



**Australian Government**

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# **FREEDOM OF INFORMATION (FOI) REFORM**

## **COMPANION GUIDE**

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Information Commissioner Bill 2009  
Freedom of Information Amendment (Reform) Bill 2009

Companion Guide to Exposure Drafts



# Message from the Cabinet Secretary



A key Government election commitment was to restore trust and integrity in the use of Australian Government information, and to promote greater openness and transparency.

One of the ways the Government intends to deliver on this commitment is through major reforms to the Freedom of Information Act 1982.

Both in practice, and as a symbol, 'freedom of information' represents the pinnacle of citizens' right to know: a legal requirement to give the Australian community access to information held by the Australian Government.

Last November, the Government introduced legislation into the Parliament to fulfil the first of our election commitments – a bill to remove the power to issue conclusive certificates in the FOI Act (and the Archives Act 1983).

To fulfil the rest of our election commitments the Government will later this year introduce further bills into the Parliament containing broader reforms. These bills will deliver the first substantial overhaul of the Freedom of Information Act since the Act's inception in 1982.

Information held by the Government is a national resource and should be managed in the public interest. Access to government information increases public participation, and leads to increased scrutiny, discussion, comment and review of government activity.

Given the importance of the FOI Act in making this possible, it is essential that these proposed reforms are discussed and evaluated as widely as possible.

To this end, I am pleased to release exposure drafts of the Information Commissioner Bill 2009 and the Freedom of Information Amendment (Reform) Bill 2009 for public comment.



March 2009



## Submissions Invited

The Australian Government invites written submissions on the following two draft Bills:

- Information Commissioner Bill 2009
- Freedom of Information Amendment (Reform) Bill 2009.

The exposure draft bills are available from the Department of the Prime Minister and Cabinet (PM&C) website: [www.pmc.gov.au](http://www.pmc.gov.au) in PDF format for downloading and printing. If you need further assistance with alternative formats, please contact the Privacy & FOI Policy Branch of PM&C on telephone (02) 6271 5311 or by email to [foiconsultation@pmc.gov.au](mailto:foiconsultation@pmc.gov.au).

The closing date for submissions is **15 May 2009**. Late submissions may not be considered.

### Where to send your submission

You may lodge your submission by email, post or facsimile.

The email address for submissions is: [foiconsultation@pmc.gov.au](mailto:foiconsultation@pmc.gov.au)

You can post a submission to:

Privacy & FOI Policy Branch

Department of the Prime Minister and Cabinet

PO Box 6500

CANBERRA ACT 2600

Your submission can also be sent by facsimile to (02) 6271 5776.

You only need to lodge your submission once. If you lodge your submission by email, there is no need to send a separate copy by post or facsimile. Receipt of submissions may be confirmed by contacting the Privacy & FOI Policy Branch, as individual acknowledgements of receipt will not be issued.

If you have questions on the FOI reform process, please contact the Branch by telephone on (02) 6271 5311 or by email to [foiconsultation@pmc.gov.au](mailto:foiconsultation@pmc.gov.au).

**See the last page of this Companion Guide for guidelines on making submissions and privacy and confidentiality statements.**

### Other consultation

Details of a roundtable consultation during the consultation period, to be held in Canberra, will be posted on the website.



# OVERVIEW

The Australian Government announced as part of its 2007 election policies that it would reform the Commonwealth Freedom of Information Act 1982 (FOI Act) with the principal objects of promoting a pro-disclosure culture across the Government and building a stronger foundation for more openness in government.

## FOI REFORM IMPLEMENTATION

The release of the draft Information Commissioner Bill 2009 and the draft FOI Amendment (Reform) Bill 2009 for public consultation forms the second step in the Australian Government's two-stage approach to implementing reforms to the FOI Act. Following consideration of comments received on the draft Bills, the Government proposes to introduce the Bills into the Parliament in 2009.

