



*‘ATN’ and Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts (Freedom of
information) [2025] AICmr 17 (23 January 2025)*

**Decision and reasons for decision of
Justin Lodge, Acting General Manager, FOI Case Management
Delegate of the Australian Information Commissioner for the purposes of s 55K of the
Freedom of Information Act 1982**

Applicant	‘ATN’
Respondent	Department of Infrastructure, Transport, Regional Development, Communications and the Arts
Third Party	Activision Blizzard Pty Ltd
Decision date	23 January 2025
Reference	MR21/00069
Catchwords	Freedom of Information — Whether material irrelevant to request — Whether disclosure of personal information unreasonable — Whether disclosure would unreasonably affect an organisation in respect of its lawful business affairs — Whether contrary to public interest to release conditionally exempt documents — (CTH) <i>Freedom of Information Act 1982</i> ss 11A, 22, 47F and 47G

Decision

1. Under s 55K of the *Freedom of Information Act 1982* (the FOI Act), I affirm the decision of the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) of 1 February 2021, as varied on 23 August 2024.

Key points

2. This decision discusses the application of s 47F to material comprising the names of various individuals appearing in documents relating to an application by a third party entity for classification of a video game to the Classification Board. It also considers the application of s 47G to a code name that is referenced in the classification application. It is primarily of interest to the parties in relation to the specific documents sought.

Reasons for decision

Scope of IC review

3. The applicant applied to the Department for access to the following documents relating to the video game titled 'Call of Duty Black Ops Cold War':
 - Classifier note
 - Decision document
 - Application for classification and its supporting material
 - Screenshot showing information from the database as seen by the Classification Board
 - Email and its attachment to and/or from the classification applicant, Classification Board, distributor, publisher and developer
 - Form and its attachment to and/or from the classification applicant, Classification Board, distributor, publisher and developer.
4. On 30 November 2020, the Department identified 36 documents relevant to the applicant's request and decided to grant partial access to those documents. In making its decision, the Department relied on the personal privacy exemption (s 47F) and the business affairs exemption (s 47G) of the FOI Act. The Department also found that some material was irrelevant to the scope of the applicant's request, and deleted this material under s 22 of the FOI Act.
5. On 23 August 2024, the Department made a revised decision under s 55G of the FOI Act and provided the applicant with further parts of the documents. The Department relied on the management functions of an agency exemption (s 47E(c)) of the FOI Act, as well as the exemptions under ss 47F and 47G. The Department also deleted irrelevant material under s 22.
6. Accordingly, the issues to be decided in this Information Commissioner review (IC review) are whether:
 - the material that the Department found to be irrelevant to the scope of the applicant's request is irrelevant, and
 - the material that the Department found to be conditionally exempt under ss 47E(c), 47F and 47G is conditionally exempt under any of these provisions, and if so, whether giving the applicant access to the conditionally exempt material at this time would, on balance, be contrary to the public interest (s 11A(5)).

7. In an IC review of an access refusal decision, the agency bears the onus of establishing that its decision is justified or that I should give a decision adverse to the applicant.¹
8. In making my decision, I have had regard to the following:
 - the Department’s decision and reasons for decision of 1 February 2021
 - the Department’s revised decision and reasons for decision of 23 August 2024
 - the documents at issue
 - the FOI Act²
 - the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act³ to which agencies must have regard in performing a function or exercising a power under the FOI Act,⁴ and
 - the parties’ submissions.

