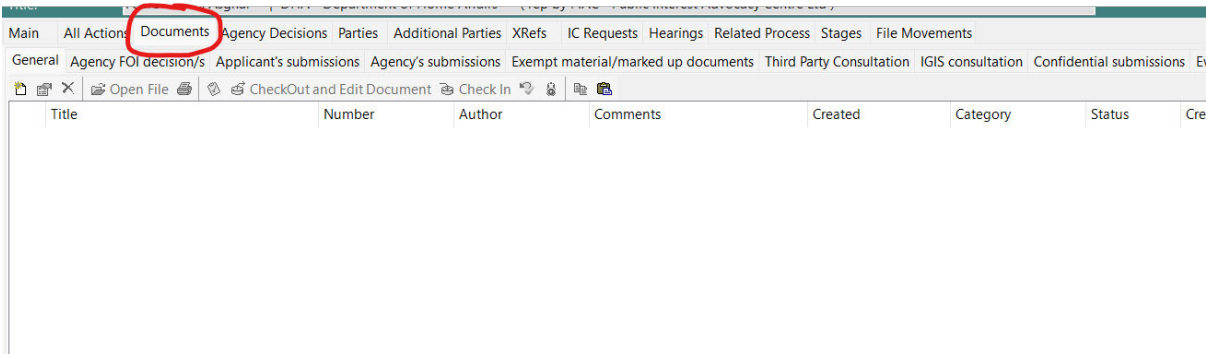
- a. NOTE: if it is an organisation, you will list the organisation as the Party, and then add the individual representative as a contact. i.e. 'Victoria Legal Aid' would be the party, and the contact would be the individual lawyer.



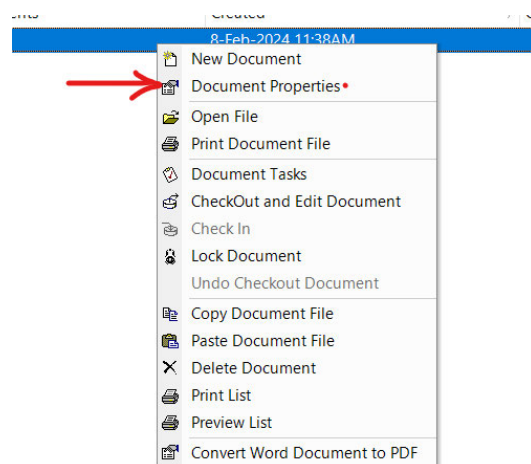
- b. [Personal or Alternate Name](#)
- c. Once you have entered the details click  Save at the top right-hand side of the profile

Part 4: add extension application documents and submissions to file.

28. To save the correspondence to file, open the Documents tab on the Resolve file.



29. Have both your outlook and your Resolve page open side-by-side
30. Drag the Extension application email into the empty white space of the 'documents' tab in the resolve file. Do not copy and paste, or the document will not save with the correct date and time stamp.
31. Now drag each individual attachment from the email into the space of the documents tab in the Resolve file.
32. Your documents will appear as a list.
33. You need to name each individual document. The most common attachments we receive are:
 - a. Extension application
 - b. Original FOI request
 - c. Dept Acknowledgement
 - d. Applicant's agreement to extension
 - e. s 24AB consultation notice
34. To rename documents, left click on each individual document. It will highlight blue, and a list of options will pop-up. Select 'Document Properties'



35. The following box will appear. In the 'Comments' section, name the document. DO NOT: change document title.
36. Press ok.
37. Repeat until all documents are labelled.

Part 5: Check for related matters

38. Copy the Agency Reference number
39. Go to the Xrefs tab.
40. Select 'New'
41. A new window will appear, Select 'Find'
42. A new window will appear, enter the Agency reference number for this field in the corresponding search field and then click 'Find Now'. You may need to attempt slight variations of the Agency reference number to find results e.g. ²² [REDACTED]
43. Review search results.

If no search results appear there are no Xrefs for this matter. Close pop-up windows and move to Part 6.

If search results appear, view the title field in the search results list to check if they relate to the same applicant/complainant and Agency. If you locate related matters, double click on the matter from the search results and then click OK to add the matter to the Xrefs page. You can delete any incorrectly added Xrefs if required. If multiple related matters appeared in the search, repeat steps b –e to add each related matter.

Part 6: move to EOT Queue

28. Change 'Case Officer' at the top of the main page in Resolve to 'FOI – EOT'
29. Click 'Save'

End Process

Registration of an FOI complaint – Emails, Post and Fax

1. Open email containing the FOI Complaint.
2. Open resolve main page
2. Select 'Find Client' from top bar
 - a.



3. Type applicant's name into 'Display Name', using the format 'surname, firstname', you may also need to search the first and last name separately. REMEMBER: the applicant is the person making the FOI request (or the person authorising another person to lodge an FOI request on their behalf), any representative (migration agent of legal) will be entered later.
 - a.
4. There will be two options. Either the applicant will already have a profile, or they will not.
 - a. Applicant has a profile – Go to Step 6
 - b. Applicant does not already have a profile – Go to Step 7
5. If the **applicant has a profile** in resolve: double-click the profile and confirm the contact details supplied in the email are the same as the contact details on the existing Resolve profile.
 - a. If the details are correct, you can click 'New Case'

i.



- b. Then select 'Complaint' from the pop-up box.

i.

- c. Go to step 7.
3. If the **applicant does not already have a profile**, you will need to create one.
 - a. In the same window you opened to find the client (referred to in step 2) select the 'New Client' option

i.

- b. Fill in the new client profile using all the information available in the email application. We will always need the first and last name and email address. If it has been provided, then include the phone number and street address. NOTE: if the applicant is represented, sometimes we will only have their name. This is fine as long as the representative has provided contact details.

i. 'Client Group' will be 'individual' in majority of the cases, unless any of the drop-down options apply.

c. Once you have entered the details click at the top right-hand side of the profile.

d. You will now be able to click 'New Case'

i.

e. Then select 'Complaint' from the pop-up box.

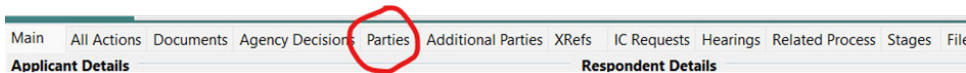
ii. Select "Yes" to proceed

4. The main Resolve Screen for the new complaint will appear. Complaints are assigned the reference CP24/XXXXX
5. Go to the Documents Tab. Drag and drop the email containing the complaint and any attachments individually to the blank Documents list. A pop-up window will appear in each instance, click OK and the document will be uploaded to the Resolve file.
6. Once uploaded, right click on each document and select 'Document properties' from the pop-up window. A pop-up window will appear. Use the comments section to label each document accordingly: e.g:
 - a. 'Complaint'

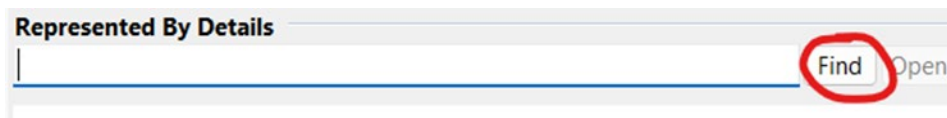
- b. 'FOI Decision'
 - c. 'Internal Review Decision'
 - d. 'FOI Acknowledgement email'
7. Read through the form to assess why the complainant has applied for IC review and determine how the file should at the following steps.

Step 2: If the complainant is represented.

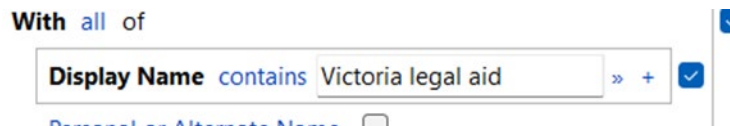
- 8. If the complainant is represented, you will need to add these details manually.
- 9. Click on the 'Parties' tab.



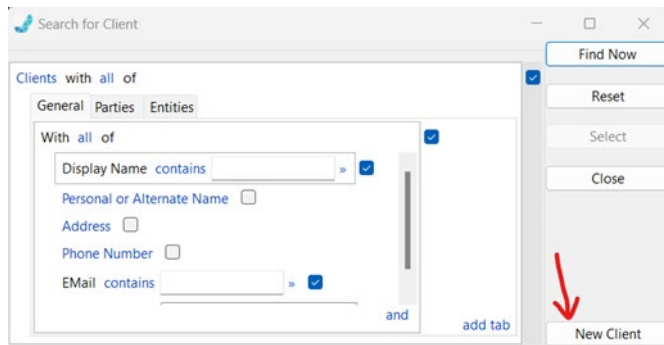
- 10. Under 'Represented by Details' click on 'Find'



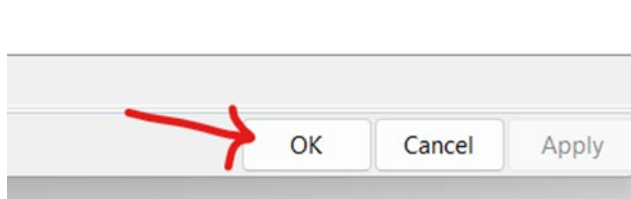
- 11. Search the representative in 'Display Name' and double click on the correct resolve file listed in the search results (details have to be the same as application). Another Contact Options screen will pop up. If the individual representative is already listed, select them. If the representative is not listed, you will need to select 'add a new contact' from the top of the list and enter details into pop up window. If there is no individual representative, only the organisation, select 'Add Contact later' (unless there is a generic contact option i.e. admin or FOI contact officer).
 - a. NOTE: if it is an organisation, you will list the organisation as the Party, and then add the individual representative as a contact. i.e. 'Victoria Legal Aid' would be the party, and the contact would be the individual lawyer.



- b. Personal or Alternate Name
 - c. Once you have entered the details click at the top right-hand side of the profile
12. If the representative does not already have a profile, you will need to create one.
- a. Select 'New Client' option



- b. Fill in the new client profile using all the information available in the application.
- c. Once you have entered the details click at the top right-hand side of the profile.
- d. Now press 'OK' at the bottom of the client profile



e.

Step 3: setting up FOI complaint file

13. Change 'Method' to 'Preliminary Inquiry'
14. Change 'File Security' to 'OFFICIAL'

Details	
Complaint Type:	FOI
Method:	Preliminary Inquiry
File Security:	OFFICIAL

15. Enter 'Respondent Details' to reflect complaint application and supporting documents.
 - a. Select 'Find'

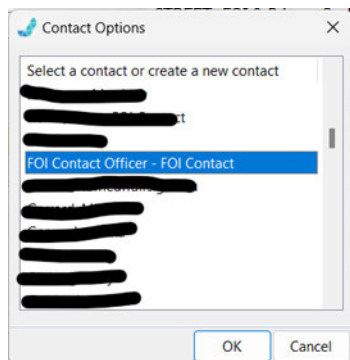
Respondent Details	
	Find

- b. In 'Display Name' type in the Respondent Agency or Department (for most departments you can use their abbreviation i.e. 'DHA')

Display Name	contains	DHA	>>	+	<input checked="" type="checkbox"/>
--------------	----------	-----	----	---	-------------------------------------

- c. Double click on the correct option from the list.
- d. Then the resolve page will take a while to load. Once it does, a 'Contact Options' box will open. In that box, scroll down to 'FOI Contact Officer'. This contact should

already exist in majority of the Respondent files. If there is no 'FOI Contact Officer' you will need to either find the correct officer based on the documents provided in the email application, or select 'Add new Contact' from the top of the list and input FOI Contact Officer as the display name, and the email address of that agency or department's FOI branch (these details will usually be on the decision or acknowledgement provided in the application).



e.

