



## Commissioner Initiated Investigation Process

Where the Information Commissioner has identified systemic or significant issues with an agency's processing of FOI requests, the Commissioner can commence investigation of the agency on their own initiative (Commissioner Initiated Investigation (CII)).

Systemic or significant issues may be identified through a number of methods:

- FOI complaints
- IC reviews
- Audits
- Information provided to the OAIC

Prior to commencing a CII, the Information Commissioner will consider the information before the office at that time. The Information Commissioner may decide to conduct preliminary inquiries with an agency prior to commencing investigation.

Stage	Actions
<b>Preliminary inquiries</b>	<ol style="list-style-type: none"> <li>1. Case Officer to draft a set of relevant preliminary inquiries in consultation with Director Reviews and Investigations.</li> <li>2. Case Officer to provide the preliminary inquiries to the agency and monitor response due from the respondent agency.</li> </ol>
<b>Assessment</b>	<ol style="list-style-type: none"> <li>3. Complaint and respondent agency response to preliminary inquiries to be assessed to determine whether the complaint should proceed to a CII investigation. Relevant considerations to consider whether to commence a CII includes: <ul style="list-style-type: none"> <li>– whether the practice is systemic</li> <li>– whether significant issues are raised</li> <li>– whether there has been a breach of the FOI Act or non-compliance with the FOI Guidelines</li> <li>– whether it is in the public interest to investigate</li> </ul> </li> <li>4. Director Reviews and Investigations or Assistant Director to undertake assessment and assign the matter to Case Officer for next steps.</li> </ol>
<b>Allocation</b>	<ol style="list-style-type: none"> <li>5. If the recommendation is <b>to</b> proceed to commence a CII:</li> <li>6. Case Officer to prepare a brief to the Information Commissioner including the following information: <ul style="list-style-type: none"> <li>– recommendations</li> <li>– background</li> <li>– potential case studies</li> <li>– information before the office</li> <li>– relevant agency statistics</li> <li>– related IC review issues</li> <li>– considerations</li> <li>– outcomes/benefits</li> <li>– resourcing implications</li> <li>– project plan</li> </ul> </li> <li>7. Proceed to assign Resolve clearance action through the following levels: <ul style="list-style-type: none"> <li>– Director Reviews and Investigations</li> <li>– Assistant Commissioner</li> </ul> </li> </ol>

Stage	Actions	
	<ul style="list-style-type: none"> <li>- FOI Commissioner</li> </ul>	. . .
	8. Case Officer sends brief to Information Commissioner.	. . .
<b>Commencement of CII</b>	9. If the Information Commissioner decides to commence a CII, the Case Officer drafts a s 75 Notice to the respondent agency for clearance.	. . .
	10. Proceed to assign Resolve clearance action through the following levels: <ul style="list-style-type: none"> <li>- Director Reviews and Investigations</li> <li>- Assistant Commissioner</li> <li>- FOI Commissioner</li> </ul>	. . .
	11. Case Officer to compile documents on Resolve file and send the draft s 75 Notice to the Information Commissioner.	. . .
<b>Investigation</b>	12. Once the Information Commissioner has settled the s 75 Notice, the Commissioner or relevant delegate to call the respondent agency to advise that this matter will proceed to a CII investigation providing the following information: <ul style="list-style-type: none"> <li>- Issues</li> <li>- Outline process, and</li> <li>- Case Officer details contact details.</li> </ul>	. . .
	13. Media statement prepared and finalised by the Information Commissioner	. . .
	14. Case Officer follows up on phone call to the agency by the Information Commissioner or relevant delegate by sending the s 75 Notice.	. . .
	15. Case Officer to notify affected third party that their matter will be used as a case study in the CII (if required).	. . .
	16. Case Officer to monitor respondent agency's response due date.	. . .
	17. Once a response has been received from the respondent agency to the s 75 Notice, Case Officer to assess the evidence and form preliminary view.	. . .
	18. After discussion with Director Reviews and Investigations and/or Assistant Commissioner, Case Officer to prepare relevant correspondence to either the respondent agency or the complainant.	. . .
	19. Case Officer to discuss next appropriate steps with Director Reviews and Investigations and/ or Assistant Commissioner.	. . .
	Next steps include: <ul style="list-style-type: none"> <li>- Request for further information from the agency</li> <li>- Request for further information from affected third parties</li> <li>- Providing a set of the agency's open submissions to affected third parties for their comment, and</li> <li>- Proceed to s 86 Notice.</li> </ul>	. . .
	20. If further information required, Case Officer to draft request and provide to Director Reviews and Investigations and Assistant Commissioner for clearance.	. . .
	21. Case Officer to monitor response.	. . .
	22. If response <b>received</b> , consider submissions and discuss with Director Reviews and Investigations for re-assessment.	. . .
	23. If Director Reviews and Investigations in consultation with Assistant Commissioner is satisfied that no further information is required proceed to finalisation.	. . .
<b>Section 86 Notice</b>	24. If proceeding to s 86 Notice, Case Officer to prepare in consultation with Director Reviews and Investigation and Assistant Commissioner:	. . .

Stage	Actions
	<ul style="list-style-type: none"> <li>- s 86 Notice</li> <li>- list of recommendations</li> <li>- letter accompanying s 86 Notice to respondent agency, and</li> <li>- Executive brief outlining next steps.</li> </ul>
	25. Case Officer to compile documents on Resolve file.
	26. Case Officer to consider whether the findings of the CII warrant making recommendations and also consider the appropriateness of recommendations that: <ul style="list-style-type: none"> <li>- related FOI complaint outcomes</li> <li>- promote cultural change</li> <li>- reinforce the requirement to promote the objects of the FOI Act</li> <li>- implement training</li> <li>- update FOI manuals</li> <li>- develop policies and procedures, and</li> <li>- conduct audits with a reporting timeframe of up to 6 months.</li> </ul>
	27. Case Officer to arrange for the s 86 Notice to be signed by the Information Commissioner.
	28. Once the s 86 notice has been signed by the Information Commissioner: <ul style="list-style-type: none"> <li>- Information Commissioner or relevant delegate to call the respondent agency to advise that the matter has been finalised and advise: <ul style="list-style-type: none"> <li>- whether any recommendations have been made, and</li> <li>- relevant next steps in the process.</li> </ul> </li> </ul>
	29. Case Officer to advise OAIC media of the outcome of the investigation prior to sending out the s 86 notices to the agency.
	30. Case Officer to send out the s 86 Notice to the respondent agency inviting them to provide comments they wish to make within 2 weeks and advising them that the Information Commissioner will consider any comments and then provide a copy of the s 86 Notice and comments to any affected parties and publish a summary of the outcome of the investigation on the OAIC's website (see Outcomes of investigations summary table: D2021/020081).
	31. 2 weeks later: <b>(if there are notified third parties)</b> Case Officer to call the affected third parties and advise that the matter has been finalised by the Information Commissioner. Follow up with email providing s 86 Notice.
<b>Finalisation</b>	32. Director Reviews and Investigations together with Assistant Commissioner in consultation with Media team to consider whether a media statement is required.
	33. Director Reviews and Investigations and Assistant Commissioner provide a copy of the s 86 Notice to Media team for publication on the OAIC's website.
	34. Case Officer to provide draft summary of the outcome of the investigation to Director Reviews and Investigations and Assistant Commissioner for clearance and approval to publish the outcome on the OAIC website (see Outcomes of investigations summary table: D2021/020081)
	35. Case Officer to liaise with media once approval has been provided for the publication of the outcome of the complaint.
	36. If <b>no</b> recommendations made the Case Officer closes the CII Resolve file.
	37. If recommendations made the Case Officer closes the CII Resolve file and raises a 'Recommendation Case' on Resolve x-ref the original CII file. Follow process set

Stage	Actions
	out in FOI Complaints recommendation case – Overview of process (see worksheet D2020/007324).



