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LawTalk Blog



Accessing information held by the South Australian State Government

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The South Australian [Freedom of Information Act 1991 \(SA\)](#) (“the Act”) is the legislation relied on when making a request for documents under Freedom of Information (“FOI”) in South Australia. It applies to State government departments, local councils and many State authorities.

How to make a Freedom of Information request to the South Australian State government

Your request must:

- be in writing to the agency holding the information. A letter is okay but many agencies have forms which are very useful. Make sure you keep a copy of the letter or form for your own records.
- state the request is made under the [Freedom of Information Act 1991 \(SA\)](#);
- include the application fee (or request it is waived or reduced in cases of hardship);
- contain enough information to identify the documents;
- give an address in Australia to which notices can be sent; and

- lodge your application to the agency.

If you have trouble identifying the documents you need, the agency is required to assist you to do this.

Once you have sent the request, the agency must respond to you within 30 days. However, the agency can be granted extra time if there is a large number of documents or they need to discuss the release of the documents with other parties.

If an extension of time is granted you need to be advised of this in writing. If the agency has not responded within 30 days, they are deemed to have refused the request.

Are any records exempt from an South Australian FOI application?

As outlined in the [Commonwealth Freedom of Information Act 1982](#) some State agencies and documents are exempt from FOI.

Some of the exempt documents include:

- Cabinet documents;
- Executive Council documents;
- documents affecting enforcement of law, protection of public safety, or subject to secrecy provisions;
- documents affecting inter-government or local government relations;
- documents relating to business affairs (for example trade secrets);
- documents subject to legal professional privilege;
- documents concerning the judicial functions of a court or tribunal;
- documents affecting economic, financial or property interests of the State;
- documents, disclosure of which would be in contempt of Parliament or contempt of court; and
- private documents in public libraries or archival collections.

A more extensive list can be found in Schedule 1 of the [Freedom of Information Act 1991 \(SA\)](#).

Are any agencies exempt from FOI applications?

Some agencies are exempt from the [Freedom of Information Act 1991 \(SA\)](#). All of the agencies are outlined in Schedule 2 and include:

- all Royal Commissions;
- the Independent Commissioner Against Corruption (ICAC);
- the Auditor-General;

- the Parole-Board;
- the Solicitor-General;
- the Commissioner for Victim's Rights;
- the DPP;
- the Crown Solicitor;
- Ombudsman SA; and
- the Police Ombudsman.

What if I receive incorrect, out of date or misleading documents?

If you get documents about your personal affairs and they are incorrect, out of date or misleading you can apply to have the records amended.

You need to apply to the agency in writing and tell them you are making a request under the [Freedom of Information Act 1991 \(SA\)](#).

You also need to provide an address of where you can be reached by the agency and enough information for the agency to identify the document you are wanting amended and what needs to be amended.

The agency may refuse to amend the document if:

- it is satisfied that the record is not incomplete, out-of-date or misleading; or
- it believes the application contains matter that is incorrect or misleading in a material way; or
- if the procedure for amending the records is provided under alternate legislation.

The agency must tell you in writing if they refuse to amend the document and of your right to appeal their decision. If an agency has refused to amend a record, you can ask them to note your application on the document.

Looking for more information on Freedom of Information?

- [Freedom of Information legislation - how do I access this?](#)

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.