16. On main page of screen, under Respondent Details, enter the 'Agency Reference Number'

Agency Reference Number: . This reference number will most likely be found in the application or supporting documents.

17. Drop down to 'Complaint Details'

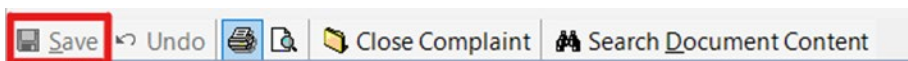
- a. 'Received Date' will be automatically set to the date they made their application.
- b. 'How Received' will be automatically set to 'Website'

18. Go to Xrefs tab. This tab is used to add any related matters as cross references to the complaint file.

- a. Copy the Agency Reference number (See step 22)
- b. Select 'New'
- c. A new window will appear, Select 'Find'
- d. A new window will appear, enter the Agency reference number for this field in the corresponding search field and then click 'Find Now'. You may need to attempt

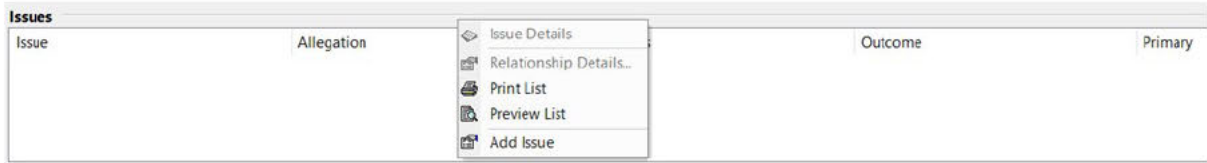
slight variations of the Agency reference number to find results e.g. 22

- e. Review search results.
 - i. If no search results appear there are no Xrefs for this matter. Close pop-up windows and move to Step 25.
 - ii. If search results appear, view the title field in the search results list to check if they relate to the same applicant/complainant and Agency. If you locate related matters, double click on the matter from the search results and then click OK to add the matter to the Xrefs page. You can delete any incorrectly added Xrefs if required. If multiple related matters appeared in the search, repeat steps b –e to add each related matter.
19. Go to 'Agency FOI Stage' field on main resolve page. Most, but not all complaints, relate to an FOI request lodged with an Agency. This field indicates the progress of the complainants FOI request, please select the appropriate option based on the application content.
- a. 'No Reviewable Decision' - Where the complaint does not relate to a specific FOI Decision.
 - b. 'Initial Request Sent' - Complainant has lodged an FOI request and the statutory processing period has not yet passed.
 - c. 'Initial Decision' - Complaint relates to an initial FOI request Decision
 - d. 'Internal Review Sent' Complainant has received an initial FOI Decision and has request an Internal Review, but the statutory processing period for the internal review (30 days) has not yet passed.
 - e. 'Internal Review Decision' - Complaint relates to an Internal Review Decision (The decision letter will note if it relates to an Internal Review).
 - f. 'IC Review Sent' - The Complainant has already lodged an IC Review about the FOI Decision to which the complaint relates. If the complainant has lodged an IC Review you will have located the Review during your Xrefs search at step 24.
20. Now click 'Save' in the top-left of the file.



Step 4: add Issue string to file.

21. This is where you add to the resolve file WHY the complainant is lodging a complaint with the OAIC.
22. On the main page, right click in the 'Issues' box at the bottom of the page.



23. Select 'Add Issue' and a new window will open.
24. You will need to enter two things here, the 'Issue Description' and the 'Allegation'. You will need to determine which options are most relevant based on the details provided in the application.
25. From the 'Issue Description' drop down box, select the relevant choice. This is the overarching category of the issue.
26. From the 'Allegation' drop down menu, select the most relevant. This is the more focused, precise issue category i.e. customer service.
27. In the comments box, copy and paste relevant parts of the complainant's application that details why they are making a complaint, or provide a brief summary.
28. Leave the Outcome Field blank - No outcome is required at this stage.
29. The issue should look like this:

30.

31. Select apply and the issue will appear on the main page. Example:

Issues				
Issue	Allegation	Comments	Outcome	Primary
Processing Request	failure to acknowledge request			Y
Processing Request	processing delay	"I am yet to be provided with anything"		N
Processing Request	unsatisfactory customer service	"I have emailed the FOI team multiple t..		N

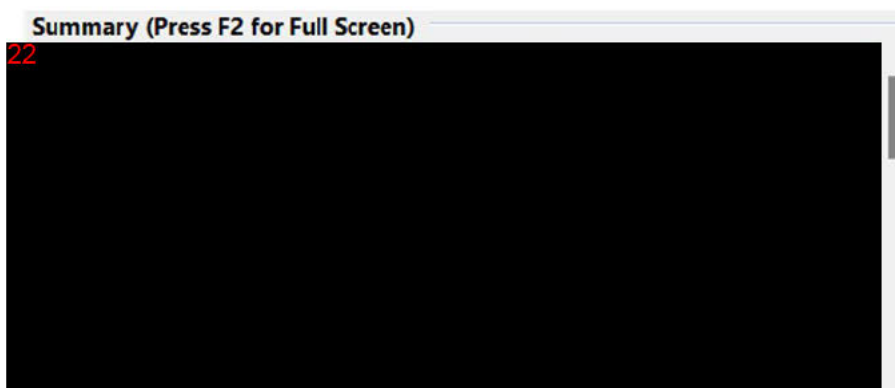
32. If there is more than one issue, repeat steps 26 to 35 for each issue.

Step 5: update summary field in Resolve.

33. The 'Summary' field needs to be updated to provide a simple overview of the Complaint. It should include"

- a. Brief overview e.g. "C lodged complaint having not received response from FOI request".
- b. Preliminary recommendation:
 - i. "Complaint more appropriately addressed through IC review, offer/ITD made to C" – If complaint relates to an FOI Decision, an IC Review is more appropriate as a complaint cannot change the FOI Decision as an outcome.
 - ii. "preliminary inquiry to C" – Complainant has not provided sufficient detail about why they are lodging a complaint
 - iii. "preliminary inquiry to R" – Complainant has provided sufficient detail about their complaint
- c. Quote main points of C's complaint e.g. "C states XXXX"

34. Example:



35. Once you have entered the details click at the top left-hand side of the profile.

Step 6: assess FOI complaint.

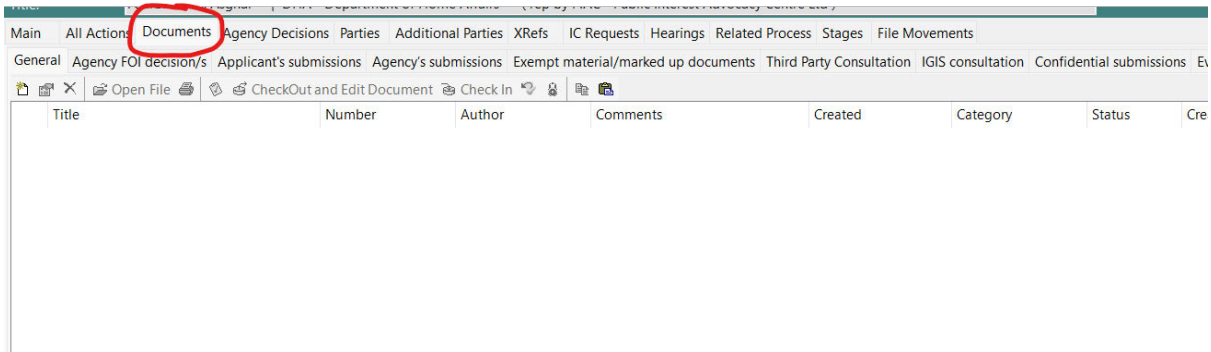
42. Now you are able to assess the complaint for validity and determine the next steps.

43. Access the FOI complaint process guide below to determine next steps:

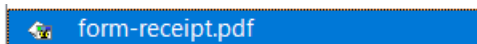
a.

Registration of an FOI complaint – FOI Web Cases Queue

1. Open 'FOI Web Cases' Queue in Resolve
2. Complaints are assigned the reference CP24/XXXXX
3. Double click file to open
4. Locate documents tab. The Application and any supporting documentation will already be uploaded to the file.



5. Open the document titled 'form-receipt.pdf'



6. Read through the form to assess why the complainant has applied for IC review and determine how the file should be set up at the following steps.


Step 1: enter client details

7. At the moment, the complaint SmartForm on the OAIC website does not auto-populate the Resolve 'Complainant Details', you will need to do this manually.
8. Using the SmartForm ('form-receipt.pdf'), identify the IC review complainant and whether they have a representative acting on their behalf for the IC review process.
 - a. NOTE: the complainant will often automatically be registered onto the Resolve file correctly, but you will need to register the representative manually.
 - b. Also, you may need to read the supporting documents to determine who the complainant is and who the representative is. Some legal and migration agencies will accidentally enter their own details into the SmartForm, and not the FOI complainant's details.
9. Return to the Main page
10. Select 'Find' from next to the complainant's Details section

- a.
11. Type complainant's name into 'Display Name' using the format 'surname, firstname', you may also need to search the first and last name separately. REMEMBER: the complainant is the person making the FOI request (or the person authorising another person to lodge an FOI request on their behalf), any representative (migration agent or legal) will be entered later.

- a.
- b. Tip: if no profiles show under complainant's name, search by email address
12. There will be two options. Either the complainant will already have a profile, or they will not.
- a. If the complainant has a profile in resolve: right-click the profile and select 'Open Client'. The client profile will open, and you can confirm the contact details supplied in the application are the same as the contact details on the existing Resolve profile.
- i. If the details are correct, close the client profile window and then double click their profile from the search list.
 - ii. This will automatically add the client profile to the resolve file, and the window will redirect you to the Resolve case main page where you can see this updated.

- b. If the complainant does not already have a profile, you will need to create one.
- i. In the same window you opened to find the client (referred to in step 9) select the 'New Client' option

- ii.
- iii. Fill in the new client profile using all the information available in the application. We will always need the first and last name and email address. If it has been provided, then include the phone number and street address. NOTE: if the complainant is represented, sometimes we will only have their name. This is fine as long as the representative has provided contact details.
- iv. 'Client Group' will be individual in majority of the cases, unless any of the drop-down options apply.
- v. Once you have entered the details click  Save at the top right-hand side of the profile.
- vi. Now press 'OK' at the bottom of the client profile

- vii.
- viii. This will automatically add the client profile to the resolve file, and the window will redirect you to the Resolve case main page where you can see this updated.