September 2023

## FOI Complaints: transfer to Ombudsman

This resource applies to transfers of FOI complaints to the Commonwealth Ombudsman under s 74 of the *Freedom of Information Act 1982* (FOI Act) and should be read in conjunction with [Part 11 of the FOI Guidelines](#).

### Key principles

- Under Part VIIB of the FOI Act the Information Commissioner can investigate agency actions relating to the handling of FOI matters. This involves investigating complaints received from complainants (s 70) as well as conducting own motion investigations (s 69(2)).
- The FOI Act sets out certain rules that apply to the conduct of the Information Commissioner's complaint investigations and Commissioner initiated investigations. The guiding principle is that an investigation shall be conducted in private and in the way the Information Commissioner considers fit (s 76(1)).
- Section 74 of the FOI Act provides the Information Commissioner with the discretion whether to transfer a complaint to the Commonwealth Ombudsman if satisfied that the complaint would be more effectively or appropriately dealt with by the Ombudsman.
- Part 11 of the *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982* (FOI Guidelines) provides guidance on the operation of s 74.<sup>1</sup> In particular paragraph [11.14] explains that the Information Commissioner has the power to transfer a complaint (or part of a complaint) to the Ombudsman if the Information Commissioner is satisfied that the complaint could be dealt with more effectively or appropriately by the Ombudsman (s 74).
- The factors that the Information Commissioner considers when deciding to transfer a complaint to the Ombudsman include:
  - whether the complaint is about actions taken by the Office of the Information Commissioner (OAIC), including how the OAIC has dealt with an:
    - Information Commissioner review
    - FOI complaint
    - vexatious applicant declaration application
    - FOI request, or
    - extension of time application

<sup>1</sup> See *FOI Guidelines* [11.14].

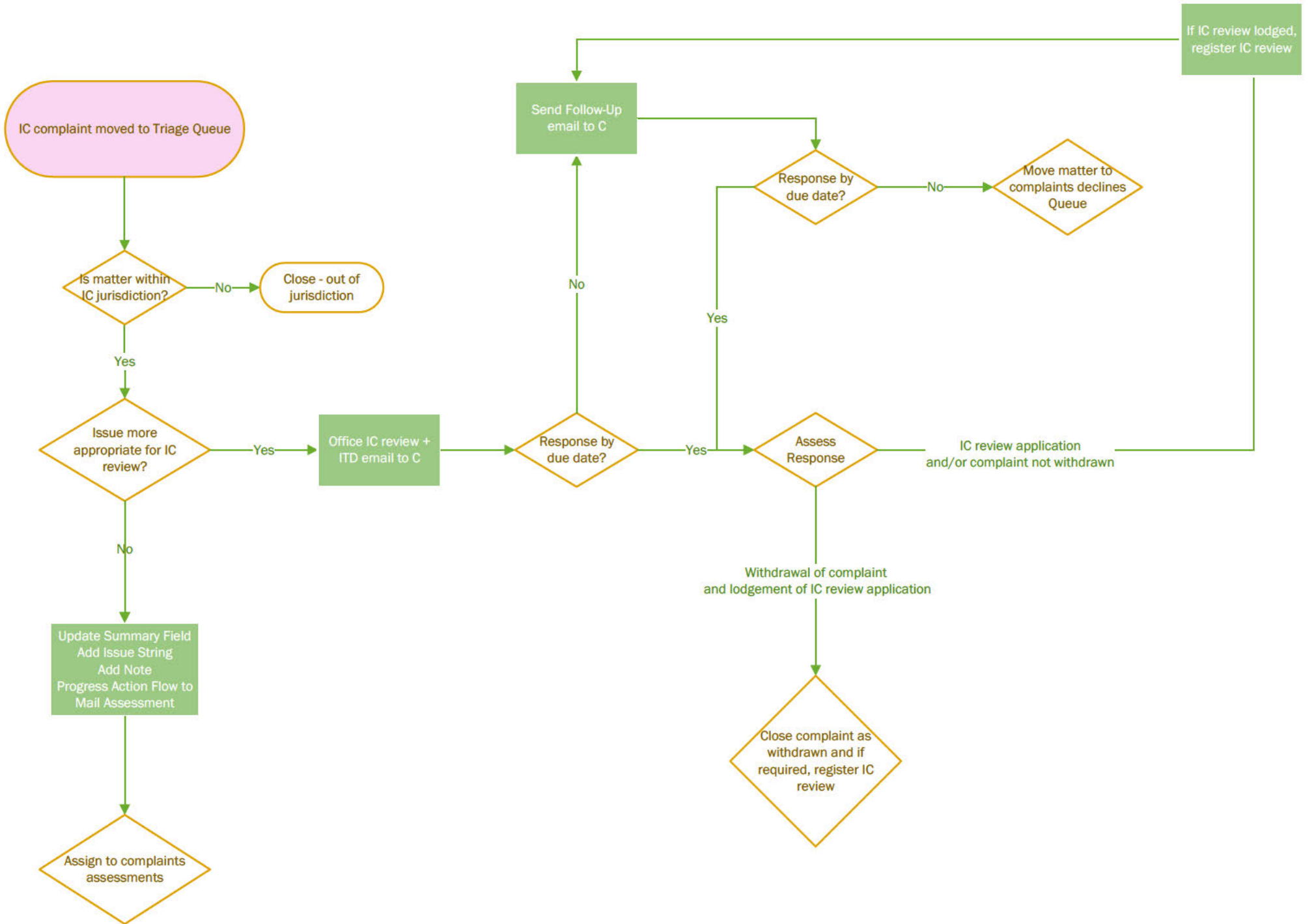
- whether there may be a perceived or actual conflict of interest in the Commissioner considering the complaint, including where:
  - the complainant has active complaints under the Privacy Act where the Information Commissioner is the respondent
  - the complaint relates to specific functions exercised by the Information Commissioner under the Privacy Act
  - the complainant has active matters in other forums, including the Administrative Appeals Tribunal and Federal Court and the Information Commissioner is the respondent
- whether the issues raised relate to other active complaints lodged with the Commonwealth Ombudsman
- When making a decision to transfer a complaint to the Ombudsman, the Information Commissioner must reach a level of satisfaction that the complaint could be more effectively or appropriately dealt with by the Ombudsman.
- In making a decision on whether to transfer the complaint to the Ombudsman, the Information Commissioner will notify the complainant that the complaint may be transferred to the Ombudsman under s 74 of the FOI Act and take into consideration any submissions the complainant makes in response prior to making a decision on whether to transfer the complaint.
- If the Information Commissioner decides to transfer the complaint to the Ombudsman, the Commissioner must:
  - consult the Ombudsman (s 74(2)(a))
  - make a decision not to investigate or not to continue to investigate the complaint (s 74(2)(b))
  - provide the Ombudsman with any information or documents that relate to the complaint (s 74(3)(b)), and
  - notify the complainant in writing that the complaint has been transferred (s 74(3)(c)). The notification to the complainant must contain the Commissioner’s reasons for transferring the complaint (s 74(4)).

