



Freedom of Information

Your Rights to Review and Appeal

Internal Review

Under Division 3, Section 29 of the Freedom of Information Act (SA) 1991, if you are dissatisfied or “aggrieved” by a determination made by an agency (regarding access to documents or amendment to records) you can apply to the agency concerned for an internal review of its determination.

- An application for review of a determination must be made in writing.
- It must be accompanied by an application fee as prescribed in the Freedom of Information Regulations.
- It must be addressed to the principal officer of the agency.
- It must specify an address in Australia to which notices under this Act should be sent.
- An application for review of a determination must be lodged at the agency **within 30 days** after receiving the notice of determination from the agency.
- An agency must respond to an application for Internal Review **within 14 days** of receipt.
- An agency that fails to respond within the 14 day timeframe is taken to have confirmed the original determination.
- The agency may confirm, vary or reverse the determination. Where the determination is varied or reversed so that access to a document is to be given, the agency must refund any application fee paid in respect of the review.

Where there is an entitlement for an internal review this must be sought before an application for external review can be made. If the determination has been made by the Principal Officer of the agency, there is no option for an Internal Review - see External Review below.

External Review

Investigation by the Ombudsman

If the determination was made by the Principal Officer of the agency and you are dissatisfied with the determination or after an internal review has been completed and you are still dissatisfied with the agency’s determination you can request an investigation by the Ombudsman (External Review). 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.

You can apply for an investigation by the Ombudsman within 30 days of receiving the internal review or Principal Officer’s determination. 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, telephone (08) 8226 8699 or visit their website – www.ombudsman.sa.gov.au

Appeal to the South Australian Civil and Administrative Tribunal (SACAT)

If you are dissatisfied with the external review as investigated and determined by the Ombudsman, you may appeal for a review of the decision under section 34 of the South Australian Civil and Administrative Tribunal Act 2013.

Proceedings under this section must be commenced within 30 days after notice of the determination is given.

Further information is available from SACAT, telephone 1800 723 767 or visit their website – www.sacat.sa.gov.au