13. Then the following window will appear, and you will need to begin filling in all the details in orange based on the application submitted (See Step 3 in process).

Complaint Entry

Save Undo Close Complaint Search Document Content

Details

Complaint Type: FOI Case Number: 22 Stage: Start Next Stage
 Method: To be Determined Case Officer: Web Queue File Holder: New Related Process
 File Security: Target Date: Destruction Status: Move File
 Retention Class: 22 COVID-19 Delay:

Title:

Main Issues All Actions Documents Parties Additional Parties XRefs Hearings Related Process Surveys Stages File Movements Web Case

Complainant Details Find Open Anon Unknown **Respondent Details** Find Open Unknown

Agency Reference Number:

Complaint Details

Received Date: 21-Mar-2024 SmartForm No: 56514079 Date s.40 Letter Sent:
 How Received: Website Validation: Not validated Complexity: Low
 Registered By: Web Queue Referral Source: Agency FOI Stage:
 Decision Maker: Sensitivity: Not sensitive
 Citation Number: Note:
 Next Action:
 Next Action Date:

Summary (Press F2 for Full Screen)

Open Actions

Action Name	Due Date
<input type="checkbox"/> Record case details and attach docs (FC REG)	25-Mar-2024

SmartForm Details

Complainant - Do you require any assistance to participate in the FOI complaint process?
 No

Please provide a summary of the current status of the FOI

Issues

Issue	Allegation	Comments	Outcome	Primary
-------	------------	----------	---------	---------

Step 2: If the complainant is represented.

- 14. If the complainant is represented, you will need to add these details manually.
- 15. Click on the 'Parties' tab.

Main All Actions Documents Agency Decisions Parties Additional Parties XRefs IC Requests Hearings Related Process Stages File

Applicant Details **Respondent Details**

- 16. Under 'Represented by Details' click on 'Find'

Represented By Details

Find Open


17. Search the representative in 'Display Name' and double click on the correct resolve file listed in the search results (details have to be the same as application). Another Contact Options screen will pop up. If the individual representative is already listed, select them. If the representative is not listed, you will need to select 'add a new contact' from the top of the list and enter details into pop up window. If there is no individual representative, only the organisation, select 'Add Contact later' (unless there is a generic contact option i.e. admin or FOI contact officer).

- a. NOTE: if it is an organisation, you will list the organisation as the Party, and then add the individual representative as a contact. i.e. 'Victoria Legal Aid' would be the party, and the contact would be the individual lawyer.

With all of

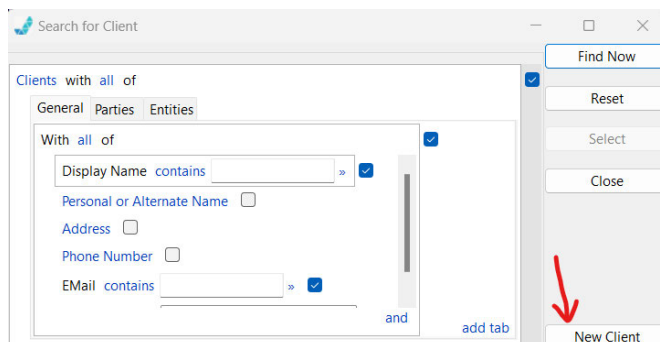
Display Name contains Victoria legal aid >> +


Personal or Alternate Name

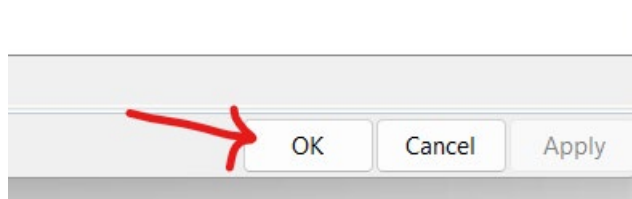
- b.
- c. Once you have entered the details click  Save at the top right-hand side of the profile

18. If the representative does not already have a profile, you will need to create one.

- a. Select 'New Client' option



- b. Fill in the new client profile using all the information available in the application.
- c. Once you have entered the details click  Save at the top right-hand side of the profile.
- d. Now press 'OK' at the bottom of the client profile

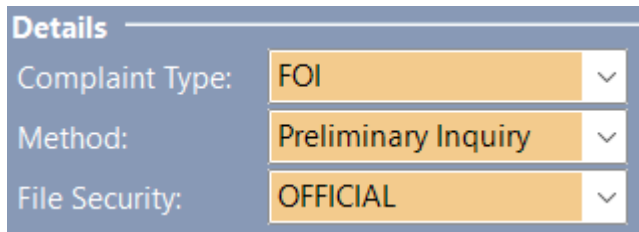


- e.

Step 3: setting up FOI complaint file

19. Change 'Method' to 'Preliminary Inquiry'

20. Change 'File Security' to 'OFFICIAL'



Details

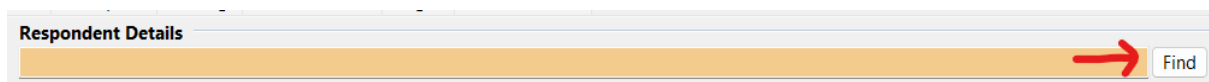
Complaint Type: **FOI** ▾

Method: **Preliminary Inquiry** ▾

File Security: **OFFICIAL** ▾

21. Enter 'Respondent Details' to reflect complaint application and supporting documents.

a. Select 'Find'



Respondent Details

Find

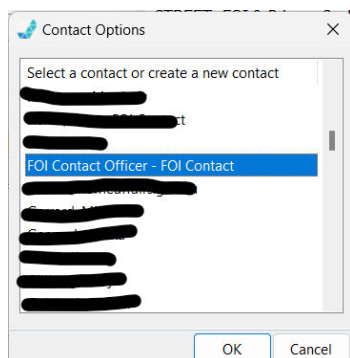
b. In 'Display Name' type in the Respondent Agency or Department (for most departments you can use their abbreviation i.e. 'DHA')



Display Name contains DHA >> +

c. Double click on the correct option from the list.

d. Then the resolve page will take a while to load. Once it does, a 'Contact Options' box will open. In that box, scroll down to 'FOI Contact Officer'. This contact should already exist in majority of the Respondent files. If there is no 'FOI Contact Officer' you will need to either find the correct officer based on the documents provided in the email application, or select 'Add new Contact' from the top of the list and input FOI Contact Officer as the display name, and the email address of that agency or department's FOI branch (these details will usually be on the decision or acknowledgement provided in the application).



Contact Options

Select a contact or create a new contact

- [Redacted]
- [Redacted]
- FOI Contact Officer - FOI Contact**
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

OK Cancel

22. On main page of screen, under Respondent Details, enter the 'Agency Reference Number'

Agency Reference Number:

. This reference number will most likely be found in the application or supporting documents.

23. Drop down to 'Complaint Details'

- a. 'Received Date' will be automatically set to the date they made their application.
- b. 'How Received' will be automatically set to 'Website'

Complaint Details

Received Date:

How Received:

Registered By:

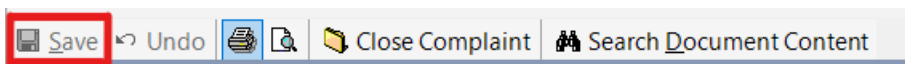
24. Go to Xrefs tab. This tab is used to add any related matters as cross references to the complaint file.

- a. Copy the Agency Reference number (See step 22)
- b. Select 'New'
- c. A new window will appear, Select 'Find'
- d. A new window will appear, enter the Agency reference number for this field in the corresponding search field and then click 'Find Now'. You may need to attempt slight variations of the Agency reference number to find results e.g. 22
- e. Review search results.
 - i. If no search results appear there are no Xrefs for this matter. Close pop-up windows and move to Step 25.
 - ii. If search results appear, view the title field in the search results list to check if they relate to the same applicant/complainant and Agency. If you locate related matters, double click on the matter from the search results and then click OK to add the matter to the Xrefs page. You can delete any incorrectly added Xrefs if required. If multiple related matters appeared in the search, repeat steps b –e to add each related matter.

25. Go to 'Agency FOI Stage' field on main resolve page. Most, but not all complaints, relate to an FOI request lodged with an Agency. This field indicates the progress of the complainants FOI request, please select the appropriate option based on the application content.

- a. 'No Reviewable Decision' - Where the complaint does not relate to a specific FOI Decision.
- b. 'Initial Request Sent' - Complainant has lodged an FOI request and the statutory processing period has not yet passed.
- c. 'Initial Decision' - Complaint relates to an initial FOI request Decision
- d. 'Internal Review Sent' Complainant has received an initial FOI Decision and has request an Internal Review, but the statutory processing period for the internal review (30 days) has not yet passed.
- e. 'Internal Review Decision' - Complaint relates to an Internal Review Decision (The decision letter will note if it relates to an Internal Review).
- f. 'IC Review Sent' - The Complainant has already lodged an IC Review about the FOI Decision to which the complaint relates. If the complainant has lodged an IC Review you will have located the Review during your Xrefs search at step 24.

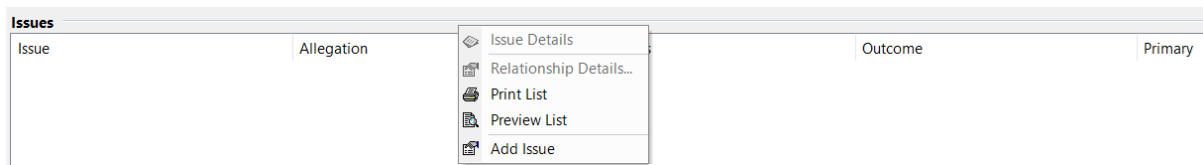
26. Now click 'Save' in the top-left of the file.



Step 4: add Issue string to file.

27. This is where you add to the resolve file WHY the complainant is lodging a complaint with the OAIC.

28. On the main page, right click in the 'Issues' box at the bottom of the page.



29. Select 'Add Issue' and a new window will open.

30. You will need to enter two things here, the 'Issue Description' and the 'Allegation'. You will need to determine which options are most relevant based on the details provided in the application.

31. From the 'Issue Description' drop down box, select the relevant choice. This is the overarching category of the issue.

32. From the 'Allegation' drop down menu, select the most relevant. This is the more focused, precise issue category i.e. customer service.
33. In the comments box, copy and paste relevant parts of the complainant's application that details why they are making a complaint, or provide a brief summary.
34. Leave the Outcome Field blank - No outcome is required at this stage.
35. The issue should look like this:

22 Issue Entry

Issues

Issue Details

Issue Description: > Processing Request

Advice:

Allegation: > unsatisfactory customer service Primary Issue:

Comments

Remedy Provided

Remedy Provided

- Agency officer counselled or disciplined
- Change policy/procedure
- Error corrected
- Explanation
- Financial remedy
- Matter expedited
- Other systemic remedy
- Publish information
- Reduced
- Refunded

Outcome

Outcome: >

OK Cancel Apply

- 36.
37. Select apply and the issue will appear on the main page. Example:

Issues				
Issue	Allegation	Comments	Outcome	Primary
↔ Processing Request	failure to acknowledge request			Y
↔ Processing Request	processing delay	"I am yet to be provided with anything"		N
↔ Processing Request	unsatisfactory customer service	"I have emailed the FOI team multiple t.."		N

38. If there is more than one issue, repeat steps 26 to 35 for each issue.

Step 5: update summary field in Resolve.

