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LawTalk Blog



Your South Australian State Government Freedom of Information request has been rejected

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If you have made a South Australian Freedom of Information (“FOI”) request under the [Freedom of Information Act 1991 \(SA\)](#) and the agency said no to your request for a document or to amend a document, what options do you have?

The first thing you need to do is make an application for internal review.

Initially, this is made to the Chief Executive of the agency. If this decision is unsatisfactory the application for review is then made to the Ombudsman.

However, if the matter involves a police document the application is made to the Police Ombudsman.

You can also make an application for review of the decision to the South Australian Civil Administrative Tribunal (“SACAT”).

What happens when my review request goes to the Chief Executive of the agency?

The initial review (called an internal review) is made to the agency Chief Executive under the [Freedom of Information Act 1991 \(SA\)](#) unless the Chief Executive made the decision to reject your application in the first place or by a person they have delegated to make the decision for them.

Whether or not an internal review is available will be indicated on the letter advising you of the decision on your application or on the record.

A request for internal review must be:

- in writing;
- include the application fee;
- be addressed to the principal officer/Chief Executive Officer of the agency; and
- lodged within 30 days of receipt of the initial letter of rejection.

Where a decision is reversed, the application fee will be refunded.

If there is no right of internal review or you are unsuccessful with the decision after an internal review you can apply directly to the SACAT for review of the decision.

What happens with a review by the Ombudsman or Police Ombudsman?

A review to the [Police Ombudsman](#) is made if the decision you want reviewed was made by the police or the Minister responsible for the police. Otherwise you need to make the application for review to the [Ombudsman](#). Both have “easy to use websites” with guidance on how to make the applications.

In relation to either Ombudsman you need to lodge the application for review within 30 days of the decision. In some cases an extension can be granted. However, this is at the discretion of the reviewing authority.

Each Ombudsman has different powers to undertake an investigation into the decision. You may be required to assist with the investigation.

What happens with a review to the South Australian Civil and Administrative Tribunal?

An application for review to the [SACAT](#) can be made in limited circumstances. They are:

- after an unsuccessful internal review application; or
- in response to a decision that is not subject to internal review; or
- for review of a decision by the Ombudsman or Police Ombudsman.

The application must be lodge within 30 days. Information on the SACAT process for the review of decisions under the [Freedom of Information Act 1991 \(SA\)](#) are found [here](#).

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