Office of the
Information Commissioner

Freedom of information for Western Australia

Complaints Management Procedure

Overview

The Office of the Information Commissioner (**the OIC**) takes any complaints about the quality of the service we provide seriously. Feedback and complaints are an opportunity for us to improve the way we provide our services. You can give us feedback at any time via email **info@oic.wa.gov.au**.

A **complaint** is an expression of dissatisfaction about the actions or services of the OIC and the associated conduct of the Information Commissioner (**the Commissioner**) and/or other OIC officers.

A **formal complaint** is an expression of dissatisfaction, **in writing**, about the actions or services of the OIC and the associated conduct of the Commissioner and/or other OIC officers, where a response or resolution is expected or required.

Dissatisfaction with a decision of the Information Commissioner pursuant to the *Freedom of Information Act 1992* (WA) (**FOI Act**), where specific appeal rights are available, is not a ground for complaint.

The following information outlines your options if you are unhappy with how we undertake our work or deliver our services and wish to make a complaint.

Complaint resolution process

Step One – try to resolve informally

The quickest way for your complaint to be resolved is to raise it with the OIC officer concerned. If you are unhappy with their response, you may choose to make a formal complaint in writing.

If you disagree with the outcome of an application for external review of an agency's decision under the FOI Act, this type of disagreement cannot be resolved through this complaint process. Under the FOI Act, all parties to the Commissioner's decision have the right to lodge an appeal against that decision with the Supreme Court. The right of appeal is limited to a question of law: see External Review Guide for access applicants - Decisions of the Information Commissioner.

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Step Two – make a formal complaint

A formal complaint must be in writing (by email is sufficient).

What to include in your formal complaint

To assist us to deal with your complaint:

- Briefly explain your concerns and include enough information for us to assess your complaint and decide what we will do.
    - Example: describe what happened, when it happened, who was involved and anything else which is relevant.
- Tell us what action you have already taken – such as making an informal complaint – and what you would like to happen.
- Include copies of any relevant correspondence.

Submitting your complaint

You can submit your complaint by:

Mail: Mark your complaint as 'Private and Confidential' and address it to:

Information Commissioner
Office of the Information Commissioner
Albert Facey House
469 Wellington Street
PERTH WA 6000

Or by

Email: info@oic.wa.gov.au with a subject line 'Private and Confidential – Complaint'

How the OIC deals with complaints

Your formal complaint will be dealt with by the Commissioner, or his/her delegate. The Commissioner, with assistance from relevant officers, will:

- Aim to acknowledge your complaint within five business days.
- Where appropriate, discuss the complaint with the relevant officer.
- Assess the content of the complaint and decide what action is necessary.
- Aim to respond to you in writing within 20 working days, advising you of the outcome of your complaint.

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If your complaint raises issues that must be reported, for example to WA Police Force or the Corruption and Crime Commission (**the CCC**), we will notify you of the referral.

The OIC keeps a record of all formal complaints received, the decisions made and the outcome of each complaint. Complaint data will be regularly reviewed to assist us to improve our services.

The OIC will review its complaint handling system annually.

Complaints about misconduct

If you believe there has been misconduct by an OIC officer, you can report it to the appropriate body.

The *Corruption Crime and Misconduct Act 2003* (WA) (**the CCM Act**) defines serious misconduct and minor misconduct, which can be reported to the CCC and the Public Sector Commission (**the PSC**) respectively.

For more information about reporting minor misconduct as described in the CCM Act, please visit the PSC website at https://www.wa.gov.au/organisation/public-sector-commission/minor-misconduct-public-officers.

For more information about reporting serious misconduct, visit the CCC website at https://www.ccc.wa.gov.au/report_misconduct.

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