39. The 'Summary' field needs to be updated to provide a simple overview of the Complaint. It should include"
 - a. Brief overview e.g. "C lodged complaint having not received response from FOI request".

- b. Preliminary recommendation e.g. “complaint to move to assessment” or
“Complaint more appropriately addressed through IC review, offer/ITD made to C”
- c. Quote main points of C’s complaint e.g. “C states XXXX”

40. Example:



41. Once you have entered the details click  Save at the top left-hand side of the profile.

Step 6: assess FOI complaint.

- 42. Now you are able to assess the complaint for validity and determine the next steps.
- 43. Access the FOI complaint process guide below to determine next steps:
 - a. f

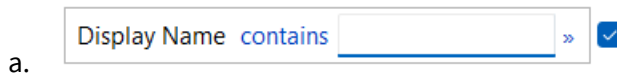
Registration of a matter – Inbox IC review request

Step 1: check for client profile

1. Open resolve main page
2. Select 'Find Client' from top bar

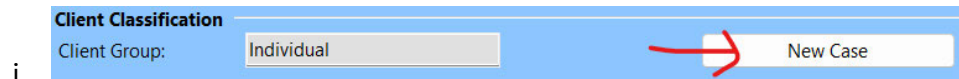


3. Type applicant's name into 'Display Name', you may need to search the first and last name separately. REMEMBER: the applicant is the person making the FOI request (or the person authorising another person to lodge an FOI request on their behalf), any representative (migration agent of legal) will be entered later.

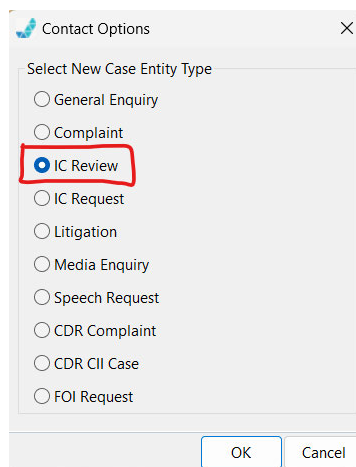


4. There will be two options. Either the applicant will already have a profile, or they will not.
 - a. Applicant has a profile – Go to Step 6
 - b. Applicant does not already have a profile – Go to Step 7
5. If the **applicant has a profile** in resolve: double-click the profile and confirm the contact details supplied in the email are the same as the contact details on the existing Resolve profile.

- a. If the details are correct, you can click 'New Case'



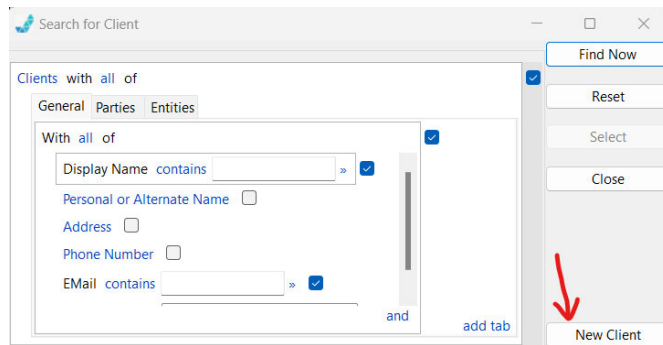
- b. Then select 'IC review' from the pop-up box.



- c. Go to step 7.


6. If the **applicant does not already have a profile**, you will need to create one.

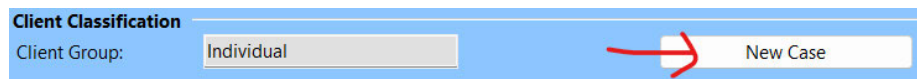
- a. In the same window you opened to find the client (referred to in step 2) select the 'New Client' option



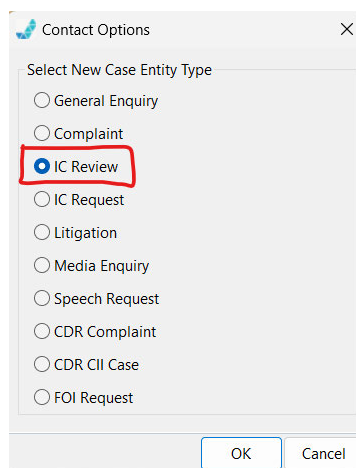
- i.
- b. Fill in the new client profile using all the information available in the email application. We will always need the first and last name and email address. If it has been provided, then include the phone number and street address. NOTE: if the applicant is represented, sometimes we will only have their name. This is fine as long as the representative has provided contact details.

- i. 'Client Group' will be 'individual' in majority of the cases, unless any of the drop-down options apply.

- c. Once you have entered the details click  Save at the top right-hand side of the profile.
- d. You will now be able to click 'New Case'



- i.
- e. Then select 'IC review' from the pop-up box.



- i.
- ii. Select "Yes" to proceed

7. Then the following window will appear and you will need to begin filling in all the details

The screenshot shows the 'New IC Review - IC Review Entry' application. The 'Details' section includes fields for Case Type (Primary), Method (To be Determined), Review Type (Access Refusal), and File Security (OFFICIAL). The 'Respondent Details' section is currently empty, with a 'Find' button visible. The 'Review Details' section shows a received date of 19-Mar-2024 and a registered user of Lynch, Claire. The 'Open Actions' table is also empty.

Step 2: setting up IC review file

8. Change 'Method' to 'Preliminary Inquiry'
9. Change 'Review Type' to 'Access Refusal'
 - a. SURGE: if you think the matter may be an access grant, please make note and let Hannah Hunter or Claire Lynch know (either by email, teams, or assigning an action in Resolve), and move on to the next task. Access Grant matters will not be dealt with in surge.
10. Change 'Category' to relevant drop down option
 - a. NOTE: Deemed access refusals will be 'Not Applicable'
11. Change 'File Security' to 'OFFICIAL'

The close-up screenshot shows the 'Details' section with the following settings:

- Case Type: Primary
- Method: Preliminary Inquiry
- Review Type: Access Refusal
- Category: Not Applicable
- File Security: OFFICIAL

12. Add 'Respondent Details'
 - a. Select 'Find'

Respondent Details Find

- b. In 'Display Name' type in the Respondent Agency or Department (for most departments you can use their abbreviation i.e. 'DHA')

Display Name contains DHA

- c. Double click on the correct option from the list.
- d. Then the resolve page will take a while to load. Once it does, a 'Contact Options' box will open. In that box, scroll down to 'FOI Contact Officer'. This contact should already exist in majority of the Respondent files. If there is no 'FOI Contact Officer' you will need to either find the correct officer based on the documents provided in the email application, or select 'Add new Contact' from the top of the list and input FOI Contact Officer as the display name, and the email address of that agency or department's FOI branch (these detail will usually be on the decision or acknowledgement provided in the application).

Contact Options

Select a contact or create a new contact

- [Redacted]
- [Redacted]
- FOI Contact Officer - FOI Contact
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

OK Cancel

- e.
- f. Insert 'Agency Reference Number' - this will be found in the application. Either the applicant will have provided it, or it will be listed on the acknowledgment or decision from the Agency/Department that the applicant has provided. If the Agency Reference Number is not provided, this may be left -blank to be updated at a later time.

13. Drop down to 'Review Details'

- a. Change 'Received Date' to the date the email requesting IC review was sent to the OAIC by email.
- b. Change 'How Received' to 'Email'
- c. In the 'Sensitivity' check list, tick any that may apply. The most common are 'Media Interest' or 'Member of Parliament'.

- d. Change Deemed Decision to 'yes' or 'no'. This will depend on why the applicant is applying for IC review. NOTE: a deemed decision occurs when the applicant has not received a response to their FOI request by the due date – generally 30 days (s 15AC).
- e. Leave '55G Decision' orange with no entry– this will be filled in by the team later in the process.

Review Details

Received Date: 14-Mar-2024

How Received: Email

Registered By: Lynch, Claire

Sensitivity:

- Not sensitive
- Media Interest
- Member of Parliament
- Ministerial
- Safety concerns

Validation: Not validated

Deemed decision: Yes

Preliminary view to applicant:

Preliminary view to respondent:

55G decision:

Decision to Executive:

14. Now click 'Save' in the top-left of the file. This will generate an OAIC reference number.

Save Print Print Preview Close IC Review Search Document Content

Details

Case Type: Primary Case Number: MR24- [REDACTED]

Method: Preliminary Inquiry Case Officer: [REDACTED]

Review Type: Access Refusal Target Date: 13-Apr-2024

File Security: OFFICIAL Stage: Registration

Step 3: If the applicant is represented.

15. If the applicant is represented, you will need to add these details manually.
16. Click on the 'Parties' tab.

Main All Actions Documents Agency Decisions **Parties** Additional Parties XRefs IC Requests Hearings Related Process Stages File

Applicant Details Respondent Details

17. Under 'Represented by Details' click on 'Find'

Represented By Details

Find Open


18. Search the representative in 'Display Name' and double click on the correct resolve file listed (details have to be the same as application). Another Contact Options screen will pop up. If the representative is already listed, select them. If the representative is not listed, you

will need to add a new contact at the top of the list. If there is no individual representative, only the organisation, select 'Add Contact later'.

- a. NOTE: if it is an organisation, you will list the organisation as the Party, and then add the individual representative as a contact. i.e. 'Victoria Legal Aid' would be the party, and the contact would be the individual lawyer.

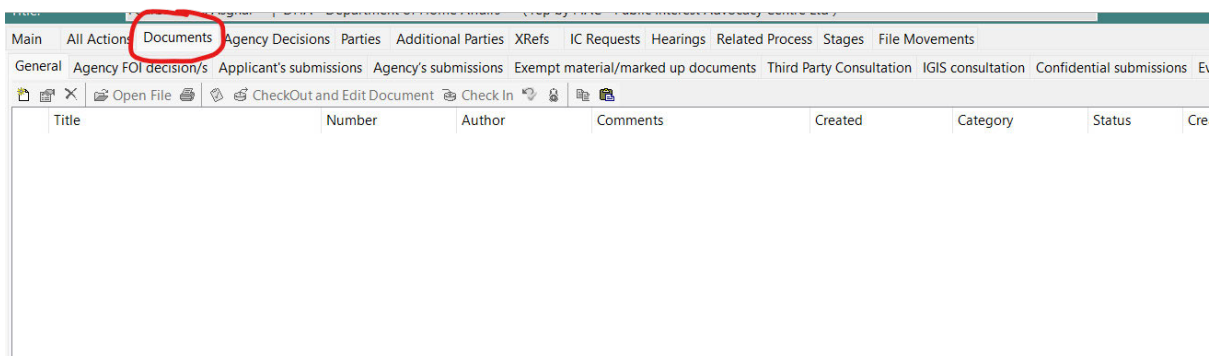
With all of

Display Name contains Victoria legal aid >> +

- b. Personal or Alternate Name
- c. Once you have entered the details click  Save at the top right-hand side of the profile

Step 4: add application documents and submissions to file.

