FOI Fact Sheet

Your Rights to Review and Appeal

South Australian *Freedom of Information Act 1991*

Please read the information in this fact sheet before completing the attached application form

INTERNAL REVIEW

If you are unhappy with a determination made by an agency (includes South Australian State Government Agency, Local Government Council or University) under the *Freedom of Information Act 1991* (FOI Act) in relation to:

- a freedom of information (FOI) application for access to a document, or
- an FOI application for amendment to your personal records

in most cases, you are entitled to apply for an Internal Review of that determination.

Request an Internal Review

An Internal Review must be lodged within 30 calendar days of you receiving advice of a determination that you are unhappy with.

Applications must be made in writing in accordance with Section 29 or Section 38 of the FOI Act or using the attached *FOI Application Form for Internal Review of a Determination* (Internal Review Form).

An Internal Review application must be made to the Principal Officer of the agency that made the determination you are seeking to have reviewed.

How much does an Internal Review cost?

There is an application fee of **$44.70** that must be paid when you lodge your Internal Review application if your review request is for access to documents.

There is no application fee for an Internal Review of an FOI application for amendment to your personal records.

Alexandrina accepts payment by cash or credit card. If you would like to pay by credit card you will need to speak with the Customer Experience staff who can process the credit card payment.

If, as a result of an Internal Review an agency changes or reverses a determination so that access to a document is, or will be, given, the agency will refund the Internal Review application fee paid by the applicant, where applicable.

What if I have a concession card or can't afford to pay?

If you are the holder of a current concession card or if you can satisfy the agency that the payment of the application fee would cause financial hardship, the agency must waive or remit (reduce or refund) it.

If you are a concession cardholder you will need to provide evidence e.g. attach a copy of your concession card when you make the application. Alternatively, you will need to give written reasons as to why the payment of a fee would cause you financial hardship.

How long does an Internal Review take?

You will be advised of the outcome of your Internal Review application within 14 calendar days of it being received by the agency.

If the agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review You will be advised of the outcome of your Internal Review application within 14 calendar days of it being received by the agency.

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When can't I apply for an Internal Review?

If the original application determination was made by the Principal Officer of an agency rather than another accredited FOI Officer within the agency, you cannot apply for an Internal Review. However, you can apply for an External Review by the Ombudsman SA or apply for a review by SACAT.

EXTERNAL REVIEW

After an Internal Review has been completed, or where you are unable to apply for an Internal Review, and you are unhappy with the determination, you have the right to apply for an External Review. All applications for External Review should be made to the Ombudsman SA.

Contact Details
Ombudsman SA **Phone:** (08) 8226 8699 **Toll Free:** 1800 182 150 (outside Metro SA) **Email:** ombudsman@ombudsman.sa.gov.au

REVIEW BY SACAT

You have a right to apply for a review by SACAT if you are unhappy with:

- a determination not subject to Internal Review
- an Internal Review determination, or
- the outcome of a review by the Ombudsman SA.

You must exercise your right of review with SACAT within 30 calendar days after being advised of the above types of determinations or the results of a review.

Any costs will be determined by SACAT, where applicable. For more information contact SACAT.

Contact Details
South Australian Civil and Administrative Tribunal (SACAT) **Phone: 1800 723 767** **Email:** sacat@sacat.sa.gov.au

FOI Application Form

For Internal Review of a Determination

Under Section 29 & 38 of the *Freedom of Information Act 1991*

Please read the attached 'FOI Fact Sheet – Your Rights to Review and Appeal' before completing and lodging your Internal Review application

To the Principal Officer	
Name of the Agency: **Alexandrina Council**	
Details of Application	
Title:	Surname:
Given Names:	
Australian Postal Address:	
Suburb:	Post Code:
Email (*optional*):	
Contact phone number(s):	
FOI Application Reference Number (*if known*):	
Details of Internal Review	
I am not satisfied with a determination made by your agency and, therefore, seek a review because: *(place a select the most appropriate option)*	
I have been refused access to a document	
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 am a third party specified in the documents but have not been consulted about giving access to another person	
I have been consulted but disagree with the determination to release the document	
Comments	
Include any additional comments you wish to be considered in the review of the determination (*attach additional pages if necessary*).	

Fees and Charges

An application fee of **$44.70** must be submitted with the Internal Review application form, unless you are seeking to have the application fee waived. If you are seeking to have the application fee waived, please attach evidence supporting why it should be waived, e.g. attach a copy of your concession card or other evidence as proof of financial hardship.

An application fee is not required for an Internal Review of an FOI Amendment Application.

In the following section please tick select as appropriate:

Is the application fee attached?	**YES**	**NO**
Application Fee is in the form of (*do not send cash in the mail*):	**Cash**	**Credit Card**
Do you require a fee waiver?	**YES**	**NO**
Is evidence of the need to waive fee attached? (*eg a copy of your concession card*)	**YES**	**NO**

If you wish to pay your application fee via credit card you will need to come into a Council Office or call Customer Experience (08) 8555 7000.

If no application fee is attached and you do not qualify for fee waiver, Alexandrina Council cannot process your application until the fee has been paid.

If Alexandrina Council varies or reverses a determination so that access to a document is, or will be given, we will refund any Internal Review fees paid by the applicant.

Applicants Signature:

Date:

Office Use Only

Received on:	Employee: