



Can the agency refuse to deal with my access application?

When a valid access application is made to an agency, the agency must deal with it in the manner described in [section 13](#) of the FOI Act. The only exception is that an agency can refuse to deal with your access application if it would divert a substantial and unreasonable portion of its resources away from the agency's other operations. However, before it makes a decision to refuse to deal with your application, the agency is required to take reasonable steps to help you reduce the amount of work to deal with the application.

The agency may ask you for more information to help it understand what you are seeking and then suggest relevant categories of documents or files described by subject or name. It may ask you to narrow what you are seeking – the scope of your application – to particular dates or a particular incident, or to exclude certain information from the scope of your application.

If an agency decides to refuse to deal with your access application, it must give you a written decision that should summarise the scope of the access application, the steps it took to help you reduce the scope and how dealing with your application would require an unreasonable diversion of its resources.

Review rights

You have a right to seek review of a decision to refuse to deal with your application.

Tip: It is in an applicant's interest to cooperate when an agency seeks to reduce the work involved in dealing with an application. If an applicant does not cooperate, the agency may be justified in refusing to deal with the application. Reducing the work involved would also reduce any charges that an agency may impose for dealing with an application.

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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