In the first stage, on 26 November 2008, the Government introduced into the Parliament a bill to abolish the power to issue conclusive certificates in the FOI Act and Archives Act 1983. The repeal of that power will mean that all decisions to refuse access to documents on grounds of exemptions would be subject to full independent external merits review. The Freedom of Information (Removal of Conclusive Certificates and Other Measures) Bill 2008 is available at [www.pmc.gov.au](http://www.pmc.gov.au).

## THE FOI ACT

The FOI Act is concerned with access to government information. Importantly, the Act gives members of the public, upon application, a right of access to documents of Australian Government agencies and to official documents of Ministers. The FOI Act also provides for the publication of certain documents and information.

The proposed reforms focus on:

- ensuring that the right of access to documents under the FOI Act is as comprehensive as it can be, limited only where a stronger public interest lies in withholding access to documents;
- giving greater weight to the role that the FOI Act serves in the pro-active publication of government information; and

- introducing structural reforms designed to deliver a platform for system wide information policy development across government.

## ESTABLISHMENT OF THE OFFICE OF THE INFORMATION COMMISSIONER

### *Structural reform*

A new office overseen by three independent statutory office holders is proposed to be established and operational by January 2010. The office holders will have functions under both the Privacy Act 1988 and the FOI Act.

The Office of the Information Commissioner will be headed by the Information Commissioner (a new office holder) who will be supported by the Privacy Commissioner (an existing office holder), and the FOI Commissioner (a new office holder).

The Information Commissioner Bill would implement the structural reforms. The Information Commissioner would be vested with all functions and powers under the Privacy Act (the privacy functions) and the FOI Act (the FOI functions) and have the function of reporting to the Minister on matters relating to information management (the Information Commissioner functions). The Information Commissioner would be solely responsible for the Information Commissioner functions and for the production and tabling of the Office's annual report. The Privacy Commissioner would be largely responsible for the privacy functions and the FOI Commissioner for the FOI functions.

In performing functions under the Privacy Act and FOI Act, the Office will work with members of the public and with agencies on a day to day basis. It is proposed that the new Office would provide a central point of contact for the public on government information handling matters. It will also provide new possibilities for more coordinated development of government information policy across all facets of information management and all stages of the information cycle. To that end, it is proposed that the Information Commissioner be given a function of advising the Government on these matters and that the Commissioner be assisted by an advisory committee comprised of senior officers across key agencies.

## OVERSIGHT OF FOI ACCESS

It is proposed that the Information Commissioner, supported by the FOI Commissioner, will act as an independent monitor for FOI and will be entrusted with a broad range of functions designed to make the Office of the Information Commissioner both a clearing house for FOI matters and a hub for the promotion of the objects of the Act.

Under the draft bills the Office would be responsible for:

### **Guidance**

The Information Commissioner will issue guidelines on the administration of the FOI Act including the operation of the information publication scheme and on the public interest test.

### **Training and advocacy**

The Information Commissioner will have broad responsibilities to promote the objects of the Act and to administer training. It is intended that the Office of the Information Commissioner will be a resource for both the public and agencies.

### **Complaint handling**

It is proposed that the Information Commissioner will be able to investigate agency compliance with the FOI Act upon complaint by individuals (for example in relation to delay) and at the Information Commissioner's own motion (which may encompass compliance with the whole of the FOI Act) (Part VII B of the FOI Act see schedule 4 of the proposed FOI Amendment (Reform) Bill). The Information Commissioner will have similar powers to undertake an investigation to the Ombudsman, for example to require access to information, and will be able to report to the Parliament (by giving a report to the Minister responsible for the FOI Act) where satisfied it is necessary to do so.

The Ombudsman will continue to have jurisdiction to investigate FOI matters where it is more appropriate or effective that investigation be undertaken by the Ombudsman (for example in respect of a complaint against the Office of the Information Commissioner or where a FOI matter forms part of a wider grievance concerning agency action). It is intended that most FOI related investigations will be undertaken by the Information Commissioner.

