

**In reply please quote:**

**FOI request: As below**

**File number: As below**

Dear Oliver Smith

**Notification of invalid Freedom of Information internal review request**

I refer to your email received by the Department of Home Affairs (the Department) on 16 September 2024 in which you requested an internal review of Freedom of Information request FA24/08/00878, FA24/08/00866, FA24/08/00708.

FA reference	FOI request Received date	Statutory Date due	Internal review received date	FOI decision
FA24/08/00878	14/08/2024	27/09/2024 – Extension of time granted 2 weeks	16/09/2024	Pending
FA 24/08/00866	14/08/2024	13/09/2024	16/09/2024	Pending
FA24/08/00708	12/08/2024	11/09/2024	16/09/2024	Pending

**Whether internal review request valid**

The right for an applicant to seek internal review is specified in Part VI of the FOI Act, which provides that an applicant may request an internal review of an ‘access refusal decision’ made by an agency. The types of decisions that are reviewable access refusal decisions are specified in section 53A of the FOI Act.

The Department has not yet made a decision in response to your request. Consequently your internal review request is invalid and we cannot review the decision.

**Other options for review: Information Commissioner review**

As the Department did not make a decision within the statutory timeframes specified under the FOI Act, section 15AC of the FOI Act provides that the Department was deemed to have refused your request.

Because section 15AC of the FOI Act now applies to your request, you are able to request an Information Commissioner review of the Department’s deemed refused decision.

You can apply for an Information Commissioner review of the Department’s deemed refused decision by completing the [Information Commissioner review application form on the website of the Office of the Australian Information Commissioner \(OAIC\)](#).

Further information about Information Commissioner reviews [is available on the OAIC website](#).

**Making a complaint to the Office of the Australian Information Commissioner**

You may also complain to the Australian Information Commissioner about action taken by the Department in relation to your request. You can make a complaint to the Office of the Australian Information Commissioner (OAIC) by completing their [FOI complaint form](#).

Further information about the FOI complaint process [is available on the OAIC website](#).

Kind regards,

Nurun

Freedom of Information Reviews Team

Privacy, FOI and Records Management Branch | Legal Group

Department of Home Affairs

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Date: 18/09/2024