



Making submissions to the Information Commissioner

When a complaint (application for external review) has been made to the Information Commissioner about an agency's decision under the FOI Act, the Commissioner will usually require written submissions from the agency to support the agency's decision if the decision does not sufficiently describe the relevant reasons for the decision.

If an agency has refused an applicant access to documents on the grounds that they are exempt, the Commissioner will expect the agency to provide full reasons why the claimed exemption or exemptions apply to the documents that are in dispute.

Many of the exemption clauses have a number of parts or elements, each of which must be satisfied for the exemption to apply. The Commissioner will expect that the reasons given by an agency will support each part of an exemption clause.

If an agency is directed to provide information to the Commissioner, it must provide it within the time required by the Commissioner. Sections 70 to 76 set out how the Commissioner may obtain information from various sources. Section 83 provides a penalty for failure to provide information in certain circumstances.

If you have any general enquiries about the FOI process, please see our website or contact our office.

Note: This Information Sheet is intended as a general guide only and should not be viewed as legal advice. The Information Commissioner considers each complaint on its merits and according to the relevant circumstances.

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