### **Reporting on compliance and operation of the FOI Act**

In addition to the Information Commissioner's investigation

function above, under the draft bills, the Information Commissioner would be responsible for gathering statistics and reporting on the operation of the FOI Act in an annual report to the Parliament (see Part 3 of the proposed Information Commissioner Bill and amended section 93 of the FOI Act in schedule 4 of the FOI Amendment (Reform) Bill)).

### **Special powers**

The Information Commissioner will have specific powers directed to the effective operation of the FOI Act. This includes considering requests for extensions of time for agencies and Ministers to respond to complex or voluminous requests and a power to limit a person's access to documents by declaring a person to be vexatious (where the Information Commissioner is satisfied of an abuse of process or of manifest unreasonableness) (see schedule 4 of the proposed FOI Amendment (Reform) Bill). Before making a declaration, the person must be given an opportunity to make submissions.

## FOI ACCESS DISPUTES – REVIEW PROCESSES

The exposure draft bills propose that the Information Commissioner will undertake merits review of decisions by agencies and Ministers to refuse access to documents (Part VII of the FOI Act see schedule 4 of the proposed FOI Amendment (Reform) Bill).

The review is designed to be quicker and less formal, with most matters being determined on the papers, without hearings. It is intended that informal alternative dispute resolution techniques will be employed to expedite outcomes where possible.

Internal review will continue to be a pre-requisite to external review for a person making an access request.

A right of review to the AAT after review by the Information Commissioner will be available to applicants and to agencies. AAT review would continue to include hearings. Retention of the AAT creates a two-level merits review system for FOI matters. It is anticipated that review by the Information Commissioner should facilitate resolution of most FOI matters. The AAT, as an experienced review body, has the expertise to deal with highly contested matters involving extensive evidence. The retention of the AAT also provides FOI applicants with a cost effective option for a review of the Information Commissioner's decision, without bearing a costs risk.

The Information Commissioner will be able to decline

to review a decision if satisfied that the interests of the administration of the FOI Act make it desirable that the AAT review an FOI decision.

In some cases further merits review, after review by the Information Commissioner, may not be the right option for a review party. To that end, an appeal on a question of law will lie directly to the Federal Court from a decision of the Information Commissioner. The Information Commissioner will also be able to refer a question of law to the Court during a proceeding, which is a measure to support the Information Commissioner in making the correct decision.

## PRO-ACTIVE PUBLICATION OF AUSTRALIAN GOVERNMENT INFORMATION

The Government recognises the value to the community in the pro-active dissemination of government information.

### *Information publication scheme*

Australian Government agencies will have new obligations to pro-actively publish information in a proposed overhaul of Part II of the FOI Act (see schedule 2 of the proposed FOI Amendment (Reform) Bill). The Act will specify various classes of information that must be published, including:

- details of statutory appointments (other than appointment of APS employees within the meaning of the Public Service Act 1999);
- information to which an agency routinely gives access in response to requests under Part III of the FOI Act;
- information held by an agency that is routinely provided to the Parliament in response to requests and orders from the Parliament; and
- a continuing requirement to publish certain operational information about an agency's functions or powers in making decisions affecting members of the public.

In deciding what other information an agency will publish, the agency will be required to have regard to the objects of the FOI Act and to guidelines issued by the Information Commissioner. Information must be published on agency websites.

This measure provides a statutory framework for the management and oversight of the on-going managed publication of relevant, up-to-date and accurate information. It is an aim of this measure that over time agencies will publish more information, reducing the need for access

requests to be made.

The Information Commissioner will be responsible for monitoring agency compliance with the publication scheme. Agencies will be required to produce plans setting out how they intend to comply with the scheme. Those plans, which must be published, will give members of the public an overview of the information available to them. Agencies must also publish contact details for an officer who can be contacted about access to agency information under the FOI Act.