Irrelevant information (s 22)

9. In their correspondence to the Department, the applicant clarified that they did not agree that names and contact details of agency staff below Senior Executive Service (SES) level could be considered irrelevant to the scope of the request. However, the applicant confirmed that with respect to personal information appearing in the documents, they would like the Department to ‘keep the country code of the phone number, first 6 digits (or the [Bank Identification Number]) of the credit card number, and only remove the username of the email address’.
10. In its revised decision, the Department explained that the information it had removed comprises the information that the applicant had confirmed to be outside the scope of their request.
11. The Department also advised the name of the staff member who had printed the documents appears at the top right hand corner of each document. The Department explained that the name of the individual only appears within the documents as a result of an administrative function, and that the name was generated after the applicant’s request was received.
12. Additionally, the Department explained that some of the material in the documents relate to other titles being considered by the Classification Board at the same time as the video game that was referenced in the applicant’s request. The Department explained that these titles and the information associated with them do not relate to the applicant’s request.
13. I have examined the documents and based on my consideration of the Department’s contentions with respect to the material that it redacted under s 22, I accept the Department’s characterisation of this material. It is apparent that this material has been expressly excluded by the applicant or is not relevant to the subject matter of the applicant’s request.

¹ FOI Act s 55D(1).

² Sections 11A, 11B, and 47F set out in Annexure A.

³ See, Office of the Australian Information Commissioner, *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982* (FOI Guidelines).

⁴ Set out in Annexure A.

14. Accordingly, I am satisfied that the information that the Department withheld under s 22 would reasonably be regarded as irrelevant to the applicant's request, and it is not apparent that the applicant would decline access to a copy of the documents with this material redacted.

Finding

15. The material that the Department withheld under s 22 is irrelevant to the applicant's request.

Personal privacy exemption (s 47F)

16. The Department found that some of the information in the documents comprise the personal information of various individuals and that this material is conditionally exempt under s 47F of the FOI Act.
17. A document or material will be exempt under this conditional exemption if it contains 'personal information', disclosure in response to the applicant's FOI request would be 'unreasonable' (s 47F(1)), and it would be 'contrary to the public interest' to release the material at the time of the decision (s 11A(5)).
18. The FOI Guidelines relevantly state that the test of 'unreasonableness' in s 47F of the FOI Act 'implies a need to balance the public interest in disclosure of government-held information and the private interest in the privacy of individuals'.⁵

Whether the documents contain personal information

19. 'Personal information' under the FOI Act has the same meaning as the equivalent term in the *Privacy Act 1988*.⁶ That definition is set out in Annexure A.
20. The relevant information comprises the names and signatures of various individuals. Accordingly, I find that this material constitutes 'personal information' for the purpose of s 47F(1) of the FOI Act.

Whether disclosure would involve an unreasonable disclosure of personal information

21. The Department contends that disclosure of the personal information would constitute an unreasonable disclosure of personal information for the following reasons:
 - the personal information is not well known
 - the individuals to whom the personal information relates is not known to be (or to have been) associated with the matters dealt with in the documents
 - the personal information is not available from publicly accessible sources
 - no further public purpose would be achieved through the release of the personal information, particularly in circumstances where the personal information is included in the documents as a result of their employment, and arises from the administrative nature of their duties

⁵ FOI Guidelines, at [6.133].

⁶ *Privacy Act 1988* s 6(1) (definition of 'personal information').

- the individuals concerned had no authority to make decisions relating to the classification of the video game that is the subject of the applicant's request
 - the individuals concerned would not expect the information to be placed in the public domain, and detriment may be caused to the individuals to whom the information relates, and
 - the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act.
22. The Department further explained that its Classification Branch provides administrative support to the Classification Board, and that the work undertaken by the Board can, at times, be divisive. The Department states that there have previously been real instances of staff being threatened, harassed and intimidated by members of the public. On this basis, the Department contends that disclosure of the personal information of staff within the Classification Branch may pose a risk to the health and safety of those staff.
23. The applicant did not make any submissions that addressed the Department's application of the conditional exemption in s 47F.
24. Based on my examination of the documents and the Department's submissions, I am satisfied that disclosure of the personal information would constitute an unreasonable disclosure of personal information. In particular, I accept the Department's contention that the personal information contained in the documents are not well known or available from publicly accessible sources. The fact that disclosure under the FOI Act is to the world at large is also a relevant consideration, particularly given the Department's contention that decisions made by the Classification Board may at times be controversial, and that there have previously been instances where staff members within the Classification Branch were threatened, harassed and intimidated by members of the public.
25. Further, given the substance of the documents has largely already been disclosed to the applicant, I do not consider the public interest in government transparency and integrity as it relates to the personal information to be particularly strong. The disclosure of the names and signatures of the individuals would not, in my view, provide any demonstrable relevance to the affairs of government, particularly where the individuals in question held no decision-making authority with respect to the classification of the video game that is the subject of the applicant's request.
26. In light of these considerations, I accept the Department's contention that disclosure of the personal information would involve an unreasonable disclosure of personal information.

Finding (s 47F)

27. I am satisfied that the relevant material comprising the names and signatures of various individuals is conditionally exempt under s 47F of the FOI Act.
28. The Department also found that some of the names of individuals are also conditionally exempt under s 47E(c).
29. As I have found that this material is conditionally exempt under s 47F, it is unnecessary for me to consider whether the names are also conditionally exempt under s 47E(c).

Business affairs exemption (s 47G)

30. In its revised decision, the Department found that the conditional exemption in s 47G applies to parts of the documents.
31. A document is conditionally exempt if it discloses information concerning the business, commercial or financial affairs of an organisation or undertaking (business information), where the disclosure of the business information would, or could reasonably be expected to unreasonably affect the organisation adversely in respect of its lawful business, commercial or financial affairs (s 47G(1)(a)).
32. Similarly, a document is conditionally exempt if its disclosure would or could reasonably be expected to prejudice the future supply of information to the Commonwealth, or an agency for the purpose of the administration of a law or matters administered by an agency (s 47G(1)(b)).
33. If the business information is found to be conditionally exempt, it must nevertheless be released unless its disclosure would be contrary to the public interest (s 11A(5)).

Whether the information comprises business information

34. The term 'business or professional affairs' in s 47G has been discussed in the FOI Guidelines to mean 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'.⁷
35. The Department explained that it had withheld access to information that is relevant to the business, commercial or financial affairs of a third party entity, which comprises a single code name used by the third party entity in their application to the Classification Board for classification of the video game.
36. The Department further explained that it had undertaken consultations with the third party entity, and they advised that code names are routinely used by the third party entity and other organisations to identify individual games internally and in confidential settings both prior to and after the launch of the titles.
37. I have considered the third party entity's explanation together with the relevant material, and I am satisfied that the information that the Department withheld under s 47G relates to the money-making affairs of the third party entity, and is therefore their business information.

Whether disclosure would have an unreasonable adverse effect on the third party entity's business affairs (s 47G(1)(a))

38. When considering the question as to whether disclosure of a document would have an unreasonable adverse effect on an organisation's business affairs, there is a need to balance the public interest against the private interests of the organisation.
39. In its revised decision, the Department relied on submissions obtained during its consultation with the third party entity. The submissions have been provided to the Office of the Australian Information Commissioner for the purpose of this IC review. In summary, the third party entity submits:
 - code names operate as surrogate game titles prior to the announcement of the title and existence of a particular game

⁷ FOI Guidelines at [6.191]-[6.195].

- code names are often themed depending on a particular franchise, and the disclosure of one code name could lead to other code names being discovered, or speculated on
 - release of the information could reasonably be expected to give actors with malicious intent who seek to gain unauthorised access to the third party entity's systems a starting point for discovery of information about a particular game and connected products, including trade secrets, intellectual property, and other confidential business information
 - disclosure would unreasonably affect the third party entity's development cycle and processes, and their ability to be competitive and offer consumers the best possible product in a highly competitive market.
40. The third party entity also submits that disclosure of the code name for the video game would unlikely provide any further clarity on the classification application and decision.
41. Again, the applicant did not make any submissions that addressed the Department's application of the conditional exemption in s 47G.
42. I have considered the relevant material together with the submissions provided by the third party entity. Although it is apparent that the video game in question has since been launched, I accept that the code name used by the third party entity has not been disclosed more broadly. Having regard to the context provided by the third party entity, I also accept that disclosure of the relevant material could potentially be used to discover other confidential information about the third party entity's products, including code names for other titles, trade secrets and intellectual property.
43. I also accept that the third party entity's contention that disclosure is unlikely to provide any further insight into the third party entity's application or the Classification Board's decision on the classification of the video game.
44. Accordingly, I consider that any public benefit in disclosure of the relevant material is outweighed by the private interests of the third party entity. I am satisfied that disclosure of the relevant material could reasonably be expected to adversely affect the business affairs of the third party entity.

