



Large, complex or time-consuming applications

When a valid access application is made to an agency, the agency must deal with it in the manner described in [section 13](#) of the FOI Act. The fact that an application may be in broad terms and is likely to involve a large number of documents does not of itself make the application invalid nor is it sufficient reason for an agency to refuse to deal with the application.

The only way in which an agency is permitted to refuse to deal with a valid application is under the specific provisions of [section 20](#) of the FOI Act. To rely on section 20, an agency **must** first take reasonable steps to assist the access applicant to change the application to reduce the amount of work needed to deal with it. For example, this could be done by explaining, subject to any exemptions, the nature and types of documents held that are within the scope of the application, or suggesting that the time period covered by the application is reduced.

At that stage, an agency is not required to list all possible documents of relevance or identify the precise number of documents falling within the scope of an access application nor is it required to provide unrestricted access to files to enable the applicant to decide what he or she wants.

An agency should keep a record of all attempts to assist the applicant to reduce the scope of the application.

When an agency has taken reasonable steps to help the applicant to change the application but the work involved in dealing with the application would still divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency may refuse to deal with the access application under section 20.

Relevant factors to indicate whether the work in dealing with an application would divert a substantial and unreasonable portion of the agency's resources away from its other operations may include:

- the time period to which the application relates;
- the number of documents or potential documents covered by the application;
- the ease with which the specific documents can be identified and assessed;
- the location of those documents and the nature in which they are stored by the agency; and
- the number of people competent to identify the documents and the normal duties of those people.

If an agency decides to refuse to deal with an application, it must notify the applicant of its decision without delay. The written notice of decision must include the reasons for refusal, and the rights of review (section 20(4)).

Tip: Agencies should only refuse to deal with an application under section 20 as a last resort.

If you have any general enquiries about the FOI process, please see our website or contact our office.

Note: This Information Sheet is intended as a general guide only and should not be viewed as legal advice. The Information Commissioner considers each complaint on its merits and according to the relevant circumstances.

Office of the Information Commissioner

Phone: (08) 6551 7888

Freecall (WA country): 1800 621 244

Fax: (08) 6551 7889

Email: info@foi.wa.gov.au

Web: www.oic.wa.gov.au

Address: Albert Facey House, 469 Wellington Street, Perth WA 6000