### *Publication of information disclosed*

Agencies and Ministers will be required to publish information that has been disclosed in response to access requests under Part III of the FOI Act within 10 working days of the initial disclosure (subject to limitations to protect personal and business information) (see schedule 3 of the proposed FOI Amendment (Reform) Bill).

### *Publication of information outside the FOI Act*

New emphasis is placed on the policy that the Act does not prevent publication of information apart from under the Act, including of exempt documents, by making that policy part of the objects provisions (see schedule 1 of the proposed FOI Amendment (Reform) Bill).

This measure is complemented by extending the protections against civil and criminal liability to a publication made other than under the FOI Act and to the publication of exempt documents. The protections will only apply to publications made in good faith (see schedule 6 of the proposed FOI Amendment (Reform) Bill).

## COVERAGE OF THE FOI ACT

It is proposed to extend the FOI Act to contracted service providers and subcontractors delivering services for and on behalf of the Commonwealth, by requiring agencies to take contractual measures to ensure the agency receives a document that:

- an agency is required to publish under the information publication scheme;
- relates to the entry by the agency and the contracted service provider into the Commonwealth contract; or
- it would have in its possession if the agency were to perform the services in its own right. (see schedule 6 of the proposed FOI Amendment (Reform) Bill).

## OBJECTS CLAUSE

The objects clause of the FOI Act will be amended to better explain the underlying rationale of the Act in giving members of the public access to government information (see schedule 1 of the proposed FOI Amendment (Reform) Bill).

The proposed objects of the FOI Act are to give the Australian community access to information held by the Commonwealth Government by requiring agencies to publish the information and providing for a right of access to documents.

These objects express the intention that FOI will promote Australia's representative democracy by contributing towards:

- increasing public participation in government processes, with a view to promoting better-informed decision making; and
- increasing scrutiny, discussion, comment and review of the Government's activities.

The draft bill also makes clear that it is an object of the FOI Act to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource.

## ARCHIVES ACCESS BROUGHT FORWARD

In a significant pro-disclosure reform to the Archives Act, it is proposed that the "open access period" be substantially brought forward. The Archives Act is to be amended to bring forward the open access period for most records from 30 years to 20 years, and for Cabinet notebooks from 50 years to 30 years.

The effect of this measure is that Cabinet records (other than Cabinet notebooks) and other Government records will be disclosed after 20 years, and Cabinet notebooks will be disclosed after 30 years. All material disclosed under the Archives Act will be subject to withholding information which continues to be sensitive in line with exemptions under that Act.

Accelerated access is to be phased in over a 10 year period, with the first multi-year release commencing on 1 January 2011 (see schedule 3 of the proposed FOI Amendment (Reform) Bill).

## FOI APPLICATIONS

The proposed reforms would allow FOI applications to be electronically submitted. Applications may still be submitted in person or by post. Agencies will be encouraged to facilitate payment of charges online.

## FEES AND CHARGES

### *Abolition of all application fees*

No application fee (including for internal review) will apply to access requests under Part III of the FOI Act.

### *Access charges*

Applicants who seek access to their own personal information will not pay any charges. For all other applications (other than those applications made by journalists and not-for-profit community groups) the first hour of decision making time will be free of charge. For applications made by journalists and not-for-profit community groups the first five hours of the decision making time will be free of charge.

### *Merits review by the Information Commissioner*

No fees will apply to reviews of FOI decisions undertaken by the Information Commissioner.

### *Further review of fees and charges*

In accordance with the Government's election policy, the Information Commissioner will be requested to undertake a comprehensive review of charges within 12 months of the Commissioner's appointment. The terms of reference include tasking the Information Commissioner to consider:

- the Government's objective of facilitating and promoting access to information at the lowest possible cost;
- whether the decision to impose charges, or the nature or level of charges imposed, should vary according to the purpose for which the request is made or by whom it is made, for example: public interest reasons; community or not-for-profit groups; commercial organisations; journalists;
- whether the Information Commissioner should be able to examine the reasonableness of charges;
- recent reforms to charges; and
- practices in other Australian or international jurisdictions.