19. To save the correspondence to file, open the Documents tab on the Resolve file.



20. Have both your outlook and your Resolve page open side-by-side

21. Drag the IC review application email into the empty white space of the 'documents' tab in the resolve file. Do not copy and paste, or the document will not save with the correct date and time stamp.

22. Now drag each individual attachment from the email into the space of the documents tab in the Resolve file.

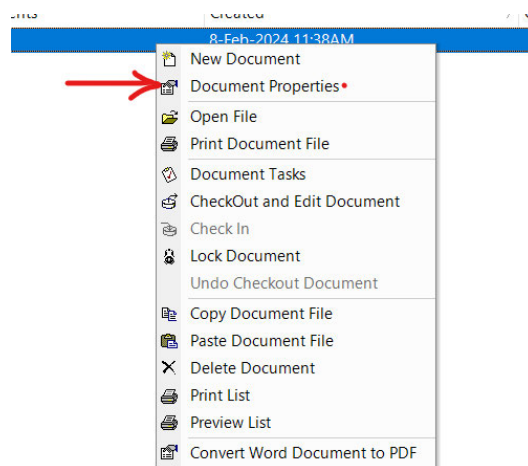
23. Your documents will appear as a list.

Title	Number	Author	Comments	Created	Category	Status
FOI Request [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	8-Feb-2024 11:38AM		CheckedIn
RE: Acknowledgement of Freedom of Information...	[REDACTED]	[REDACTED]	[REDACTED]	12-Mar-2024 10:07AM		CheckedIn
FW: Form Receipt - (Automated Notification) - Office...	[REDACTED]	[REDACTED]	[REDACTED]	14-Mar-2024 12:06PM		CheckedIn
SmartForm in Error folder [REDACTED] EC=OFFICIAL]	[REDACTED]	[REDACTED]	[REDACTED]	14-Mar-2024 4:52PM		CheckedIn
form-recei [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	19-Mar-2024 4:32PM		CheckedIn
S0314-2403.14 GIAC Application [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	19-Mar-2024 4:33PM		CheckedIn
S0314-50314-SIGNED IC Authority [REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	19-Mar-2024 4:33PM		CheckedIn
S0314-50314-SIGNED IC Privacy Notification and...	[REDACTED]	[REDACTED]	[REDACTED]	19-Mar-2024 4:33PM		CheckedIn
S0314 [REDACTED].pg	[REDACTED]	[REDACTED]	[REDACTED]	19-Mar-2024 4:35PM		CheckedIn

24. You need to name each individual document. The most common attachments we receive are:

- a. Original FOI request
- b. Dept Acknowledgement
- c. IC review application form
- d. A's submissions for IC review
- e. Rep authority to act
- f. A's Photo ID
- g. FOI decision under review

25. To rename documents, left click on each individual document. It will highlight blue, and a list of options will pop-up. Select 'Document Properties'



26. The following box will appear. In the 'Comments' section, name the document. DO NOT: change document title.

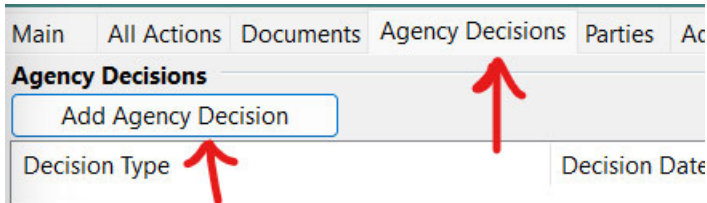
27. Press ok.

28. Repeat until all documents are labelled. Once completed, move the email to the 'ACTIONED EMAILS' folder within the FOIDR mailbox.

Step 5: add agency decision.

29. This is where you add to the resolve file WHY the applicant is seeking IC review.

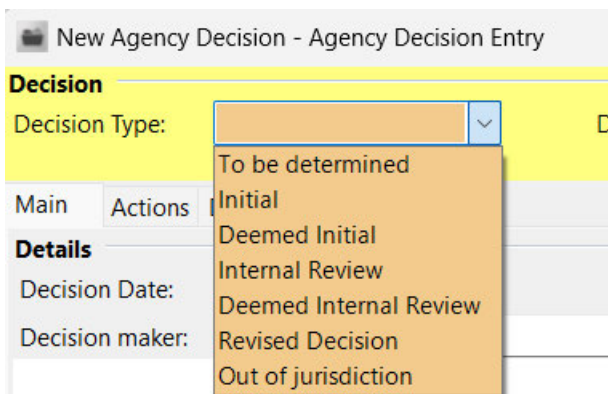
30. Go to the 'Agency Decisions' tab and click 'Add Agency Decision'.



31. A 'New Agency Decision' window will open.

32. From the 'Decision Type' drop down box, select the relevant choice. This is the IC reviewable decision made by the Agency/Department that the applicant is seeking to have reviewed.

- a. Initial - Agency/Department provided a decision letter in response to the FOI request.
- b. Deemed Initial – The applicant has not received a response to the FOI request OR the Agency/Department provided a response AFTER the processing period expired (30 days unless timeframe extended).
- c. Internal Review – A is sought internal review of an original/initial FOI Decision, and they wish to have the internal review decision reviewed by the IC.
- d. Deemed Internal Review – Applicant requested internal review and never received a response from the Agency/Department within 30 days OR the Agency/Department provided a response AFTER the 30-day processing period to provide a response expired
- e. Out of Jurisdiction – Decision the applicant is seeking to have reviewed is in regards to a state jurisdiction, unrelated to FOI or misdirected.



33. Enter 'Decision Date'. This will either be on the decision letter, or if in relation to a deemed decision, will be 30 calendar days after the request was sent, unless an Xrefs check of the

Agency reference indicates an extension of time was granted or the IC review application indicates another mechanism under the FOI Act has impacted the decision due date (s24AB consultation, third party consult or charges). NOTE: if the application is regarding a deemed decision, and the applicant has not provided a copy of the original request, you will need to send an [RFI](#) requesting it.

34. Click 'Ok' at the bottom of the 'Agency Decision' so it saves. Your screen will then look like this:

Agency Decisions		
Decision Type	Decision Date	Decision Status
Deemed Initial	9-Mar-2024	Active

35. Double click on the Agency Decision that is now listed.
 36. Left click inside of the 'Issues' box so a list of options pops-up.
 37. Select 'Add Issue'

38. The next pop-up screen will allow you to enter the particulars of the decision, and what the applicant is seeking to have reviewed.
39. Under 'Issue Description' select the most relevant. The most common are:
- Access refused 53A(a) – Decision refused access in full OR deemed decision
 - Partial access refused 53A(b) – Decision provided access to some documents, but other documents were redacted/exempt
 - Not an IC reviewable decision - Decision the applicant is seeking to have reviewed is in regards to a state jurisdiction, unrelated to FOI or misdirected
40. 'Review Reason' will depend on what part of the decision the applicant disagrees with.

- a. If the decision is deemed, the 'Review Reason' will always be 's15AC – no reasons'

Issue Details

Issue Description: > access refused - 53A(a)

Advice:

Review Reason: > s15AC - no reasons Primary Issue:

Comments

- b. If the applicant has been given a decision that is redacted/exempt or refused in full, you will list the exemptions that the applicant has raised in their IC review application.
- c. NOTE: the applicant may state that they disagree with the entire decision, in that case, you will need to add every exemption listed in the decision letter.
- d. If there is more than one exemption ('Review Reason') that needs to be listed, you will need to add multiple issues.
- e. Click 'Ok' to save first issue, which will now appear in the Issues list of the agency decision. Then right click in the 'Issues' box again and 'Add New Issue'

Agency Decision Entry

Decision

Decision Type: Deemed Initial Decision Status: Active Substitute Agency Decision

Main Actions Documents

Details

Decision Date: 9-Mar-2024

Decision maker: Find Open

Document Count: Date substituted:

Summary

Issues

Issue	Review Reason	Comments	Outcome	Primary Issue
access refused - 53A(a)	s15AC - no reasons			Y

Issue Details
Relationship Details...
Print List
Preview List
Add Issue

OK Cancel Apply

- f. Repeat steps 38 and 39 until all exemptions raised in IC review application are listed. Example:

s 22

Agency Decision Entry

Decision

Decision Type: Decision Status:

Main Actions Documents

Details

Decision Date: Decision maker:

Document Count: Date substituted:

Summary

Issues

Issue	Review Reason	Comments	Outcome	Primary Issue
partial access refused ...	s45 - confidential infor...			Y
partial access refused ...	s47B - Commonwealth ...			N
partial access refused ...	s47G - business affairs -..			N

Step 6: update summary field in Resolve.

41. The 'Summary' field needs to be updated to provide a simple overview of the IC review. It needs to include five things:
- a. Timeline of events
 - i. This will detail when the request was made, whether there were any EOTs, the date of the decision, and the date the IC review was requested.
 - ii. All of the details will be found in the IC review application, supporting documents and any cross-referenced files.
 - b. Details of the decision under review
 - i. This will detail the date of the decision, what type of decision it is (deemed, partial access, refused in full, internal review, access grant, etc.), how many documents are at issue and what exemptions have been used.
 - ii. All of the details will be found in the decision letter.
 - c. Any important notes for the assessor

- i. This will depend on each application. However, can include details of an out of jurisdiction decision (i.e. a deemed refusal occurred before the Agency released their decision, but the applicant is seeking review of the out of jurisdiction decision, not the deemed refusal)
- d. Scope of the IC review
 - i. This is why the applicant is seeking review, and what parts of the decision they disagree with.
 - ii. This will be found in the application.
- e. Scope of the FOI request
 - i. This lists what was requested in the original FOI request.

42. Examples:

s 22


A large black rectangular redaction box covering the content of the first example.

s 22

A large black rectangular redaction box covering the content of the second example.

s 22

A large black rectangular redaction box covering the content of the third example.

43. Once you have entered the details click  Save at the top left

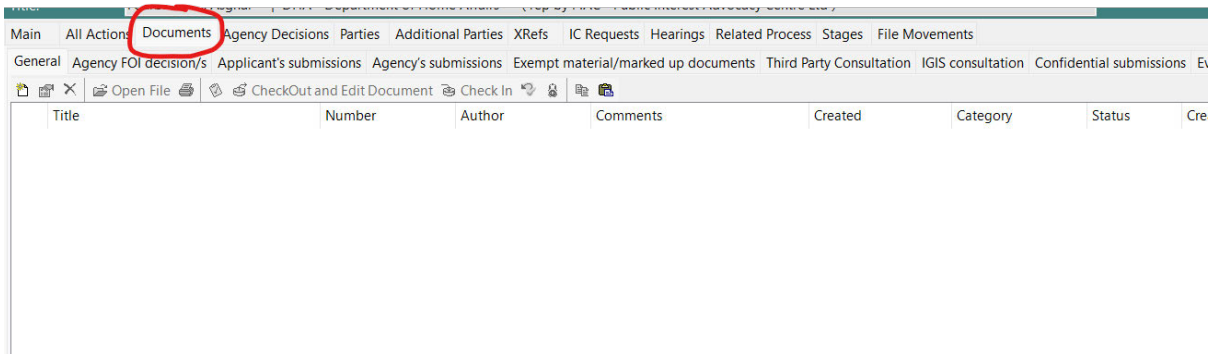
44. -hand side of the profile.