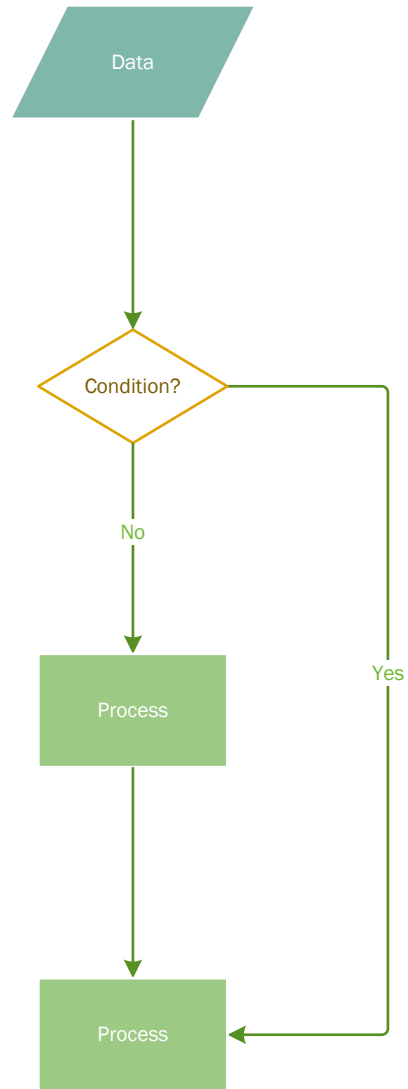
## Key steps and relevant templates

Step	Template
<p>1. Consultation with the Ombudsman:</p> <p>1(a). Conduct phone consultation with a senior member of the Ombudsman’s complaint section in the first instance.</p> <p>Current contact persons include:</p> <ul style="list-style-type: none"> <li>- 47E(d) [REDACTED]</li> <li>- [REDACTED]</li> <li>- [REDACTED]</li> <li>- [REDACTED]</li> </ul>	<p>Consultation letter to the Ombudsman: <a href="#">D2020/021432</a></p>

<p>47E(d)</p> <p>1(b). Issue consultation letter to the Ombudsman via email at <a href="mailto:ombudsman@ombudsman.gov.au">ombudsman@ombudsman.gov.au</a>, including a <a href="#">copy of the relevant complaint</a>. Provide 2 weeks for a response.</p>	
<p>2. If Ombudsman agrees, or does not raise any further issues for consideration, notify the complainant of intent to transfer. Response from complainant is to be provided within 2 weeks.</p>	<p>Letter for Intent to transfer under s 74 to complainant: <a href="#">D2020/021458</a></p>
<p>3. If Ombudsman disagrees, noting that there is no requirement in s 74 of the FOI Act for the Ombudsman to agree to transfer of the FOI complaint, escalate matter to the Assistant Commissioner FOI to confirm next steps.</p>	
<p>4. Decision to transfer to be issued to the Ombudsman by email to <a href="mailto:ombudsman@ombudsman.gov.au">ombudsman@ombudsman.gov.au</a>, including:</p> <ul style="list-style-type: none"> <li>• a copy of the complaint</li> <li>• a copy of the complainant's response to the intent to transfer (where relevant).</li> </ul> <p>5. Decision to transfer to be issued separately to the complainant.</p> <p>6. Close Resolve file with outcome recorded as 's 74 transfer'.</p>	<p>Letter to the Ombudsman transferring the FOI complaint: <a href="#">D2020/021428</a></p> <p>Letter to the complainant advising that the FOI complaint has been transferred to the Ombudsman: <a href="#">D2020/021429</a></p>









Australian Government  
Office of the Australian Information Commissioner

Our reference: [Insert reference number]  
[delete if not relevant] Agency reference: [Insert reference number]

**FOI Contact Officer**

[Agency]

By email: [insert email]

FOI complaint about the [respondent] – [complainant]

Dear FOI Contact Officer

I refer to the FOI complaint made by [name] (the complainant) of [received date] about the [the agency] (the agency) under s 70 of the *Freedom of Information Act 1982* (Cth).

Please find attached a copy of the FOI complaint of [date]. In summary, the complainant states that [short summary of complaint].

**Preliminary inquiries**

I am conducting preliminary inquiries under s 72 of the FOI Act for the purpose of determining whether the Information Commissioner will conduct an investigation of this FOI complaint made under s 70 of the FOI Act.

To assist in this process, I would be grateful if you could provide the following:

[For example]

1. Chronology/timeline of events
2. Copies of all relevant communication and documents the [the agency] had with the complainant about [summary of issue], including (if applicable):

**Delete as necessary – check what the complainant has already provided / what is on the related IC review**

*Extensions of time requests*

- a. The request under s 15 of the FOI Act



- b. Correspondence, emails, file notes relating to the [[agency]]'s request for an extension of time under s 15AA of the FOI Act
- c. The [[agency]]'s request to the OAIC for an extension of time under s 15AB of the FOI Act
- d. The OAIC's decision under s 15AB(2) to extend the processing period
- e. The [agency]'s decision
- f. Any other document you consider relevant to the complaint

#### **Practical Refusal decisions**

- a. The request under s 15 of the FOI Act
- b. The practical refusal notice pursuant to s 24AB(2) of the FOI Act
- c. Evidence of sampling undertaken by the [agency]
- d. Evidence of the request consultation process with the complainant
- e. The decision of [insert date] under s 24(1)(b) of the FOI Act
- f. Any other document you consider relevant to the complaint

#### **Charges decisions**

- a. The request under s 15 of the FOI Act
- b. The notice under s 29(1) of a preliminary estimate of charge
- c. Evidence of sampling undertaken by the [agency]
- d. Evidence which forms the basis of how the charge was calculated
- e. The complainant's response to the notice under s 29(1) of the FOI ACT
- f. The decision of [insert date] under s 29(4) of the FOI Act
- g. Any other document you consider relevant to the complaint

#### **If there was an internal review**

- h. The request for an internal review
- i. The internal review decision of [insert date].

