

FOI External Review Form

What do I need to know before completing this form?

Use this form to apply to the Office of the Information Commissioner WA (OIC) for an external review of a decision you have received from a Western Australian public agency or Minister in relation to your freedom of information (FOI) application under the *Freedom of Information Act 1992 (WA)* (FOI Act).

The form will ask you questions about your FOI application. All questions marked with an * must be completed. You will also be asked to submit documents related to your FOI application, including written notices of decision received from the agency (if received).

Important information:

We can only review decisions made by Western Australian agencies under the FOI Act. We cannot:

- ! deal with complaints about how an agency or its staff conducted themselves, behaved or handled the process of dealing with your FOI application; or
- review decisions made by a Commonwealth government agency (such as Centrelink) or government agencies of another state or territory.

! The FOI Act gives people the right to access existing documents. It does not usually require agencies to answer questions, provide explanations, or create new documents. If your FOI application asked for any of these, we may not be able to assist.

! If you disagree with an agency's decision, you will usually need to ask the agency for an internal review before applying to the OIC for an external review. To find out whether you can apply for an internal review, see [Review of Agency Decisions: Office of the Information Commissioner](#). If an internal review is available and you have not asked the agency for one, your application for external review is unlikely to be accepted.

! If you are a party to court or tribunal proceedings and need documents for your matter, an FOI application may not be the best way forward. See [Accessing documents for proceedings in a court or tribunal](#).

Need help?

Please contact the OIC on (08) 6551 7888 or email info@oic.wa.gov.au if you require assistance completing this form. For more information, please visit our website at www.oic.wa.gov.au.

Use of Artificial Intelligence (AI) tools

We know you may want to use an AI tool when you write to us. Before you use an AI tool, please be aware:

! AI tools may generate text that is unclear or unnecessarily lengthy. This can make it **harder for us to understand what you are saying** and may **slow down the external review process**.

! AI tools may generate information that is incorrect, not relevant to your external review application or misrepresents how the law applies to your situation. You should **check the accuracy of any sources you are relying on and provide links**. If you provide inaccurate information **it may take us longer to process your external review**.

! The information you put into an AI tool **may not be private**. It may be used to improve the performance of the AI tool or be shared with others without you knowing.

How we handle your personal information

To process your external review under the FOI Act the OIC needs to collect your personal information, including your contact details.

We will collect personal information directly from you and from the agency to whom you made your FOI application. We may also collect personal information from others if they have information relevant to your external review. For example, if your external review involves information about another individual or a business, we may request information from that individual or business.

We will use your personal information to conduct our external review. This will include disclosing certain personal information to the agency that is the subject of your external review. We may provide it with a copy of this external review form and copies of your submissions.

If you do not provide your personal information to the OIC, it will impact our ability to process your matter. In some circumstances it may mean we are unable to conduct the external review of your matter.

You may request access to your personal information by contacting the OIC at info@oic.wa.gov.au.

If you would like more information about how the OIC handles your personal information, please access our [privacy policy](#) or contact us on (08) 6551 7888.

Publication of decisions

A copy of any external review decision will be published on our [website](#) and on the [Australasian Legal Information Institute website](#). Published decisions will generally not include any information that directly identifies you or any other individual. There are some exceptions. For example, you may be named in a decision if you are a member of Parliament or apply on behalf of a media organisation or entity of public significance. If you are applying on behalf of a corporation or other entity, the corporation's or entity's name may be published.

Information about you

What is your name?

Title:

First name:*

Last name:*

Who is lodging the external review application?*

Note: If you are lodging an application on behalf of another individual or an organisation, you may be required to provide evidence of your authority to act on behalf of the complainant.

- ☐ I am lodging the application on my own behalf
- ☐ I am lodging the application on behalf of another individual (the complainant)

Please provide the following details:

What is the name of the individual you are lodging the external review application on behalf of?

What is your relationship to the individual? (e.g. parent of a child, guardian, family member, legal representative, disability advocate)

- ☐ I am lodging the application on behalf of an organisation (the complainant)

Please provide the following details:

What is the name of the organisation you are lodging the external review application on behalf of?

What is your relationship to the organisation? (e.g. employee, director, legal representative)

How can we contact you?