Step 7: update summary field in Resolve.

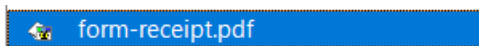
45. Now you are able to assess the matter for validity and determine the next steps.
46. Depending on what type of review the applicant is seeking, access the relevant process guide below to determine next steps:
 - a. [Access Grants - Triage Process Guide](#)
 - b. [Access Refusals - Triage Process Guide](#)
 - c. [Deemed Access Refusals - Triage Process Guide](#)

Registration of a matter – FOI Web Cases Queue

1. Open 'FOI Web Cases' Queue in Resolve
2. Double click file to open
3. Locate documents tab. The Application and any supporting documentation will already be uploaded to the file.



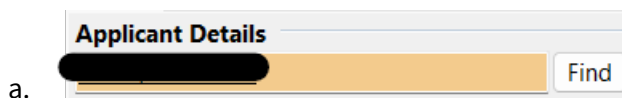
4. Open the document titled 'form-receipt.pdf'



5. Read through the form to assess why the applicant has applied for IC review and determine how the file should be set up.

Step 1: check for client profile

6. Using the SmartForm ('form-receipt.pdf'), identify the IC review applicant and whether they have a representative acting on their behalf for the IC review process.
 - a. NOTE: the applicant will often automatically be registered onto the Resolve file correctly, but you will need to register the representative manually.
 - b. Also, you may need to read the supporting documents to determine who the applicant is and who the representative is. Some legal and migration agencies will accidentally enter their own details into the SmartForm, and not the FOI applicant's details.
7. If the 'Applicant Details' are not correct (i.e. the representative has been entered as the applicant), you will need to update the file.
8. Select 'Find' from next to the applicant's name



9. Type applicant's name into 'Display Name', you may need to search the first and last name separately. REMEMBER: the applicant is the person making the FOI request (or the person authorising another person to lodge an FOI request on their behalf), any representative (migration agent or legal) will be entered later.

a. »

10. There will be two options. Either the applicant will already have a profile, or they will not.
- a. If the applicant has a profile in resolve: right-click the profile and select 'Open Client'. The client profile will open, and you can confirm the contact details supplied in the application are the same as the contact details on the existing Resolve profile.
- i. If the details are correct, close the client profile window and then double click their profile from the search list.
- ii. This will automatically add the client profile to the resolve file, and the window will redirect you to the Resolve case main page where you can see this updated.


- b. If the applicant does not already have a profile, you will need to create one.
- i. In the same window you opened to find the client (referred to in step 9) select the 'New Client' option

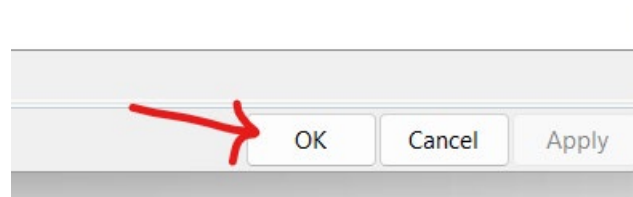
ii.

- iii. Fill in the new client profile using all the information available in the email application. We will always need the first and last name and email address.

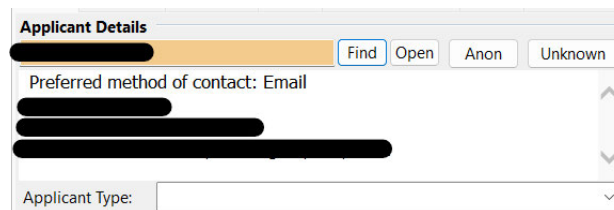
If it has been provided, then include the phone number and street address.




NOTE: if the applicant is represented, sometimes we will only have their name. This is fine as long as the representative has provided contact details.

- iv. 'Client Group' will be individual in majority of the cases, unless any of the drop-down options apply.
- v. Once you have entered the details click  Save at the top right-hand side of the profile.
- vi. Now press 'OK' at the bottom of the client profile



- vii.
- viii. This will automatically add the client profile to the resolve file, and the window will redirect you to the Resolve case main page where you can see this updated.

A screenshot of a form titled 'Applicant Details'. The top section has a name field highlighted in orange, followed by buttons for 'Find', 'Open', 'Anon', and 'Unknown'. Below this, it says 'Preferred method of contact: Email'. There are two redacted lines for address and one redacted line for phone number. At the bottom, there is a dropdown menu labeled 'Applicant Type:'.

Applicant Details
 Find Open Anon Unknown
Preferred method of contact: Email


Applicant Type: <input type="text"/>

11. Then the following window will appear, and you will need to begin filling in all the details in orange.

Step 2: If the applicant is represented.

12. If the applicant is represented, you will need to add these details manually.
13. Click on the 'Parties' tab.

14. Under 'Represented by Details' click on 'Find'

15. Search the representative in 'Display Name' and double click on the correct resolve file listed (details have to be the same as application). Another Contact Options screen will pop up. If the representative is already listed, select them. If the representative is not listed, you will need to add a new contact at the top of the list. If there is no individual representative, only the organisation, select 'Add Contact later'.
 - a. NOTE: if it is an organisation, you will list the organisation as the Party, and then add the individual representative as a contact. i.e. 'Victoria Legal Aid' would be the party, and the contact would be the individual lawyer.

With all of

Display Name contains Victoria legal aid >> +

- b. Personal or Alternate Name


- c. Once you have entered the details click  Save at the top right-hand side of the profile

Step 3: setting up IC review file

16. Change 'Method' to 'Preliminary Inquiry'
17. Change 'Review Type' to 'Access Refusal'
- d. SURGE: if you think the matter may be an access grant, please make note and let Hannah Hunter or Claire Lynch know (either by email, teams, or assigning an action in Resolve), and move on to the next task. Access Grant matters will not be dealt with in surge.
18. Change 'Category' to relevant drop down option
- a. NOTE: Deemed access refusals will be 'Not Applicable'
19. Change 'File Security' to 'OFFICIAL'

Details	
Case Type:	Primary
Method:	Preliminary Inquiry
Review Type:	Access Refusal
Category:	Not Applicable
File Security:	OFFICIAL

20. Confirm 'Respondent Details' match IC review application and supporting documents.
- a. If details need to be changed, select 'Find'

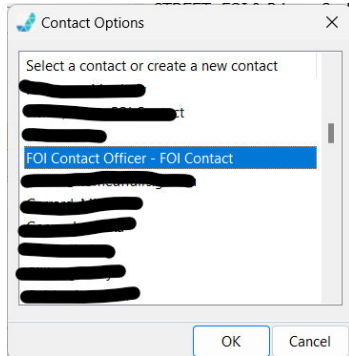
Respondent Details
 Find

- a. In 'Display Name' type in the Respondent Agency or Department (for most departments you can use their abbreviation i.e. 'DHA')

Display Name contains	DHA	» +	<input checked="" type="checkbox"/>
-----------------------	-----	-----	-------------------------------------

- b. Double click on the correct option from the list.
- c. Then the resolve page will take a while to load. Once it does, a 'Contact Options' box will open. In that box, scroll down to 'FOI Contact Officer'. This contact should already exist in majority of the Respondent files. If there is no 'FOI Contact Officer' you will need to either find the correct officer based on the documents provided in

the email application, or select 'Add new Contact' from the top of the list and input FOI Contact Officer as the display name, and the email address of that agency or department's FOI branch (these details will usually be on the decision or acknowledgement provided in the application).



d.

e. Confirm 'Agency Reference Number' has been entered automatically. If this requires manual entry, it will be found in the application. Either the applicant will have provided it, or it will be listed on the acknowledgment or decision from the Agency/Department that the applicant has provided.

21. Drop down to 'Review Details'

- a. 'Received Date' will be automatically set to the date they made their application.
- b. 'How Received' will be automatically set to 'Website'
- c. In the 'Sensitivity' check list, tick any that may apply. The most common are 'Media Interest' or 'Member of Parliament'.
- d. Change Deemed Decision to 'yes' or 'no'. This will depend on why the applicant is applying for IC review. NOTE: a deemed decision occurs when the applicant has not received a response to their FOI request by the due date – generally 30 days (s 15AC).
- e. Leave '55G Decision' orange with no entry – this will be filled in by the team later in the process.

Review Details	
Received Date: ● 14-Mar-2024	Validation: Not validated
How Received: ● Email	Deemed decision: ● Yes
Registered By: Lynch, Claire	Preliminary view to applicant:
	Preliminary view to respondent:
Sensitivity ●	55G decision:
<input checked="" type="checkbox"/> Not sensitive	Decision to Executive:
<input type="checkbox"/> Media Interest	
<input type="checkbox"/> Member of Parliament	
<input type="checkbox"/> Ministerial	
<input type="checkbox"/> Safety concerns	

22. Now click 'Save' in the top-left of the file. This will generate an OAIC reference number.

Save Print Print Preview Close IC Review Search Document Content

Details

Case Type: Primary Case Number: MR24, [REDACTED]

Method: Preliminary Inquiry Case Officer: [REDACTED]

Review Type: Access Refusal Target Date: 13-Apr-2024

File Security: OFFICIAL Stage: Registration

Step 4: rename application documents and submissions to file.

23. The supporting documents provided with the application will be automatically saved in the Documents tab on the Resolve file.