#### **Procedural manuals**

- j. Any relevant procedural manual, guidelines, policies, or training materials used by [[agency]] to assist its FOI officers to make decisions both:
  - a. at the time this FOI complaint was made, and
  - b. any current versions

3. Whether the complainant has or had:
  - (i) a right to cause the action to be reviewed by the respondent agency
  - (ii) the complainant has not exercised, or did not exercise the right, and
  - (iii) it would have been reasonable for the complainant to exercise that right
4. Whether the complainant made a complaint to the [agency] directly and, if so:
  - a. please provide copies of relevant correspondence with the complainant regarding the complaint, and
  - b. please confirm whether the agency has:
    - (i) dealt with, or is dealing with the complaint and any outcome, or
    - (ii) not yet had an opportunity to deal with the complaint.
5. Information in response to the following [delete if not applicable to complaint issues]

[e.g. the following may apply where decision notified outside of statutory timeframe]

- i. The number of FOI requests the [agency] has completed within the statutory timeframe in the 2023-24 financial year to date.
- ii. Is the [agency] currently utilising the extension of time provisions in s 15 of the *Freedom of Information Act 1982* (FOI Act) where a request may not be processed within the statutory timeframe? Can the [agency] provide data to support this?
- iii. Has the [agency] implemented any process changes to ensure that that FOI requests are completed within the statutory timeframe or an extension of time under s 15 of the FOI Act is sought?

[include below where complaint relates to unsatisfactory customer service (i.e. lack of communication)]

- iv. Has the agency received any complaints about from FOI applicants about unsatisfactory customer service (i.e. lack of communication) since

origination of this complaint? Can the [agency] provide data to support this?

6. Brief submissions about changes made to [agency] practices and procedures relevant to the complaint issues, since the FOI complaint was received, and
7. Brief submissions in response to this FOI complaint including,
  - a. [for example - if relevant, reasons for delay, information regarding changes to practices/procedures etc.]

**NOTE:** Your substantive response may be shared with the complainant.

### **Next steps**

I would be grateful for your response on or before **[date: two weeks]**.

The [ICON alert 15 March 2024](#) outlines the OAIC's approach and expectations for agencies to meet timeframes when information is requested and any extension of time requests.

If you have any questions about this request, I can be contacted via [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au).

Yours sincerely,

**[complaint officer]**

[title]

[Date]



- whether you have previously complained to the agency about the issue and any response received
- your complaint issues (i.e. the function or power exercised by the agency under the FOI Act)
- the outcomes you seek from the complaints process, and
- any documents you wish to provide in support of your complaint.

In the absence of any further particulars, the OAIC is unable to properly understand the substance of your FOI complaint and the Information Commissioner may decide not to investigate your FOI complaint under s 73 of the FOI Act.

**[Delete if not relevant] The outcome/s you have sought where IC review may be a better option**

Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself. The Information Commissioner can only make non-binding recommendations as a result of a complaint which may address the issues that you have complained about, or suggestions or recommendations that the agency should implement. Therefore, you will not receive a decision and/or the documents as the outcome of a complaint.

I would be grateful if you could clarify the outcome you are seeking from the FOI complaints process. For examples of outcomes and recommendations, please see our website at [Freedom of information investigation outcomes](#) which outlines the types of recommendations the OAIC has previously made in relation to the investigation of complaints.

### **Next steps**

Information about the FOI complaints process is available on the OAIC website at [How we handle a freedom of information complaint | OAIC](#).

A response is required by **[Date: two weeks]**.

Please note, your response may be provided to the agency for their consideration.

If you have any questions about this email, I can be contacted via [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au).

Kind regards





## Decision not to investigate a FOI complaint under s 73(b) of the *Freedom of Information Act 1982*

<b>Complainant</b>	
<b>Respondent agency</b>	
<b>Decision date</b>	
<b>OAIC reference number</b>	
<b>Agency reference number</b>	

1. As a delegate of the Information Commissioner, I am authorised to make a decision under s 73 of the *Freedom of Information Act 1982* (FOI Act) not to investigate a FOI complaint about an action made under s 70 of the FOI.
2. I have decided not to investigate the complainant's FOI complaint under s 73(b) of the FOI Act as I am satisfied the FOI complaint is more appropriately considered through an IC review.

### Background

3. On [date], the complainant applied to the [agency] for access to:  
[short summary/quote only].  
**OR** [delete if irrelevant]  
[Option for this is the background is extensive and ought to be included]
4. [The key procedural steps for this FOI complaint are set out in **Attachment A.**]

### Issues raised by complainant

5. The complaint raised the following issues:
  - [short summary/quote only]

## Considerations and preliminary inquiries

6. In making my decision, I have had regard to the following:
- the FOI complaint of [date] [and any subsequent complaint submissions or response to preliminary inquiries of [date] if relevant]
  - the [agency's] response to preliminary inquiries under s 72 of the FOI Act [if relevant]
  - [if relevant] insert details of FOI decision or internal review decision and related correspondence with the complainant/IC review/ITD/OAIC correspondence]
  - the FOI Act, in particular s 73(b) [insert section(s)], and
  - the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act to which agencies must have regard in performing a function or exercising a power under the FOI Act (FOI Guidelines), in particular paragraphs [ [11.5] or [11.12]].

### Preliminary inquiries [delete if irrelevant]

7. For the purpose of making preliminary inquiries I have assessed the issues and considered the response provided by [insert the agency] In summary the complainant alleges [insert the complaint issues]
8. In the [insert the agency] response to the OAIC of [date] [summarise the agency's response]

### Section 73(b) of the FOI Act

9. Under s 73(b) of the FOI Act, I may decide [not to investigate/not to continue to investigate] a FOI complaint if the complainant:
- i. has or had a right to have the action reviewed by [insert the agency], a court or a tribunal, or by the Information Commissioner under Part VII of the FOI Act; and
  - ii. has not exercised, or did not exercise, the right; and
  - iii. it would be, or would have been, reasonable for the complainant to exercise the right.
10. [Insert reasons why the other review is more appropriate than FOI complaint and note if there is an ongoing IC review/no IC review this will determine whether 11.12 or 11.5 will apply below.]
11. [Use where an IC review is ongoing] [delete if irrelevant] The FOI Guidelines at [11.12] states:

Where a person has applied for IC review and made an FOI complaint and the issues raised are more appropriately dealt with in the IC review, it is open to the Information

Commissioner to decline to investigate the FOI complaint under s 73(b) of the FOI Act on the basis that the IC review has not had a reasonable opportunity to be conducted. The Information Commissioner may exercise this discretion prior to the commencement of an investigation or during the course of an investigation.

