

## Freedom of Information Fact Sheet

### Freedom of Information Commissioner - Review of Decisions

If you are not satisfied with the department's decision under the *Freedom of Information Act 1982*, you have the right to seek a review of this decision from the Freedom of Information Commissioner (the Commissioner).

#### Decisions which can be reviewed

The Commissioner can review the following decisions:

- Refusal to grant access to documents or parts of documents.
- Deferral of access to documents.
- The amendment of personal records.
- Refusal to waive an application fee.

Please note that the Commissioner is unable to review exemptions under sections 28 (Cabinet documents) and 29A (Documents affecting national security, defence or international relations). Requests for reviews of decisions made under these sections should be directed to the Victorian Civil and Administrative Tribunal (VCAT).

#### Timeframes for reviews

An application for review must be made within 28 days of you receiving the decision. The only exception to this is where the agency has denied access under s36 of the *Health Records Act 2001*. Requests for reviews of these decisions must be made within 70 days.

The Commissioner has 30 days to conduct the review, unless an alternative timeframe is agreed with the applicant.

#### How to request a review

Requests for review must be made in writing and addressed to:

Freedom of Information Commissioner  
Office of the Freedom of Information Commissioner  
PO Box 24274  
Melbourne Victoria 3001  
[enquiries@foicommissioner.vic.gov.au](mailto:enquiries@foicommissioner.vic.gov.au).

Review application forms are available on the Commissioner's website: [www.foicommissioner.vic.gov.au](http://www.foicommissioner.vic.gov.au)

#### If you are not satisfied with the Commissioner's decision

If you are not satisfied with the outcome of the Commissioner's review, you may appeal to VCAT for review.

This fact sheet was created by the Freedom of Information Team of the Department of Human Services for information purposes only. It is not a replacement for independent legal advice.