Main All Actions Documents Agency Decisions Parties Additional Parties XRefs IC Requests Hearings Related Process Stages File Movements

General Agency FOI decision/s Applicant's submissions Agency's submissions Exempt material/marked up documents Third Party Consultation IGIS consultation Confidential submissions E

Title	Number	Author	Comments	Created	Category	Status	Cre

24. Your documents will appear as a list.

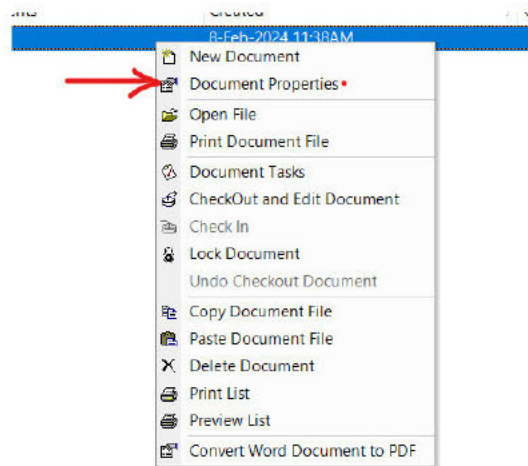
OAIC IC Review...	[REDACTED]						
form-data.xml	[REDACTED]				SmartForm Import		
form-receipt.pdf	[REDACTED]				SmartForm Import		
[REDACTED] Decision letter (1).docx	[REDACTED]				SmartForm Import		
Documents released.pdf	[REDACTED]				SmartForm Import		
[REDACTED] Decision letter (1).docx	[REDACTED]				SmartForm Import		
FOI Request_Form and...	[REDACTED]				SmartForm Import		
Authority to Release_signed (3).jpg	[REDACTED]				SmartForm Import		
Appointment of Rep [REDACTED]...	[REDACTED]				SmartForm Import		

25. You need to name each individual document. The most common attachments we receive are:

- a. OAIC IC Review Acknowledgment – Automatic Acknowledgement
- b. Form-data.xml – you do not need to use this one as it is the electronic data from submitting the form online
- c. Form-receipt.pdf – this is a copy of the applicant's actual online form and submissions

- d. Common supporting documents:
- i. Original FOI request
 - ii. Dept Acknowledgement
 - iii. IC review application form
 - iv. A's submissions for IC review
 - v. Rep authority to act
 - vi. A's Photo ID
 - vii. FOI decision under review

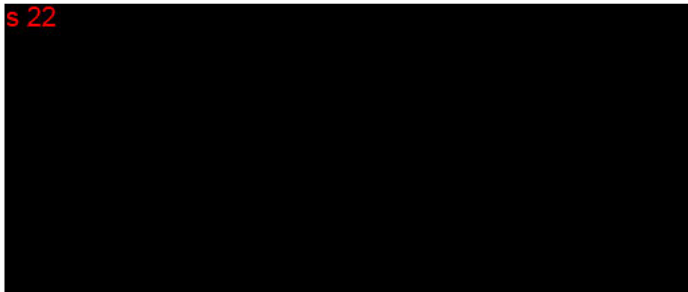
26. To rename documents, left click on each individual document. It will highlight blue, and a list of options will pop-up. Select 'Document Properties'



27. The following box will appear. In the 'Comments' section, name the document. DO NOT: change document title.

28. Press ok.

29. Repeat until all documents are labelled.



Step 5: add agency decision.

30. This is where you add to the resolve file WHY the applicant is seeking IC review.

31. Go to the 'Agency Decisions' tab and click 'Add Agency Decision'.

32. A 'New Agency Decision' window will open.

33. From the 'Decision Type' drop down box, select the relevant choice. This is the IC reviewable decision made by the Agency/Department that the applicant is seeking to have reviewed.

- e. Initial - Agency/Department provided a decision letter in response to the FOI request.
- f. Deemed Initial – The applicant has not received a response to the FOI request OR the Agency/Department provided a response AFTER the processing period expired (30 days unless timeframe extended).
- g. Internal Review – A has sought internal review of an original/initial FOI Decision, and they wish to have the internal review decision reviewed by the IC.
- h. Deemed Internal Review – Applicant requested internal review and never received a response from the Agency/Department within 30 days OR the Agency/Department provided a response AFTER the 30-day processing period expired
- i. Out of Jurisdiction – Decision the applicant is seeking to have reviewed is in regards to a state jurisdiction, unrelated to FOI or misdirected.

34. Enter 'Decision Date'. This will either be on the decision letter, or if in relation to a deemed decision, will be 30 calendar days after the request was sent, unless an Xrefs check of the Agency reference indicates an extension of time was granted or the IC review application indicates another mechanism under the FOI Act has impacted the decision due date (s24AB

consultation, third party consult or charges). NOTE: if the application is regarding a deemed decision, and the applicant has not provided a copy of the original request, you will need to send an [RFI](#) to the Respondent Agency requesting it.

35. Click 'Ok' at the bottom of the 'Agency Decision' so it saves. Your screen will then look like this:

Agency Decisions		
Decision Type	Decision Date	Decision Status
Deemed Initial	9-Mar-2024	Active

36. Double click on the Agency Decision that is now listed.
 37. Left click inside of the 'Issues' box so a list of options pops-up.
 38. Select 'Add Issue'

39. The next pop-up screen will allow you to enter the particulars of the decision, and what the applicant is seeking to have reviewed.
40. Under 'Issue Description' select the most relevant. The most common are:
- j. Access refused 53A(a) – Decision refused access in full OR deemed decision
 - k. Partial access refused 53A(b) – Decision provided access to some documents, but other documents were redacted/exempt
 - l. Not an IC reviewable decision - Decision the applicant is seeking to have reviewed is in regards to a state jurisdiction, unrelated to FOI or misdirected
41. 'Review Reason' will depend on what part of the decision the applicant disagrees with.
- m. If the decision is deemed, the 'Review Reason' will always be 's15AC – no reasons'

Issue Details

Issue Description: > access refused - 53A(a)

Advice:

Review Reason: > s15AC - no reasons Primary Issue:

Comments

- n. If the applicant has been given a decision that is redacted/exempt or refused in full, you will list the exemptions that the applicant has raised in their IC review application.
- o. NOTE: the applicant may state that they disagree with the entire decision, in that case, you will need to add every exemption listed in the decision letter.
- p. If there is more than one exemption ('Review Reason') that needs to be listed, you will need to add multiple issues.
- q. Click 'Ok' to save first issue, which will now appear in the Issues list of the agency decision. Then right click in the 'Issues' box again and 'Add New Issue'

Agency Decision Entry

Decision

Decision Type: Deemed Initial Decision Status: Active Substitute Agency Decision

Main Actions Documents

Details

Decision Date: 9-Mar-2024

Decision maker: Find Open

Document Count: Date substituted:

Summary

Issues

Issue	Review Reason	Comments	Outcome	Primary Issue
access refused - 53A(a)	s15AC - no reasons			Y

Issue Details
Relationship Details...
Print List
Preview List
Add Issue

OK Cancel Apply

- r. Repeat steps 38 and 39 until all exemptions raised in IC review application are listed. Example:

Decision

Decision Type: Initial Decision Status: Active Substitute Agency Decision

Main Actions Documents

Details

Decision Date: 29-Feb-2024

Decision maker: Find Open

Document Count: Date substituted:

Summary

Issues

Issue	Review Reason	Comments	Outcome	Primary Issue
partial access refused ...	s45 - confidential infor...			Y
partial access refused ...	s47B - Commonwealth ...			N
partial access refused ...	s47G - business affairs - ...			N

OK Cancel Apply

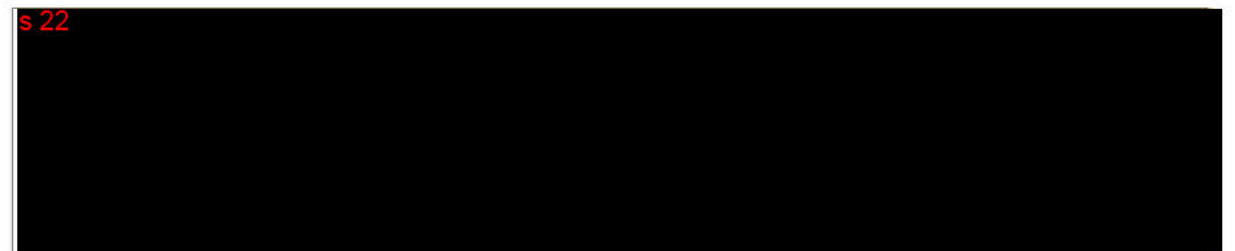
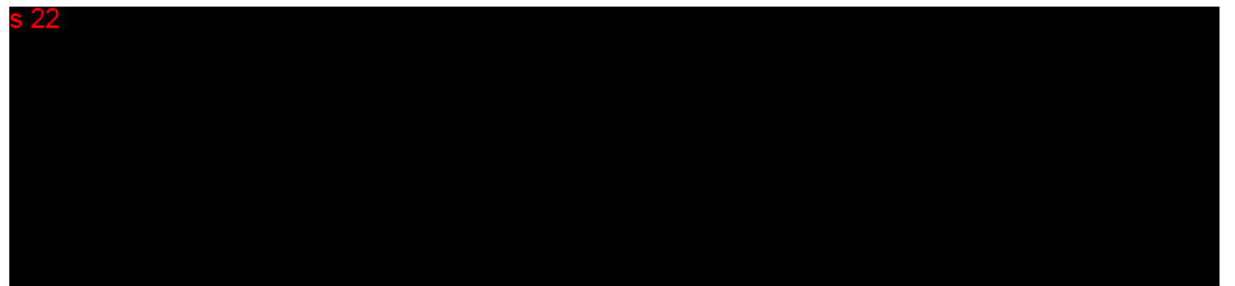
Step 6: update summary field in Resolve.


42. The 'Summary' field needs to be updated to provide a simple overview of the IC review. It needs to include five things:

- s. Timeline of events
 - viii. This will detail when the request was made, whether there were any EOTs, the date of the decision, and the date the IC review was requested.
 - ix. All of the details will be found in the IC review application, supporting documents and any cross-referenced files.
- t. Details of the decision under review
 - x. This will detail the date of the decision, what type of decision it is (deemed, partial access, refused in full, internal review, access grant, etc.), how many documents are at issue and what exemptions have been used.
 - xi. All of the details will be found in the decision letter.
- u. Any important notes for the assessor
 - xii. This will depend on each application. However, can include details of an out of jurisdiction decision (i.e. a deemed refusal occurred before the Agency released their decision, but the applicant is seeking review of the out of jurisdiction decision, not the deemed refusal)
- v. Scope of the IC review

- xiii. This is why the applicant is seeking review, and what parts of the decision they disagree with.
- xiv. This will be found in the application.
- w. Scope of the FOI request
 - xv. This lists what was requested in the original FOI request.

43. Examples:



44. Once you have entered the details click  Save at the top left-hand side of the profile.

Step 7: assess IC review application.