12. As set out above in the FOI Guidelines at [\[11.12\]](#), in considering whether to investigate a FOI complaint, it is open to me to decline to investigate the FOI complaint if the issues raised are more appropriately dealt with through IC review and [\[refer to 3 factors above \(see para \[9\]\) under s 73\(b\) and note that IC review is still on foot and the IC has not yet had a reasonable opportunity to deal with the complainant's IC review application\]](#).
13. Accordingly, the issues raised in the FOI complaint regarding [\[insert the agency\]](#) decision are more appropriately considered through the ongoing IC review.
14. This is consistent with the Information Commissioner's approach as per the FOI Guidelines at [\[11.12\]](#).

**OR**

15. [\[Use where no IC review has been sought\]](#) [\[delete if irrelevant\]](#) The FOI Guidelines at [\[11.5\]](#) states:

The Information Commissioner's view is that making a complaint is not an appropriate mechanism where IC review is available, unless there is a special reason to undertake an investigation and the matter can be dealt with more appropriately and effectively in that manner. IC review will ordinarily be the more appropriate avenue for a person to seek review of the merits of an FOI decision, particularly an access refusal or access grant decision.

16. The outcome the complainant has sought from the OAIC is to investigate the [\[insert the agency\]](#) decision to withhold documents under the FOI Act. IC review will ordinarily be the more appropriate avenue to seek review of the merits of the [\[insert the agency\]](#) FOI decision as this is not an outcome that is achievable through the FOI complaints process.
17. As set out above, in considering whether to investigate a FOI complaint, it is open to me to decline to investigate a FOI complaint if the issues raised are more appropriately dealt with through IC review and [\[refer to 3 factors above \(see para \[9\]\) under s 73\(b\) and deal with each of them\]](#).
18. Accordingly, the issues raised in the FOI complaint regarding the [\[insert the agency\]](#)'s decision to withhold documents is more appropriately considered through the IC review process pursuant to s 73(b) of the FOI Act.
19. This is consistent with the Information Commissioner's approach as per the FOI Guidelines at [\[11.5\]](#).

20. Should the complainant wish to make an application for IC review of [insert the agency] decision further information about this process is available at [here](#) or further assistance please email [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au).

#### Discretion not to investigate the FOI complaint

21. In light of my findings above, I consider the discretion under s 73 not to investigate the FOI complaint is enlivened in this matter. In deciding whether to exercise the discretion not to investigate the FOI complaint, I have considered that:

- the FOI complaint is more appropriately considered through an IC review (s 73(b))
- the parties have not provided any additional information that alters my view above, and
- investigating the FOI complaint will not promote the objects of the FOI Act (s 3).

#### Finalisation of the FOI complaint and review rights

22. I confirm the FOI complaint is now finalised and the file is closed. Information about review rights is set out below.

23. Information about how the OAIC's handles a FOI complaint can be accessed on the OAIC's website [here](#).

Yours sincerely,

**[delegates name (i.e Rocelle or Liz)]**  
**[delegates position (i.e. ACFOI or FOIC)]**

**[date]**

# ATTACHMENT A

## Key procedural steps

Date	Events
XX XX XXXX	XXXX



## Your review rights

### Judicial review

You can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner if you think that a decision by the Information Commissioner not to investigate, or not to continue to investigate, a complaint under the *Freedom of Information Act 1982* (the FOI Act) is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of receiving the decision. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information, or visit the Federal Court website at <http://www.fedcourt.gov.au>.

### Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au>.

### Accessing your information

If you would like access to the information that we hold about you, please contact [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au). More information is available on the [Access our information](#)<sup>1</sup> page on our website.

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<sup>1</sup> <https://www.oaic.gov.au/about-us/access-our-information/>.



## Decision not to investigate a FOI complaint under s 73 of the *Freedom of Information Act 1982*

<b>Complainant</b>	
<b>Respondent agency</b>	
<b>Decision date</b>	
<b>OAIC reference number</b>	
<b>Agency reference number</b>	

1. As a delegate of the Information Commissioner, I am authorised to make a decision under s 73 of the *Freedom of Information Act 1982* ('FOI Act') not to investigate a FOI complaint.
2. I have decided not to investigate the complainant's FOI complaint under s 73 of the FOI Act as I am satisfied that the FOI complaint is
  - not about an action taken by an agency in the performance of the agency's functions or the exercise of the agency's powers under this Act (s 73(a)).
  - more appropriately considered through an IC review (s 73(b)).
  - is appropriately considered through another body (s 73(c)).
  - the respondent has adequately dealt with your FOI complaint (s 73(d)).
  - lacking in substance (s 73(e)).
  - that you do not have sufficient interest in the subject matter of your FOI complaint (s 73(f)).

### Background and FOI complaint issues

3. The key procedural steps in this complaint are set out at **Attachment A**.
4. On [date], the complainant submitted an FOI complaint to the Office of the Australian Information Commissioner ('the OAIC') in accordance with s 70 of the FOI Act in relation to an FOI request submitted to the [insert agency] ('the Agency').

5. On [date], the OAIC wrote to the complainant in relation to the FOI complaint to offer them the option of an Information Commissioner ('IC') review given the complainant had stated in their complainant that they [insert option]. The OAIC also invited the complainant to provide instructions concerning their FOI complaint.

- Had received a FOI decision from the Agency dated [date].  
OR
- Did not receive a decision within the statutory timeframe, making the decision deemed refused by the Agency on [date].

6. On [date], the complainant sought IC review of the Agency's primary/deemed refused/internal review decision dated [date] (OAIC reference MR).

7. The complainant raised the following issue(s):

[Delete irrelevant points]

- The Agency did not provide a decision within the statutory timeframe, as required by s 15(5)(b) of the FOI Act.
- The Agency did not provide an internal review decision within the statutory timeframe, as required by s 54C(3) of the FOI Act.
- The Agency did not acknowledge receipt of the FOI request within 14-days, as required by s 15(5)(a) of the FOI Act.
- the Agency did not provide notice in the form specified in the FOI request, as required by s 15(2)(c) of the FOI Act.
- The Agency did not comply with its disclosure log obligations under s 11C of the FOI Act.
- The Agency purposely delayed in providing its decision.
- The Agency incorrectly applied exemptions to the requested documents under the FOI Act.
- The Agency did not adequately communicate with the FOI applicant during the FOI process.
- The complainant raised a conduct complaint against the decision maker.
- The complaint alleged that the Agency has acted corruptly in processing the complainant's FOI request.



## Considerations and preliminary inquiries

8. In making my decision, I have had regard to the following:
- the FOI complaint of [date]
  - the Agency's submissions of [date] in response to the OAIC's preliminary inquiries,
  - the FOI Act, in particular [insert section(s)]
  - the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act to which agencies must have regard in performing a function or exercising a power under the FOI Act (FOI Guidelines), in particular paragraphs [insert relevant].
  - [11.5] and [11.11] = Has not exercised right to seek IC review
  - [11.11] and [11.12] = Has an open IC review
  - [11.4] = Amendments
  - [11.17] = transfers to ombudsman
  - [3.2] to [3.5] = Administrative access
  - [3.10] = good decision making/prompt access to info, reasonable cost
  - [3.47] = requirements for valid FOI request
  - [3.48] = Agency may refuse invalid FOI request
  - [3.49] = Agency has to reasonably assist FOI applicant early in process
  - [3.78] = third party consultation requirements

### Section 73(a) of the FOI Act

9. Under s 73(a) of the FOI Act, I may decide not to investigate a FOI complaint if I am satisfied that the complaint is not about an action taken by an agency in the performance of the agency's functions or the exercise of the agency's powers under this Act.

