
The independent regulator fostering trust and accountability
in WA through privacy and freedom of information.

Amendments to the FOI Act commencing on 1 July 2026

FOI Guidance Note



Office of the
**Information
Commissioner**
Western Australia

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On 1 July 2026, the following important amendments to the *Freedom of Information Act 1992* (WA) (**FOI Act**) commenced.

Updated definition of personal information

The definition of 'personal information' in the Glossary to the FOI Act has been updated so that it aligns with the definition used in the *Privacy and Responsible Information Sharing Act 2024* (WA) (**PRIS Act**).

For more information about the new definition see *What is personal information?* [link to new What is personal information? page)

As part of this change:

- Schedule 1, clauses 3(1) and (2) now use the phrase "information that relates to" instead of "information about". This aligns the personal information exemption with the new definition.
- Sections 16(d), 21, 29, 32, 45, 109 and 112 have also been amended to replace "information about" with "information that relates to". This ensures consistent language throughout the FOI Act.

Changes to the term "nearest relative"

The FOI Act now includes a definition of "nearest relative" in the Glossary.

The changes:

- "Nearest relative" has the meaning given to that term in the *Guardianship and Administration Act 1990* (WA)
- Sections 32 and 45 now use the term "nearest relative" instead of "closest relative".

Changes relating to disability and cognitive impairment

The FOI Act now describes individuals who may need support to exercise their rights under the Act as follows:

Section 23(5) refers to a person who "has a cognitive impairment".

- Section 32(4) requires agencies to seek the views of a third party's nearest relative where the third party has a cognitive impairment.
- Revised section 98 allows an application to be made on behalf of a person who is incapable of making the application because of a disability (as defined in the *Disability Services Act 1993* (WA)).

Provisions about the interaction of the FOI Act and PRIS Act

The amendments make it easier for people to have their requests or complaints dealt with under the correct law, even if they are made under the wrong Act.

The changes:

- New section 67A allows the Information Commissioner to treat an application for external review under the FOI Act as a privacy complaint under the PRIS Act, where appropriate.
- New section 98A requires agencies to deal with requests for access to, or amendment of, personal information made under IPP 6.1 or IPP 6.5 in the PRIS Act in accordance with the relevant sections of the FOI Act.

These changes support a "no wrong door" approach, helping people access the correct process without needing to understand the differences between the two Acts.



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