Finding

45. The relevant material that the Department contends is exempt under s 47G is conditionally exempt under s 47G(1)(a).
46. As I have found this material to be conditionally exempt under s 47G(1)(a), it is unnecessary for me to consider whether the same material is also conditionally exempt under s 47G(1)(b).

Whether access would be contrary to the public interest (s 11A(5))

47. Having found material to be conditionally exempt under ss 47F and 47G of the FOI Act, I am required to consider whether it would be contrary to the public interest to give the applicant access to conditionally exempt material at this time. The requirements of the public interest test are set out at Annexure A. I have considered the relevant mandatory factors listed in s 11B(3) of the FOI Act. I have not considered the irrelevant

factors as set out in s 11B(4) of the FOI Act.⁸ In considering the public interest, I have had regard to the parties' submissions.

48. The Department contends that the only factor in favour of disclosure of the conditionally exempt material is that disclosure would promote the objects of the FOI Act by providing the Australian community with access to information held by the Australian Government. The Department considers that disclosure would not inform debate on a matter of public importance, promote effective oversight of public expenditure, or allow the applicant access to their own personal information.
49. Against this factor in favour of disclosure, the Department contends that the following factors weigh against disclosure, whereby disclosure of the relevant material could reasonably be expected to:
 - prejudice the management functions of an agency and the Department's ability to meet its statutory obligations and responsibilities with respect to the work health and safety of its employees
 - prejudice the personal privacy of various individuals, and
 - harm the commercial interests of the third party entity.
50. The applicant did not provide any submissions in response to the public interest.
51. I have considered the Department's contentions together with the relevant material. Given the Department has provided the applicant with much of the information in the documents, I accept that disclosure of the relevant material comprising names, signatures and the code name for the video game would not provide any further insight into the third party entity's application to the Classification Board or the Classification Board's decision. Accordingly, while I accept that disclosure would promote the objects of the FOI Act, I give limited weight to this factor.
52. Based on my consideration of the relevant material and its context, I accept that the factors against disclosure as identified by the Department are relevant in this case, and I give significant weight to the factors against disclosure. It is apparent that disclosure of the relevant material would have an adverse effect on the management functions of the Department with respect to their work health and safety obligations to its staff. I am also satisfied that disclosure could adversely impact the privacy rights of the individuals named in the documents, as well as the business affairs of the third party entity.

Finding (s 11A(5))

53. For the reasons set out above, I find that disclosure of the relevant material would be contrary to the public interest at this time.
54. The material that I have found to be conditionally exempt under ss 47F and 47G is exempt from disclosure.

Justin Lodge

Acting General Manager, FOI Case Management

Delegate of the Australian Information Commissioner for the purposes of s 55K of the *Freedom of Information Act 1982*

23 January 2025

⁸ Listed in Annexure A.

Annexure A

Relevant provisions of the FOI Act, FOI Guidelines, and decisions

Section 11A(4) of the FOI Act states the agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Irrelevant material (s 22)

Section 22 of the FOI Act authorises an agency to prepare and to give an applicant access to an edited copy of a document if:

- an agency decides that giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access (s22(1)(a)(ii)), and
- it is possible for the agency or Minister to prepare an edited copy of the document (s 22(1)(b)), and
- it is reasonably practicable to prepare an edited copy, having regard to the nature and extent of the modification required, and the resources available to modify the document (s 22(1)(c)), and
- it is not apparent, from an applicant's request or consultation with the applicant, that the applicant would decline access to the edited copy (s 22(1)(d)).