### Section 73(b) of the FOI Act

10. Under s 73(b) of the FOI Act, I may decide not to investigate a FOI complaint if the complainant has or had a right to have the action reviewed by the agency, a court or a tribunal, or by the Information Commissioner under Part VII of the FOI Act and has not exercised that right when it would be reasonable to do so (s 73(b)).

11. [Use where an IC review is ongoing] The FOI Guidelines at [11.12] states:

Where a person has applied for IC review and made an FOI complaint and the issues raised are more appropriately dealt with in the IC review, it is open to the Information Commissioner to decline to investigate the FOI complaint under s 73(b) of the FOI Act on the basis that the IC review has not had a reasonable opportunity to be conducted. The Information Commissioner may exercise this discretion prior to the commencement of an investigation or during the course of an investigation.

12. As set out above, in considering whether to investigate an FOI complaint, it is open to me to decline to investigate a FOI complaint if the issues raised are more appropriately dealt with through IC review.
13. The outcome the complainant has sought from the OAIC is to investigate the Agency's primary/deemed access refusal/internal review decision dated [date]. I understand one of the outcomes primarily sought by the complainant is access to documents. This outcome can only be achieved through the IC review process.
14. Accordingly, it is my preliminary assessment that the issues raised within the FOI complaint regarding the Agency's decision are more appropriately considered through the complainant's ongoing IC review (OAIC reference). This is consistent with the Information Commissioner's approach as per the FOI Guidelines at [11.12].

OR

15. [Use where no IC review has been sought] The FOI Guidelines at [11.5] states:

The Information Commissioner's view is that making a complaint is not an appropriate mechanism where IC review is available, unless there is a special reason to undertake an investigation and the matter can be dealt with more appropriately and effectively in that manner. IC review will ordinarily be the more appropriate avenue for a person to seek review of the merits of an FOI decision, particularly an access refusal or access grant decision.

16. The outcome the complainant has sought from the OAIC is to investigate the Agency's primary/deemed access refusal/internal review decision dated [date]. I understand one of the outcomes primarily sought by the complainant is access to documents. This outcome can only be achieved through the IC review process.
17. As set out above, in considering whether to investigate an FOI complaint, it is open to me to decline to investigate a FOI complaint if the issues raised are more appropriately dealt with through IC review.

18. Accordingly, it is my preliminary assessment that the issues raised within the FOI complaint regarding the Agency's decision are more appropriately considered through the IC review function pursuant to s 73(b) of the FOI Act.

#### Section 73(c) of the FOI Act

19. Under s 73(c) of the FOI Act, I may decide not to investigate a FOI complaint if the complainant has or had a right to complain about the action to another body and has not exercised that right when it would be reasonable to do so (s 73(c)).
20. Based on the information discussed above, I am satisfied that the issues raised within the FOI complaint regarding [information about FOI complaint] is more appropriately considered by [body] pursuant to s 73(c) of the FOI Act.

#### Section 73(d) of the FOI Act

21. Under s 73(d) of the FOI Act, I may decide not to investigate a FOI complaint if the complainant complained to the respondent agency, and the respondent agency [has not yet had an adequate opportunity to deal with the complaint] or [has adequately dealt with the FOI complaint].
22. Based on the information discussed above, I am satisfied that the respondent has not had an adequate opportunity to deal with the FOI complaint pursuant to s 73(d) of the FOI Act.

Or

23. Based on the information discussed above, I am satisfied that the complainant has complained to the Agency, and the Agency has adequately dealt with the complaint by rectifying the issue complained of and upholding its internal processes. I consider this issue to be resolved.

#### Section 73(e) of the FOI Act

24. Under s 73(e) of the FOI Act, I may decide not to investigate a FOI complaint if the Information Commissioner is satisfied that a complaint about an action made under s 70 of the FOI Act is lacking in substance.
25. The outcome the complainant has sought from the OAIC is to investigate the [insert issue].
26. The OAIC acknowledges the complainant's concerns raised in the FOI complaint and are actively monitoring these issues. Based on the information discussed above, I am satisfied that the FOI complaint is lacking in substance pursuant to s 73(e) of the FOI Act as the issues raised are now resolved.

Section 73(f) of the FOI Act

- 27. Under s 73(f) of the FOI Act, I may decide not to investigate a FOI complaint if the complainant does not have a sufficient interest in the subject matter of the request (s 73(f)).
- 28. The outcome the complainant has sought from the OAIC is to investigate the [insert issue].
- 29. Based on the information discussed above, I am satisfied that the complainant does not have a sufficient interest in the subject matter of the FOI complaint pursuant to s 73(f) of the FOI Act.

Finalisation of the FOI complaint and review rights

- 30. I confirm the FOI complaint is now finalised, and the matter is closed. As the matter is now closed, the OAIC will not deal further with these issues. Information about review rights is set out below.
- 31. Information about how the OAIC handles a FOI complaint can be accessed on the OAIC's website [here](#).

Yours sincerely,

**Rocelle Ago/Elizabeth Tydd**

Assistant Commissioner/Freedom of Information Commissioner

Date



## ATTACHMENT A

### Key procedural steps

Date	Events
	The complainant submitted an FOI complaint to the Office of the Australian Information Commissioner ('the OAIC') in accordance with s 70 of the FOI Act in relation to an FOI request submitted to the [insert agency] ('the Agency').
	The OAIC wrote to the complainant in relation to the FOI complaint to offer them the option of an Information Commissioner ('IC') review given the complainant had stated in their complainant that they [insert option]. The OAIC also invited the complainant to provide instructions concerning their FOI complaint.
	The complainant sought IC review of the Agency's primary/deemed refused/internal review decision dated [date] (OAIC reference MR).

## Your review rights

### Judicial review

You can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner if you think that a decision by the Information Commissioner not to investigate, or not to continue to investigate, a complaint under the *Freedom of Information Act 1982* (the FOI Act) is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of receiving the decision. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information, or visit the Federal Court website at <http://www.fedcourt.gov.au>.

### Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au>.

