



APPLICATION FOR REVIEW OF DETERMINATION

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Under the *Freedom of Information Act (NSW)* S34 and S47..

Applicant details

Applicant's name	Surname	<input type="text"/>	Given Name	<input type="text"/>
Address	Street	<input type="text"/>		
	Town/locality	<input type="text"/>	Postcode	<input type="text"/>
Contact	Phone	<input type="text"/>	Mobile	<input type="text"/>

Declaration

I have submitted an application requesting access to documents in accordance with the *Freedom of Information Act*.

I am unhappy with the determination made by your agency and therefore seek a review of this determination because:

- I have been refused access to documents
- I have been refused access to part of a document.
- I have been refused a request to amend a personal document.
- I have been given access to a document but access has been deferred.
- I believe I have been charged too much.
- I am a third part specified in the documents but have not been consulted about giving access to another person.
- I have been consulted but disagree with a decision to release the documents.

Comments

You may include any additional comment you wish to be considered in the review of the determination (include additional pages if necessary).

Fees and charges

Your agency granted me a 50% reduction in fees and charges when I applied for access to documents.

- Yes → There is a \$20 fee No → There is a \$40 fee
- The relevant fee must be submitted with the completed application form.

Lodgement of application

This application must be addressed to the Principal Officer of the agency and lodged at one of the offices of the agency **within 28 days** of the date of the agency's determination which is the subject review.

Advice of determination

The agency will undertake its internal review and advise you of its decision within 14 days of receipt of this application.

Applicant's signature	<input type="text"/>	Date	<input type="text"/>
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OFFICE USE ONLY

CS initial	<input type="text"/>	Date paid	<input type="text"/>	Allocation No.	<input type="text"/>
		Receipt No.	<input type="text"/>	Application fee	\$ <input type="text"/>

Your rights to review and appeal

1 Internal review

Under s.34 and s.47 of the Freedom of Information Act (NSW), 1989, if you are dissatisfied or “aggrieved” with certain decisions or “determinations” of an agency you can apply to the agency concerned for an internal review of its determination.

A person is aggrieved by a determination on an application for access to records if any of the following apply:

- (i) an agency refuses to give the applicant access to a document; or
- (ii) access to a document is to be given to the applicant subject to deferral; or
- (iii) access to a copy of a document from which exempt matter has been deleted is to be given to the applicant; or
- (iv) access to a document is to be given to the applicant subject to a charge for dealing with the application, or for giving access to a document, that the applicant considers to be unreasonable; or
- (v) a charge for dealing with the application is payable by the applicant, being a charge that the applicant considers to have been unreasonably incurred; or
- (vi) (compulsory consultation) an agency should have, and has not, taken such steps as are reasonably practicable to obtain with the views of the person as to whether or not the document is an exempt document...; or
- (vii) (compulsory consultation) an agency should have, and has, taken such steps, but the determination is not in accordance with the views of the person - s34 or
- (viii) an agency refuses to amend records in accordance with the application - s47.

To apply for an internal review of a determination you must write a letter or lodge an internal review application form with the same agency as made the determination within 28 days of being given the determination. If the determination has been posted, it is deemed to have been given to you on the fifth day after the letter was posted.

There is no right to an internal review of a determination regarding a Minister’s document.

2 Investigation by the ombudsman

If, after an internal review has been completed, you are still dissatisfied with the agency’s determination you can request an investigation by the Ombudsman of the determination. The Ombudsman is empowered to investigate the conduct of any person or body in relation to a determination made by an agency under this Act.

Provided you have had an internal review, you can apply for an investigation by the Ombudsman at any time. However, if you wish to keep open the option of later appealing to the District Court, you must apply to the Ombudsman within 60 days of receiving the determination from your internal review.

Requests to the Ombudsman must be in writing. An application form is not required. Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman, phone 1800 451 524.

There is no right to an investigation by the Ombudsman of a Minister’s determination under the Freedom of Information Act or in relation to the issue of a Ministerial certificate.

3 Appeal to the district court

If you are dissatisfied with a determination by an agency or a Minister after internal review or after review by the Ombudsman, you can appeal to the District Court. The definitions of what “aggrieved” means under the FOI Act are the same as those which allow you to apply for an internal review (see above i – viii).

Applications must be made within 60 days after the relevant determination was given to you or, if you have sought an investigation by the Ombudsman, within 60 days after the results of the Ombudsman’s investigation of the complaint were reported to you.

The procedures relating to applications to the District Court are established by the Court, phone (02) 9287 7888.