The FOI Guidelines state:

A request should be interpreted as extending to any document that might reasonably be taken to be included within the description the applicant has used.⁹

Personal privacy exemption (s 47F)

Section 47F of the FOI Act states 'A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).'

Section 4(1) of the FOI Act states 'personal information' has the same meaning as the *Privacy Act 1988*, which provides:

personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.¹⁰

Section 47F(2) of the FOI Act states that in determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister decision maker must have regard to the following matters:

- the extent to which the information is well known

⁹ FOI Guidelines at [3.54] footnoting *Re Gould and Department of Health* [1985] AATA 63.

¹⁰ Section 6(1) of the *Privacy Act 1988* (Cth) (emphasis in original).

- whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document
- the availability of the information from publicly available sources, and
- any other matters that the agency or Minister considers relevant.

As discussed in the FOI Guidelines and IC review cases,¹¹ the main requirements of this public interest conditional exemption are that a document contains ‘personal information;’ disclosure in response to the applicant’s FOI request would be ‘unreasonable’ (s 47(1)); and it would be ‘contrary to the public interest’ to release the material at the time of the decision (s 11A(5)).

The FOI Guidelines explain that the test of ‘unreasonableness’ in s 47F ‘implies a need to balance the public interest in disclosure of government-held information and the private interest in the privacy of individuals’.¹²

In addition to the mandatory factors outlined at s 47F(2) of the FOI Act, the FOI Guidelines explain that other relevant factors include:

- a) the author of the document is identifiable
 - b) the document contains third party personal information
 - c) release of the document would cause stress to the third party
 - d) no public purpose would be achieved through release.
- ...
- the nature, age and current relevance of the information
 - any detriment that disclosure may cause to the person to whom the information relates
 - any opposition to disclosure expressed or likely to be held by that person
 - the circumstances of an agency’s or minister’s collection and use of the information
 - the fact that the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act
 - any submission an FOI applicant chooses to make in support of their request as to their reasons for seeking access and their intended or likely use or dissemination of the information and
 - whether disclosure of the information might advance the public interest in government transparency and integrity.¹³

The last-mentioned factor – the public interest in government transparency and integrity – is to be balanced with all other relevant factors arising in the particular case, including the private interest that third party individuals may have in maintaining privacy of their personal information.¹⁴

¹¹ Generally, see FOI Guidelines at [6.119] – [6.155]; ‘AEE’ and Department of Defence (Freedom of information) [2023] AICmr 69; ‘AED’ and Australian Criminal Intelligence Commission (Freedom of information) [2023] AICmr 67; ‘OE’ and Australian Taxation Office (Freedom of information) [2018] AICmr 29.

¹² FOI Guidelines at [6.133].

¹³ FOI Guidelines at [6.137] – [6.138] (footnotes omitted).

¹⁴ FOI Guidelines at [6.139].

Business affairs exemption (s 47G)

Section 47G of the FOI Act states:

(1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:

(a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or

(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.

Section 47G(2) – (3) of the FOI Act contain exceptions to the exemption in s 47G(1) of the FOI Act.

As stated in the FOI Guidelines, this conditional exemption does not apply in the following circumstances:

... if the document contains only business information about the FOI applicant (s 47G(3)). Where the business information concerns both the FOI applicant and another business, the provision may operate to conditionally exempt the FOI applicant's information, but only if the FOI applicant's business information cannot be separated from the information of the other business or undertaking.

... to trade secrets or other information to which s 47 applies (s 47G(2)). In other words, a decision maker should consider an exemption under s 47 for documents containing trade secrets or other information to which s 47 applies if the circumstances call for it. This is a limited exception to the normal rule that more than one exemption may apply to the same information (see s 32).¹⁵

Section 47G(1)(a)

The FOI Guidelines explain that the operation of s 47G of the FOI Act depends on the effect of disclosure, rather than the precise nature of the information itself.¹⁶ Notwithstanding this, the information must have some relevance to a person in respect of their business or professional affairs or to the business, commercial and financial affairs of the organisation.¹⁷

The FOI Guidelines state:

The use of the term 'business or professional affairs' distinguishes an individual's personal or private affairs and an organisation's internal affairs. The term 'business affairs' has been interpreted to mean 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs.'¹⁸

In relation to the question of unreasonableness, the FOI Guidelines state:

The presence of 'unreasonably' in s 47G(1) implies a need to balance public and private interests. The public interest, or some aspect of it, will be one of the factors in determining

¹⁵ FOI Guidelines at [6.179] – [6.180].

