



Review of agency decisions

If you are dissatisfied with a decision made by an agency about your access application or an application where you are a third party, you have the right to apply for review of that decision. Similarly, if you have applied to an agency for amendment of your personal information and you are dissatisfied with the agency's decision, you have the right to apply for review of that decision.

In most cases you can apply to the agency for an **internal review**. If you disagree with the internal review decision, or if an internal review is not available to you, you can apply to the Information Commissioner for **external review** of the decision.

Internal Review

If you disagree with a decision made by an agency about your access application or amendment application, or an access application where you are a third party, you have the right to apply to the agency for an internal review.

If the initial decision was made by the principal officer of the agency or a Minister, internal review is not available ([section 39\(3\)](#)). In that case, you can apply directly to the Information Commissioner for external review of the agency's decision (see below).

An internal review must be conducted by an officer of the agency who is not subordinate to the person who made the initial decision ([section 41](#)).

You can apply for internal review of a decision in relation to an access application when ([section 39\(2\)](#)):

- The agency refuses to deal with your access application.
- You have been refused access to some or all of the requested documents.
- You have only been given access to an edited document and you want access to the parts that were deleted.
- The agency has deferred giving you access.
- The agency has decided that medical or psychiatric information about you will only be given to you through a nominated medical practitioner.
- The agency has decided to impose a charge or require a deposit that you consider unreasonable.
- As a third party (whether consulted or not), you disagree with an agency's decision to give access to your personal or business information contained in documents requested by someone else.

You can apply for internal review of a decision in relation to an amendment application when ([section 54\(1\)](#)):

- The agency decides not to amend information in accordance with your amendment application.
- The agency decides not to comply with your request to make a notation or attach information.

You must apply for internal review in writing within 30 days after being given the agency's notice of decision. (The principal officer of the agency may allow you to lodge your application after the 30 days has elapsed ([section 40\(3\)](#)).

The agency is required to give you its internal review notice of decision within 15 days (or any longer period that is agreed to between the access or amendment applicant and the agency). It also needs to tell you that if you are dissatisfied with the decision you have a right to apply to the Information Commissioner for an external review of the agency's decision.

External Review

After internal review, if you still disagree with the agency's decision, you may lodge a complaint with the Information Commissioner seeking external review of the agency's decision. A complaint is also referred to as an application for external review. The decisions that you can apply for external review of are set out in [section 65\(1\)](#) (relating to access applications) and [section 65\(3\)](#) (relating to amendment applications).

The Commissioner is independent of executive government and reports directly to Parliament. A complaint to the Information Commissioner must:

- be in writing and include an Australian address;
- give particulars of the decision to be reviewed including details of the part(s) of the decision you want the Commissioner to review; and
- include a copy of the internal review notice of decision sent to you by the agency. If you have not received the agency's internal review decision, attach a copy of the initial notice of decision. If the initial decision was made by the agency's principal officer or a Minister, include a copy of the initial notice of decision (as there is no avenue for internal review)

If you are the access or amendment applicant, you must apply for external review within 60 days after being given the agency's decision.

If you are a third party who objects to disclosure of your information, you must apply for external review within 30 days after being given the agency's decision.

In exceptional circumstances, the Commissioner may allow a complaint to be lodged after these periods have elapsed ([section 66](#)).

Review based on delay

If an agency does not give you a decision with the timeframes allowed under the FOI Act, you may be able to seek review of a 'deemed decision'. For more information, see

our publication – *What if an agency delays making a decision?* - available on our website at <https://www.oic.wa.gov.au/en-au/FTP016>.

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.

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