### Accessing your information

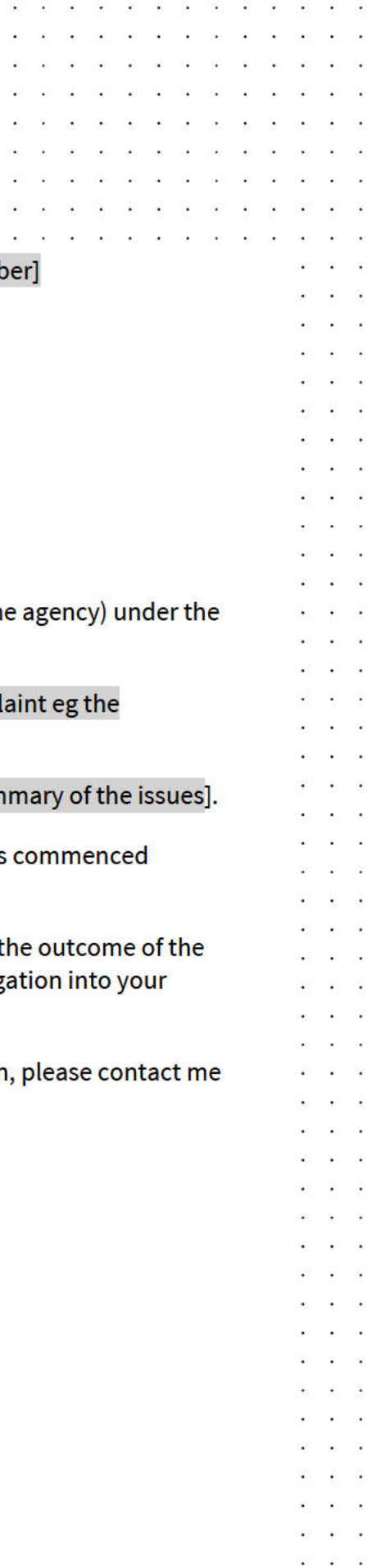
If you would like access to the information that we hold about you, please contact [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au). More information is available on the [Access our information](#)<sup>1</sup> page on our website.

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<sup>1</sup> <https://www.oaic.gov.au/about-us/access-our-information/>.



**Australian Government**  
**Office of the Australian Information Commissioner**



Our reference: [Insert reference number]  
[delete if not relevant] Agency reference: [Insert reference number]

**[Name]**

By email: [email]

**Your FOI complaint about [the agency]**

Dear [name]

I am writing in relation to your complaint about [the agency] (the agency) under the *Freedom of Information Act 1982* (Cth)(the FOI Act).

On [date], you made an FOI complaint about [summarise complaint eg the respondent’s handling of your FOI request (Agency ref.....)].

In your complaint you raised concerns regarding the [insert summary of the issues].

The Office of the Australian Information Commissioner OAIC has commenced investigation of your complaint under s 75 of the FOI Act.

In accordance with s 86(4) of the FOI Act, you will be advised of the outcome of the investigation once the Commissioner has finalised their investigation into your complaint.

If you have any questions about the conduct of the investigation, please contact me on [phone number] or via email at [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au).

Yours sincerely,

**[name]**

[Position]

Freedom of Information

20 August 2024





**Australian Government**  
**Office of the Australian Information Commissioner**

Our reference: [Insert reference number]  
[Delete if not relevant] Agency reference: [Insert reference number]

FOI Contact Officer  
[Agency]

By email: [Insert email address OR remove if sent by post]

### Freedom of Information Complaint – [complainant]

Dear [name]

The Office of the Australian Information Commissioner (OAIC) has received an FOI complaint about the [agency] (agency) made under s 70 of the *Freedom of Information Act 1982* (FOI Act) from the [name] (the complainant).

Please find **enclosed** a copy of the complainant’s correspondence dated [date].  
[include additional correspondence that clarifies the scope of the complaint.]

The OAIC has decided to conduct an investigation into this complaint under s 69(1) of the FOI Act.<sup>1</sup> This is a notice to the [agency] pursuant to s 75(1) of the FOI Act.

#### Complaint allegations

The complaint raised the following issues:

- [summarise complaint and/or]
- [quote complainant’s complaint]

[Delete if not relevant] Request for information

In accordance with s 76(2) of the FOI Act, please provide the following information by [2 weeks]:

1. [for example] Confirmation whether the [agency] received the complainant’s FOI request of [date] (enclosed)
2. ...

<sup>1</sup> See the *Guidelines issued by the Information Commissioner under s 93A of the FOI Act* (FOI Guidelines) at [11.6] – [11.7].





3. A copy of the relevant extracts of any FOI guidance, policies or procedures relating to [insert details].
  - a. in place at the time of the initial complaint ([date]), and
  - b. any documents presently in place.

### Our investigation

**[if not requesting information]** [On [date] the OAIC made preliminary inquiries with the [agency] under s 72 of the FOI Act.]

The OAIC confirms receipt of the [agency]'s response of [date]. A copy of the [agency]' response has been provided to the complainant for a response. Once a response is received, the OAIC will proceed to completing its investigation.

We presently do not require any further information from the Department.]

On completing an investigation, the Information Commissioner will provide a 'Notice on completion' to the Department and to the complainant pursuant to s 86 of the FOI Act. The Information Commissioner's notice must include the investigation results, the investigation recommendations (if any), the reasons for those results and any recommendations (s 86(2)). The 'investigation results' under s 87 are:

- the matters that the Information Commissioner has investigated
- any opinion that the Information Commissioner has formed in relation to those matters
- any conclusions that the Information Commissioner has reached
- any suggestions that the Information Commissioner believes might improve the agency's processes
- any other information of which the Information Commissioner believes the agency should be aware.

The [agency]'s submissions may be provided to the complainant for their review and comment or referred to in the Notice on completion.

The outcome of the investigation will be published on the OAIC's website with any comments that the Department wishes to give under s 86(3) of the FOI Act.

Further information about the process in a FOI complaint can be found in Part 11 of the FOI Guidelines. The OAIC may seek further information once the Department's response to this notice is received.

If you would like to discuss this matter, please contact [name] on [phone number] or email [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au). Please quote the reference number above.

Yours sincerely

**[name]**

Director

Freedom of Information

20 August 2024



**Freedom of Information complaint investigation - Notice on completion under s 86 of the *Freedom of Information Act 1982*, by [FOI commissioner or delegate, name]**

<b>Complainant</b>	
<b>Respondent</b>	
<b>Completion date</b>	
<b>OAIC reference number</b>	
<b>Agency reference number</b>	

- [name] (the complainant) made a complaint under s 70 of the *Freedom of Information Act 1982* (FOI Act) on [date] about [agency] (the Agency) compliance with its [reasons for complaint].
- On [date], the Office of the Australian Information Commissioner (OAIC) provided a notice to the Agency under s 75 of the FOI Act advising it of the commencement of an investigation into the complaint and requested information.
- On [date], the Agency responded to the notice and request for information.
- This document is a notice of completion of the investigation of the complaint made by the complainant prepared in accordance with s 86 of the FOI Act.
- Section 86 of the FOI Act requires that I give you notice of:
  - the investigation results (see s 87 of the FOI Act)
  - the investigation recommendations, if any (see s 88 of the FOI Act), and
  - the reasons for the investigation results and the making of the investigation recommendations.



