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## LawTalk Blog



# Accessing information held by the Australian Commonwealth Government

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The [Commonwealth Freedom of Information Act](#) (“the Act”) allows anyone access to any document held by any Commonwealth government agency even if the document is not about the person making the request; unless the document, or part of it, falls into one of the exemptions.

The term “document” is defined very broadly and includes any record of information like any copy, reproduction or duplicate except library material maintained for any reference purpose or Cabinet notebooks. [The Act](#) also does not include documents that are already available in a public register or documents available for purchase by the public.

Some “exemption” documents may include:

- those affecting national security/defence/law enforcement;
- Cabinet documents;
- those specified “secrecy laws” apply to;
- those subject to legal professional privilege;
- those where disclosure would be [contempt of court](#) or Parliament.

The full list is Part 4 of the [Commonwealth FOI Act](#).

**Can I access documents from the Government, containing personal information about me?**

Everyone has the right to access documents containing personal information about themselves and if necessary ask the information be amended if incorrect, out of date, or misleading.

Agencies must consult with individuals before releasing documents containing personal information about them to another person except where no reasonable objection could be made.

## How to make a Freedom of Information (FOI) request to the Federal Government

All FOI requests must:

- be in writing - check the relevant agency's website for a form and ensure you keep a copy of your application;
- state the request is made under the [Commonwealth FOI Act](#);
- provide information needed for the agency to identify the documents; and
- give details of how to get the documents to you.

Agencies can also charge you for the documents; again check their website for the current fee schedule. You can also ask to inspect the documents in person.

A request must be dealt with within 30 days of receipt of the application. If permission of a third party is needed, the agency has an additional 30 days to respond to your application. There are a few other exceptions to the time requirements and these can be found in the Act.

## Are any agencies exempt from FOI applications?

Some Commonwealth agencies are not subject to the [Commonwealth FOI Act](#) at all and others are excluded for certain types of documents. For example agencies engaged in commercial activities or secret intelligence agencies.

## Is there an age limit of the FOI documents I am seeking?

Documents created prior to 1 December 1977 are not covered by the [Commonwealth FOI Act](#), and are actually not available. However, older documents which can still be accessed are:

- personal records;
- documents containing information on the applicant's business, commercial or financial affairs; and
- support documents needed to properly understand the main documents.

However, under the [Archives Act 1983](#) (Cth), documents more than thirty years old are available for public access by applying to any office of the [National Archives](#).

## Find this article interesting?

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- [Freedom of Information legislation - how do I access this?](#)
- [Accessing information held by the South Australian State Government \(FOI\)](#)

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