# EXEMPTIONS AND THE PUBLIC INTEREST TEST

The draft bills propose the repeal of exemptions for Executive Council documents (section 35), documents arising out of companies and securities legislation (section 47), and documents relating to the conduct of an agency of industrial relations (paragraph 40(1)(e)).

## RE-FORMULATING THE PUBLIC INTEREST TEST

The draft bills propose that a single form of public interest test will apply instead of the multiple different existing formulations of the test. The new test is weighted in favour of the disclosure of documents.

*The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.*

The Act will list the following factors that must not be taken into account in deciding the public interest test:

- access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- access to the document could result in the applicant misinterpreting or misunderstanding the document;
- the author of the document was (or is) of high seniority within the agency; and
- access to the document could result in confusion or unnecessary debate.

To assist with the application of the public interest test, a non-exhaustive list of factors which would favour disclosure is to be included in the FOI Act. These factors are whether release would:

- promote the objects of the Act;

- inform debate on a matter of public importance;
- promote effective oversight of public expenditure; and
- allow a person to access his or her own personal information.

The Information Commissioner will have a role in issuing guidance on the public interest test and its application.

Where an agency or Minister refuses access to a document on the ground that a public interest conditional exemption applies, they will be required to identify the public interest factors taken into account in their reasons. Presently this requirement only applies to the internal working documents exemption.

The exemption provisions will also be re-organised to group together those exemptions subject to a public interest test and those which are not.

The public interest test is to be added to exemptions for personal privacy (section 41), business affairs (section 43), national economy (section 44), and research (section 43A). Exemptions subject to a public interest test are described as conditional exemptions. This is because they are conditional on the subsequent application of the public interest test.

## RE-FORMULATION OF THE NATIONAL ECONOMY EXEMPTION

It is proposed that the national economy exemption would be revised so that it better reflects the economic policy responsibilities of the Government. A document will be exempt if it would, or could reasonably be expected to, have a substantial adverse effect on Australia's economy by influencing a decision or action of a person or entity, or by giving a business an undue benefit or detriment by providing premature knowledge of proposed or possible action or inaction by a person or entity. This exemption is proposed to be a conditional exemption subject to the public interest test. It is currently not subject to a public interest test.

## REFORMULATING THE CABINET EXEMPTION

The Government proposes to reformulate the Cabinet exemption to clarify the scope of the exemption and to ensure that it only covers documents at the core of the Cabinet process. This will ensure the exemption cannot be misused to cover documents which are not genuinely Cabinet documents.

Currently the Cabinet exemption applies to all documents submitted to Cabinet. It is proposed that the Cabinet exemption be limited to documents prepared for the *dominant* purpose of submission to the Cabinet.

Consistent with this amendment is an explicit provision that documents are not exempt merely because they are attached to an exempt document.

The current Cabinet exemption protects submissions that have gone, or are proposed to go, to the Cabinet, as well as official Cabinet records and documents that would disclose any Cabinet deliberation or decision. The proposed Cabinet exemption is more specific, and covers:

- Cabinet submissions and proposed submissions that meet the “dominant purpose” test (even if never submitted to Cabinet);
- official records of Cabinet;
- briefing notes created for the dominant purpose of briefing a Minister on Cabinet submissions or proposed submissions;
- drafts, copies or extracts of such documents; and
- a document, to the extent that it would reveal a Cabinet deliberation or decision (unless already published).

## OTHER AMENDMENTS TO IMPROVE THE OPERATION OF THE FOI ACT

### *Third party consultation on business documents*

An existing provision requiring an agency or Minister to consult a business if the agency or Minister proposes to give access to a document containing information about the business is to be amended so that consultation is only necessary where it appears to the agency or Minister that the business might reasonably wish to make a contention

that the document is exempt under the business affairs exemption (see schedule 3 of the proposed FOI Amendment (Reform) Bill).