## Summary of investigation results, suggestions and recommendations

6. I have concluded that:
  1. [conclusions], and
  2. [conclusions]
7. Pursuant to s 87(d) of the FOI Act, I make the following suggestion to the Agency where I believe that implementation of the suggestion might improve the processes:
  1. [suggestions]
  2. [suggestions]
8. Pursuant to s 88 of the FOI Act, I make the following formal recommendations to the Agency, that I believe the Agency ought to implement **by @ [date]** is:
  1. [recommendations]
  2. [recommendations]

## Background

9. The background to this FOI complaint is set out at **Attachment B**.

## Investigation results

10. Section 87 of the FOI Act provides for my investigation results to set out the matter that I have investigated and my opinion and conclusions about this matter. I have considered all the material provided by the Agency and the complainant in this matter.

## The matter for investigation

### *The matter raised by the complainant*

11. [summary of complaint]

### *Legislation and Guidelines<sup>1</sup>*

---

<sup>1</sup> References to the FOI Act and the FOI Guidelines are to the Act and Guidelines as in force in the period 18 August 2020, when the complainant made her FOI request, to 20 August 2020, when the Agency released the requested documents. In this case, the material part of the FOI Guidelines is Part 14. The relevant version of that part is 1.6

12. [outline relevant legislation and references in the guidelines].

#### *The Agency's submissions*

13. On [date], the OAIC issued a notice to the Agency under s 75 of the FOI Act advising it of the commencement of an investigation into the FOI complaint and requested information from the Agency.

14. On [date], the Agency provide a response to the OAIC's notice and request for information. Relevantly, the Agency submitted:

[summarise or quote]

#### **My opinions in relation to the matter**

15. [insert opinions]

#### **My conclusion in relation to the matter investigated**

16. For these reasons, I am of the view that, [eg. at the time of processing the complainant's request, the Agency has complied with its obligations under s 11C of the FOI Act. However, more generally, I have found that the Agency's practices regarding the publishing of information on the disclosure log could be improved.]

#### **My suggestions and recommendations**

17. In considering whether to make formal recommendations in relation to my opinions and conclusions above, I have considered submissions made by the Agency during the course of this investigation.

18. Pursuant to s 87(d) of the FOI Act, I make the following suggestions to the Agency where I believe that implementation of the suggestions might improve the processes:

1. [suggestions]

2. [suggestions]

19. Pursuant to s 88 of the FOI Act, I make the following formal recommendation to the Agency that I believe the Agency ought to implement by [date] is:

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which was in force from 18 January 2019 to 10 March 2022 (see summary of version changes to s 93A guidelines: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/summary-of-version-changes-to-s-93a-guidelines>).

1. [recommendations]
  2. [recommendations]
20. When considering the suggestions and recommendations made above, the Agency should consider referring to relevant OAIC FOI resources which can be found on the OAIC website.

Yours sincerely

**[name]**

[Assistant Commissioner/Freedom of Information Commissioner/Australian Information Commissioner]

[date]

# ATTACHMENT B

## Background

Date	Events
------	--------



Australian Government  
Office of the Australian Information Commissioner

Our reference: [Insert reference number]  
[Delete if not relevant] Agency Reference: [Insert reference number]

[name]  
[Position]  
[agency]

By email: [email]  
Cc: [email]

### Freedom of information complaint investigation – Notice on completion

Dear [name]

I refer to the complaint made by [complainant], (the complainant) under s 70 of the *Freedom of Information Act 1982* (FOI Act) about the [agency] (the Agency) in relation to the processing of his FOI request (Agency reference [number]). The complaint relates [reasons]

On [date], the Office of the Australian Information Commissioner (OAIC) provided a notice to the Agency under s 75 of the FOI Act advising of the commencement of an investigation into the FOI complaint and requesting information.

The Agency provided a response to the notice and request for information on [date].

I am writing in accordance with s 86 of the FOI Act to notify you that I have completed my investigation into the complaint and to advise you of the outcome.

I am required to give you notice of:

- the investigation results
- the investigation recommendations (if any), and
- the reasons for the investigation results and the making of the investigation recommendations.

The notice setting out these matters is at **Attachment A**.





## My conclusions

I have concluded that:

[copy from s 86 notice]

## My recommendations

In considering whether to make any investigation recommendations, I have taken into account all of the information provided by the Agency in relation to its current FOI processes and resources.

Pursuant to s 88 of the FOI Act, I make the following recommendations to the Agency that I believe the Agency ought to implement:

- a. [copy from s 86 notice]

## Next steps

Comments under s 86(3) of the FOI Act

Under s 86(3) of the FOI Act, the Agency may provide any comments about the Notice on completion that the Agency wishes to make. If the Agency wishes to make any comments, please do so by XX XXX 2023.

A copy of the Notice with the Agency's comments will be provided to the complainant pursuant to s 86(4) of the FOI Act. If I do not receive any comment from the Agency by [date], I will proceed to provide a copy of the Notice to the complainant at that time.

I do not consider that this Notice contains matters of the kind mentioned in s 89C(2) of the FOI Act and I will therefore provide the complainant with a copy of this Notice pursuant to s 86(4) of the FOI Act on or after [date].

I propose to publish a summary of this Notice and any comments from the Agency on the OAIC's website.

If you would like to discuss this matter, please contact [name and position] on (02) [phone number] or email [email]. Please quote the OAIC reference number above in any correspondence.

Yours sincerely

[name]

[**Freedom of Information Commissioner/Assistant Commissioner, Freedom of Information Commissioner**]

[date]



**Australian Government**  
**Office of the Australian Information Commissioner**

Our references: [reference number]  
[Delete if not relevant] Agency Reference: [reference number]

**[Name]**

By email: [email]

**Your FOI complaint about [the agency]**

Dear [name]

I refer to your FOI complaint about the [agency] (the respondent) under the *Freedom of Information Act 1982* (FOI Act).

Please find enclosed:

- A copy of the Notice on completion to the Department under s 86 of the FOI Act (**Attachment A**).

The respondent [has/has not] provided comments by [insert date], in response to the [Freedom of Information Commissioner's/Assistant Commissioner, Freedom of Information Commissioner] findings.

I confirm that your FOI complaint is now closed.

**Review rights**

If you are unhappy with the way we have handled this matter, you may complain to the Commonwealth Ombudsman. This service is free, and you can contact the office on 1300 362 072 or visit [www.ombudsman.gov.au](http://www.ombudsman.gov.au).

If you have any questions in relation to this correspondence, please contact [name and position] on (02) [phone number] or [email address].

Please quote [reference number] in all correspondence.

Yours sincerely

[name]

**[Freedom of Information Commissioner's/Assistant Commissioner, Freedom of**



**Information Commissioner]**

[date]

Enc: Attachment A – s 86 Notice

**OAIC References:** [reference number]

**Complainants:** [name]

**Agency:** [agency]

**Date of s 86 Notice to R:** [date]

**Date of response to s 86 Notice:** [date]

**Recommendation**

Recommendation or Suggestion	Agency response	Assessment of response	Recommendation to IC
Recommendation 1			
Recommendation 2			
Suggestion			
Recommendation/ Suggestion			