Note: The FOI Act requires you to provide an Australian postal address with your application. If you have any questions about this requirement please contact us.

Preferred contact method:

Email

Phone

Post

Phone:

Email:

Postal address:*

Suburb:

State:

Postcode:

Details about the decision you would like reviewed

Are you applying for an external review of a decision of a Western Australian agency or Minister?*

Note: We can only review decisions of Western Australian public agencies or Ministers. For example, a Western Australian department or local government.

☐ Yes

☐ No

What is the name of the agency or Minister?*

Do you know the agency's or Minister's reference number for your FOI application?

☐ Yes

☐ No

If yes, what is the reference number?

Have you applied for an internal review?*

Note: If an internal review is available to you and you have not applied to the agency for an internal review first, it is unlikely your external review application will be accepted unless there are exceptional circumstances.

☐ Yes

☐ No

If no, please explain why (e.g. because the decision-maker is a Minister or head of the agency)

Did the agency give you its written notice of internal review decision?*

Note: The date you should have received it will be 15 days after you made a valid request for internal review, unless you have agreed to another date with the agency.

☐ Yes

☐ No

If yes, what date did the agency give you its internal review decision?

If no, what date should you have received it?

Why are you applying for an external review?*

- ☐ The agency hasn't given me its decision within the timeframe allowed under the FOI Act.

Note: See [FOI Timeframes and Cost: Office of the Information Commissioner](#)

- ☐ The agency refused to give me access to documents or parts of documents.

- ☐ The agency refused to deal with my FOI application.

- ☐ The agency deferred giving me access to a document.

- ☐ The agency made a decision about my request to amend my personal information.

- ☐ I am a third party and the agency intends to give access to my personal information or business information.

- ☐ The agency decided to impose a charge or require payment of a deposit in relation to my FOI application.

Note: This does not include payment of the \$30 application fee

- ☐ The agency decided to give me access in the manner referred to under section 28 of the FOI Act or withhold access under section 28.

External review details

What is your external review application about?*

In your own words, explain which part of the agency's decision you would like the OIC to review. A copy of this part of the form may be provided to the agency for their response.

Maximum of 2000 characters. Information provided in attachments or beyond this limit may not be considered.

- If you disagree with the agency's decision to refuse you access to a document, you should:
 - describe the document and/or provide the document number;
 - refer to the exemption the agency has applied (e.g. clause 3(1)); and
 - explain why you think that exemption does not apply.

For some exemptions, you need to explain why disclosure of the information would, on balance, be in the public interest. If this is the case, please also state why you believe disclosure is in the public interest.

See [FOI Exemptions: Office of the Information Commissioner](#)
- If the agency cannot find a document or claims the document does not exist, you should:
 - describe the document you think the agency should have found;
 - explain why you believe the document exists; and
 - if you think the agency should have conducted more searches, where it should have searched and why.

See [Documents that cannot be found or do not exist](#)
- If you are a third party and the agency has decided to give access to your personal information or business information, you should:
 - describe the document and/or provide the document number;
 - refer to the exemption clause you believe the agency should apply; and
 - explain why you think that exemption applies.

See [FOI process guide: Third parties and their rights](#)
- If you made a FOI application to the agency and it has not given you its decision within the timeframe allowed under the FOI Act, the agency is taken to have refused you access to the requested documents. If this happens, you have a right to apply to the agency for an internal review of its deemed decision.

Did you use an AI tool to assist you in making this application?

It is helpful for us to know if you used an AI tool to assist you in completing this application. If you have used AI, please note the important information about AI on the front page of this form.

☐ Yes☐ No**Did you check the accuracy of the sources you relied upon and include links to those sources?**☐ Yes☐ No**Please provide copies of the following to support your application for external review:**

- ☐ The agency's **internal review decision** (unless the agency hasn't given you its decision within the timeframe allowed under the FOI Act).
- ☐ The agency's **original notice of decision** (unless the agency hasn't given you its decision within the timeframe allowed under the FOI Act).
- ☐ Your FOI application to the agency.
- ☐ Your application for internal review to the agency.
- ☐ Authority to act on behalf of the complainant (if a representative is making this application for external review).

Please email this form and your supporting information to info@oic.wa.gov.au