The current provision can be unduly onerous (for example, consultation can be required for simple payment receipts). The proposed qualification currently exists in relation to the consultation requirement for documents containing personal information about third parties.

### *Enhanced consultation provision for onerous applications*

The existing provision in the FOI Act permitting an FOI application to be refused if the work involved in processing the request would substantially and unreasonably divert the resources of an agency, or interfere with the performance of a Minister’s functions, is proposed to be amended to emphasise the importance of agencies consulting with applicants about their requests that fall in this category (see schedule 6 of the proposed FOI Amendment (Reform) Bill).

### *Repeal of refusal ground*

An existing provision (subsection 24(5)) which permits an agency or Minister to refuse access to documents without having identified any or all of the documents if it is apparent the documents are exempt is to be repealed (see schedule 6 of the proposed FOI Amendment (Reform) Bill).

### *Redrafting to improve readability*

Some provisions have been re-ordered to improve the narrative flow of the FOI Act and guides and summaries have been incorporated to assist with its application. Where it is necessary to make consequential changes to provisions in connection with other measures, some re-drafting has been undertaken to improve readability.

## AMENDMENTS RELATING TO TIME PERIODS

Where an FOI request is voluminous or complex, the draft bills propose that agencies will need to approach the Information Commissioner to seek an extension of time in which to meet the request. It is important that agencies make their decisions within the stipulated statutory time periods or within a further period that has been approved by the Information Commissioner.

If an agency or Minister fails to comply with the statutory time periods (unless extended by the Information Commissioner) then the charges will be waived.

The Information Commissioner will have power to extend the period for notifying a decision after an agency or Minister is out of time. The intention is that the extension may avoid the need for an applicant to lodge an application for review.

A provision is proposed to permit an agency or Minister to extend the 30 day decision period on an initial application by a further 30 days so that the agency or Minister can consult a foreign government, an authority of a foreign government or an international organisation in order to determine whether a document is exempt under the national security-related exemption.

## LIMITATIONS ON ACCESS

Some of the proposed measures in the draft Bills will have the effect of limiting access to certain documents. These measures essentially take the form of exclusions from the operation of the FOI Act (see schedules 3 and 6 of the proposed FOI Amendment (Reform) Bill).

### **Exclusions**

Two new exclusions from the operation of the FOI Act are proposed.

#### ***Intelligence agency information***

Intelligence agencies are already wholly excluded from the operation of the FOI Act as are their documents when in the hands of an agency (and a Minister under a measure in the Conclusive Certificates Bill now before the Parliament). It is proposed to exclude a document if it extracts or summarises information from an intelligence agency document (for example a briefing to a Minister may repeat information sourced from an intelligence agency document). The exclusion will only apply to that part of the document that extracts or summarises the information from the intelligence agency document.

#### ***Limited exclusion for the Department of Defence***

The Department of Defence is proposed to be excluded for documents in respect of its collection, reporting or analysis of operational intelligence, and special access programs under which a foreign government provides restricted access to technologies.

The purpose is to exempt documents in respect of intelligence collection operations conducted by Defence personnel or platforms (such as submarines and aircraft) which are not part of the exempted intelligence agencies. It is also intended to exempt the information collected in those operations and resulting analysis or reports. As with other intelligence documents, due to their extremely high sensitivity the vast majority if not all of these documents would be exempt from disclosure.

#### ***Amendment to Archives Act exemption***

Under the Archives Act, an exemption may be claimed for a record if it contains information communicated in confidence by a foreign government, authority or international organisation to the Commonwealth Government and if disclosure would constitute a breach of that confidence. Tension arises where a foreign government objects to disclosure of records (which are 30 years or more old) and apart from the objection no other evidence is available to support maintaining confidence in the record. The exemption is to be amended so that where a foreign entity advises that the document is still confidential, the decision maker (National Archives) must be satisfied that a reasonable basis exists for maintaining the confidence of the information in order to invoke the exemption.