- 45. Now you are able to assess the matter for validity and determine the next steps.
- 46. Depending on what type of review the applicant is seeking, access the relevant process guide below to determine next steps:
 - x. [Access Grants - Triage Process Guide](#)
 - y. [Access Refusals - Triage Process Guide](#)
 - z. [Deemed Access Refusals - Triage Process Guide](#)

Complaint Declines Where OAIC is the respondent – Process Guide

1	<p>Complaint matters where OAIC are the respondent should be moved to the 'FOI Complaints – Declines' queue immediately after registration.</p> <p>Go to Step 2.</p>
2	<p>Draft the following letters and covering emails to the Ombudsman and the Complainant using the templates:</p> <p>To COMBO:</p> <ul style="list-style-type: none"> • s 74 consult to the Ombudsman Email Template.docx <p>To complainant:</p> <ul style="list-style-type: none"> • s 74 Intent to Transfer to C Email Template.docx <p>Correspondence to the Ombudsman is addressed to:</p> <p style="margin-left: 40px;">47E(d) [Redacted]</p> <p style="margin-left: 40px;">[Redacted]</p> <p style="margin-left: 40px;">[Redacted]</p> <p>Once ready for clearance, send to EL2 for clearance.</p> <p>Once cleared, send the correspondence to the Ombudsman and Complainant.</p> <p>Add 'Next Action': "s74 consult due"</p> <p>Add Next Action Date: due date of consultation (1 week)</p> <p>Go to Step 3</p>
3	<p>At the due date of the consultation to the Ombudsman:</p> <ul style="list-style-type: none"> - If the Ombudsman has responded accepting Transfer, go to Step 4. - If the Ombudsman has not responded, escalate to your EL2 to follow-up. - If the Ombudsman has responded declining to accept the transfer (generally this should only occur if the Ombudsman has a duplicate complaint already on-hand), consider whether it is appropriate to decline the matter under s 73. Discuss with your EL2.
4	<p>To Transfer the Complaint draft the following letters and covering emails to the Ombudsman and the Complainant using the templates:</p> <p>To COMBO:</p> <p>Template - s 74 Decision - Transfer to Ombudsman.docx Covering Email to COMBO - Transfer of Complaint.docx</p> <p>To complainant:</p>

	<p>Template - Decision to C - Finalise complaint under s74(3).docx Covering Email to C - Complaint Transferred to Ombudsman.docx</p> <p>Once ready for clearance, send to EL2 for signature and clearance.</p> <p>Once cleared, send the correspondence to the Ombudsman and Complainant.</p> <p>Go to Step 5</p>
5	<p>Close matter in Resolve.</p> <p>End Process</p>

Subject: OAIC – Response due [1 week] – MRXX/XXXXX - Notification of access grant review - Agency reference: [reference no.]

Our reference: [reference no.]
Agency reference: [reference no.]

FOI Contact Officer
[Agency Name]

By email: [email address]

Information Commissioner review of access grant decision

Dear FOI Contact Officer

Action Required

We require the [Agency name] (the Agency) to provide the following by [1 week]:

- contact details of the FOI applicant, in accordance with s 54Z(b)
- Name, title and email address of the APS EL2 (or equivalent) responsible officer for the purpose of issuing notices relevant to this review

Background

[IC Applicant name] (affected third-party) has made an application for Information Commissioner review (IC review) of the Agency's access grant decision / internal review decision of an access grant decision under the *Freedom of Information Act 1982* (the FOI Act).

The FOI applicant cannot be given access to the documents that are the subject of this IC review, whilst the Agency's decision /internal review decision is under review.

The application for review received [date] is attached.

Yours sincerely

Subject: OAIC –MRXX/XXXXX - Notification of access grant review

Our reference: [reference no.]

Agency reference: [reference no.]

[FOI Applicant name]

By email: [FOI applicant email address]

CC: [Agency email address]

Information Commissioner review of access grant decision

Dear [Mr/Mrs Applicant name]

An affected third-party has made an application for Information Commissioner review (IC review) of the [Agency name]'s (the Agency) access grant decision under the *Freedom of Information Act 1982* (the FOI Act).

Access to the documents subject of this IC review cannot be given to the you whilst this decision is under review.

We do not require any action from you at this time. We will contact you in due course regarding the outcome of this review.

If you require assistance regarding this email, please contact us at foidr@oaic.gov.au.

Please quote the reference MRXX/XXXXX in all correspondence.

Yours sincerely

1. TEMPLATE FOR DEEMED MATTERS

Our reference: <CASE NO>

Agency Reference: <REF>

By email: <Email>

Receipt of your IC review application

Dear Mr/Ms A,

[If applicant's only IC review] Thank you for your application for Information Commissioner Review (IC review).

[If applicant has multiple IC reviews] Thank you for your application for Information Commissioner Review regarding the decision [or internal review decision] made by the [Department or Minister name] on [date].'

The Office of the Australian Information Commissioner (OAIC) is considering your application.

[If IC review lodged via email] Please note that the OAIC's preference is to receive IC review applications through our online [Information Commissioner Review Application form](#), as this allows an application to be automatically registered and acknowledged, which in turn allows us to progress an application more quickly. Please note that future applications that are made by email will take longer to acknowledge and progress as they require manual registration.

If you wish to advise the OAIC of any changes to your circumstances, including your contact details or if your FOI request has been resolved, please write to FOIDR@oaic.gov.au and quote <CASE NO>.

Kind Regards,

2. TEMPLATE FOR MATTERS TO BE SENT TO ASSESSMENTS QUEUE

Our reference: XXXXX

Agency reference: XXXXX

Applicant name

By email: XXXXX

Receipt of your IC review application

Dear [Mr/Ms name]

[If applicant's only IC review] Thank you for your application for Information Commissioner Review (IC review).

[If applicant has multiple IC reviews] Thank you for your application for Information Commissioner Review regarding the decision [or internal review decision] made by the [Department or Minister name] (The Agency) on [date].’

[If substantive out of jurisdiction decision is reason for review] The Agency was required to provide you with a decision by [date]. As you did not receive a decision on your request until [date] the Agency is deemed to have refused your request when they failed to provide you a decision in time. The IC review will consider the Agency’s deemed refusal of your request and the Agency’s decision letter you provided in your IC review application.

The Office of the Australian Information Commissioner (OAIC) is currently considering your application.

[If scope is clear] We understand that you are seeking a review of...[e.g. the exemptions applied to the documents under ss XX and XX of the FOI Act; the searches undertaken by the respondent to identify all documents relevant to your request etc.]

or

[If scope of review is unclear] To assist us in assessing your application, can you please respond by **[2 weeks]** with the following information:

1. identify the aspect(s) of the agency or Minister’s decision about which the review is sought
2. state why you disagree with the agency or Minister’s decision
3. identify which documents you consider have been wrongly refused, or which exemptions have been incorrectly applied
4. **[only include if relevant- otherwise delete]** if the request has been refused on the grounds that it would substantially or unreasonably divert an agency’s resources or interfere with the performance of a minister’s functions (ss 24 and 24AA) – specify the reasons why they believe the FOI request would not have this impact.

[If IC review lodged via email] Please note that the OAIC’s preference is to receive IC review applications through our online [Information Commissioner Review Application form](#), as this allows an application to be automatically registered and acknowledged, which in turn allows us to progress an application more quickly. Please note that future applications that are made by email will take longer to acknowledge and progress as they require manual registration.

If you wish to advise the OAIC of any changes to your circumstances, including your contact details or if your FOI request has been resolved, please write to FOIDR@oaic.gov.au and quote **<CASE NO>**.

Otherwise we will write to you with an update on next steps once your application has been assessed.

Kind Regards,

OAIC reference: [MRXX/XXXXX]

Agency reference: [X]

[Requestors name]

By email: [email address]

Progress update on IC review application

Dear [Ms/Mr ..]

Thank you for your correspondence seeking an update regarding the progress of your IC review application.

Your IC review application is being progressed, and we will write to you in due course to provide an update.

We are unable to expedite matters, matters are prioritised based on their date of receipt.

Kind regards,

OAIC reference: [MRXX/XXXXX]

Agency reference: [X]

[Requestors name]

By email: [email address]

Progress update on IC review application

Dear [Ms/Mr ..]

Thank you for your correspondence seeking an update regarding the progress of your IC review application. [*If appropriate: Please accept our apologies for the delay in responding to your request*].

Your IC review application is currently awaiting assessment by a senior member of the FOI team.

We will write to you in due course, as your IC review application progresses.

Yours sincerely

OAIC reference: [MRXX/XXXXX]

Agency reference: [X]

[Requestors name]

By email: [email address]

Progress update on IC review application

Dear [Ms/Mr ..]

Thank you for your correspondence of [date] seeking an update regarding the progress of your IC review application. *[If appropriate: Please accept our apologies for the delay in responding to your request].*

[First update request- ER matters] At this stage, your IC review is awaiting allocation to a review adviser. Due to the number of IC review applications on hand, and the need to prioritise IC review applications that were received earlier, this may not occur for some time. After the file is allocated, the review adviser will contact you to advise of next steps in the matter.

[Subsequent case update requests- ER matters] Unfortunately, it remains the case that the matter is awaiting allocation to a review adviser. The OAIC is currently focusing on the case management and finalisation of aged matters, particularly IC review applications on hand received in 2020 and 2021. Once your matter is allocated, the review adviser will contact you to advise of next steps in the matter.

In the meantime, we are working to progress this matter in readiness for allocation, and we will contact you should we need any further information or as this matter is progressed.

Yours sincerely

Subject: Important Information regarding IC review application – OAIC

Whilst we accept your email below as written application for a review, to prevent delay in processing your application we encourage you to also submit the application using our online smartform. Please reply to this email to confirm your submission of the smartform and we will ensure your email correspondence is attached to the smartform application.

IC review applications received via email require manual registration and acknowledgement which may delay the progress of your application.

The link to the smartform is below:

[Information Commissioner Review Application form \(business.gov.au\)](https://business.gov.au/information-commissioner-review-application-form)

For future, please ensure IC review applications are lodged via the smartform, to ensure they are valid and are processed in the most efficient manner.

If you have enquiries, please contact the OAIC Enquiries Line on 1300 363 992.

Kind regards,

FOI Branch



CASE OFFICER ALLOCATION FOR CORRESPONDENCE

Reply correspondence should be actioned back to the case officer who sent the originating correspondence. However, if this is unable to be determined, the following list indicates the general case officer for each queue.

<u>TEAM</u>	<u>QUEUE</u>	<u>OFFICER FOR ALLOCATION</u>
Intake and Early Resolution	FOI – Web Cases	Claire Lynch Alexandra Millar Omid Azizi
	FOI – Triage	Claire Lynch Alexandra Millar Omid Azizi
	FOI – EOT	Sarah Forrester
	FOI – IC Reviews – Deemed	Sussan Jrajiri
	FOI – IC Reviews – S22 Deemed	Hannah Hunter
	FOI – IC Reviews – Assessment	<ul style="list-style-type: none"> • Assistant Directors <ul style="list-style-type: none"> ○ Lakshmi Gopinath • Paralegals <ul style="list-style-type: none"> ○ William Martin ○ Ellie O’Kearney ○ Sarveshcika Yuvaraj
	FOI – IC Reviews – Post Triage	<ul style="list-style-type: none"> • Assistant Directors <ul style="list-style-type: none"> ○ Lakshmi Gopinath • Paralegals <ul style="list-style-type: none"> ○ William Martin ○ Ellie O’Kearney ○ Sarveshcika Yuvaraj
FOI – IC Reviews – Early Resolution (ER)	<ul style="list-style-type: none"> • Assistant Directors <ul style="list-style-type: none"> ○ Lakshmi Gopinath ○ Lisa Ktenidis • Paralegals <ul style="list-style-type: none"> ○ William Martin ○ Ellie O’Kearney ○ Sarveshcika Yuvaraj 	
	FOI – IC Reviews – Declines	Georgia Furlong
Reviews and Investigations	FOI – IC Reviews – R&I	Sandra Wavamunno
	Individual listed as Case Officer	Relevant Case Officer