¹⁶ FOI Guidelines at [6.181].

¹⁷ FOI Guidelines at [6.181].

¹⁸ FOI Guidelines at [6.191] (footnotes omitted).

whether the adverse effect of disclosure on a person in respect of his or her business affairs is unreasonable. A decision maker must balance the public and private interest factors to decide whether disclosure is unreasonable for the purposes of s 47G(1)(a), but this does not amount to the public interest test in s 11A(5) which follows later in the decision process.¹⁹

The FOI Guidelines further state:

The test of reasonableness applies not to the claim of harm but to the objective assessment of the expected adverse effect. For example, the disclosure of information that a business' activities pose a threat to public safety, damage the natural environment, or that a service provider has made false claims for government money, may have a substantial adverse effect on that business but may not be unreasonable in the circumstances to disclose. Similarly, it would not be unreasonable to disclose information about a business that revealed serious criminality. These considerations require weighing the public interest against a private interest – preserving the profitability of a business. However at this stage it bears only on the threshold question of whether disclosure would be unreasonable.²⁰

Section 47G(1)(b)

The FOI Guidelines state:

This limb of the conditional exemption comprises 2 parts:

- a reasonable expectation of a reduction in the quantity or quality of business affairs information to the government
- the reduction will prejudice the operations of the agency.²¹

Public interest test

Section 11A(5) of the FOI Act states the agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Section 11B(3) of the FOI Act sets out a non-exhaustive list of public interest factors favouring disclosure for consideration, those factors being where disclosure of the document would do any of the following:

- (a) promote the objects of the FOI Act
- (b) inform debate on a matter of public importance
- (c) promote effective oversight of public expenditure
- (d) allow a person access to their personal information.

Section 11B(4) of the FOI Act also lists the following irrelevant factors that must not be taken into consideration when deciding whether access would, on balance, be contrary to the public interest:

- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government
- (b) access to the document could result in any person misinterpreting or misunderstanding the document

¹⁹ FOI Guidelines at [6.184] (footnotes omitted).

²⁰ FOI Guidelines at [6.185] (footnotes omitted).

²¹ FOI Guidelines at [6.197] footnoting *Re Angel and the Department of the Arts, Heritage and the Environment; HC Sleight Resources Ltd and Tasmania* [1985] AATA 314.

(c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made

(d) access to the document could result in confusion or unnecessary debate.

In addition to the factors set out at s 11B(3) of the FOI Act, the FOI Guidelines set out a further non-exhaustive list of public interest factors in favour of disclosure, as well as public interest factors against disclosure.²²

The FOI Guidelines explain:

To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies based on the particular facts at the time the decision is made.²³

²² FOI Guidelines at [6.229] – [6.233].

²³ FOI Guidelines at [6.238] (footnote omitted).

Review rights

Review by the Administrative Review Tribunal

If a party to an IC review is unsatisfied with an IC review decision, they may apply under s 57A of the FOI Act to have the decision reviewed by the Administrative Review Tribunal (ART). The ART provides independent merits review of administrative decisions and has power to set aside, vary, or affirm an IC review decision.

An application to the ART must be made within 28 days of the day on which the applicant is given the IC review decision (see s 18(1) of the *Administrative Review Tribunal Act 2024* and rule 5(3) of the *Administrative Review Tribunal Rules 2024*). An application fee may be payable when lodging an application for review to the ART. Further information is available on the ART's website (www.art.gov.au) or by telephoning 1800 228 333.

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. More information is available on the [Access our information](#) page on our website.