# OTHER REFORM MEASURES

## PRIVACY REFORM

The vast majority of FOI requests are submitted by applicants seeking access to their own information. While the Privacy Act 1988 regulates the collection, handling, access and disclosure of personal information, access to and correction of a person's own information is enforced through the FOI Act.

The Government proposes to amend the Privacy Act to enact an enforceable right of access to, and correction of, an individual's own personal information, rather than maintain this right through the FOI Act.

This measure will be included in an exposure draft Bill to implement measures from the 2008 Australian Law Reform Commission report 'For Your Information: Australian Privacy Law and Practice'.

This will make the Privacy Act the key Commonwealth law for the collection, handling, disclosure and access to personal information. The co-location of privacy and FOI in a single office, and the future reform to the Privacy Act foreshadowed last year, is intended to strengthen and elevate the role and importance of privacy laws.

## REVIEW

Two years after the commencement of the legislation, the Government will undertake a comprehensive review of the FOI Act. Issues the review will consider will include:

- review structures and processes;
- further changes to the exemptions; and
- review of the schedule excluding agencies from the FOI Act for commercial activities.

## ALRC REVIEW OF FOI FOR THE PRIVATE SECTOR

In recognition of the importance of disclosure to enable proper debate on matters of importance to the community, the Government will also provide the Australian Law Reform Commission with a reference to consider whether FOI should be extended to, or another disclosure regime provided for, the private sector.

The ALRC and the Administrative Review Council considered this issue in their 1996 Report *Open Government*, and the Government considers it timely to re-examine this issue in the context of the general reforms to freedom of information and developments on disclosure regimes in both public and private spheres.

## Guidelines for Submissions

Submissions will be published on the PM&C website, after the closing date, and will be available to the public. The Australian Government reserves the right not to publish any submission, or part of a submission, which contains offensive language or potentially defamatory material, or copyright infringing material.

**IMPORTANT:** *Please indicate clearly if you want all, or part, of your submission to be treated as confidential or anonymous. All confidential material in the submission should be clearly marked as ‘**confidential and not for publication**’. You may wish to consider including any confidential part of your submission as a separate appendix to assist with publication of the public submissions on this website.*

Submissions should preferably be typed. Please limit email attachments to 10MB in size (total of each email). Transmission by email is not a secure medium. If you have concerns about using this form or if your submission is sensitive, please send your submission to the postal address at the front of this Guide. Electronic copies of submissions should be in Microsoft Word (DOC or DOCX), Rich Text Format (RTF) or Portable Document Format (PDF).

All submissions require a ‘name for publication’ (unless anonymity has been requested). This can be an individual, group or organisation. This name will appear with your submission when it is published on the website.

It is also requested that when lodging a submission you provide contact details (your name, postal address, email address (if applicable) and an optional contact telephone number). These contacts will be used should further information or clarification be required. We may also contact you to inform you of the policy process relating to FOI reform or seek your views on related matters.

## Privacy and Confidentiality

### **Privacy**

Your views are being sought for the purpose of informing the Australian Government’s policy decisions on FOI reform. Personal information that you provide will only be used for this purpose. Personal information may be disclosed to the Cabinet Secretary and his office for the purpose outlined above. Contents of your submission may be included in subsequent publications. Your name will appear with the submission when it is published (unless anonymity is requested).

### **Confidentiality Statement**

All submissions will be treated as public documents, unless the author of the submission clearly requests otherwise by marking all or part of the submission as ‘confidential’. Public submissions may be published in full on the website, including any personal information of authors and/or other third parties contained in the submission. If your submission contains personal information about any person who is not an author of the submission, please indicate on the cover of your submission if the person or persons have not consented to the publication of their information.

Any request under the Freedom of Information Act 1982 for access to a submission marked ‘confidential’ will be determined in accordance with that Act.



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