



Australian Government

Department of Health, Disability and Ageing

Freedom of Information

Operations Manual 2026 – 2029



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Purpose

The purpose of this Operations Manual (the Manual) is to ensure staff within the Department of Health, Disability and Ageing (the department) are aware of their obligations for handling Freedom of Information (FOI) requests.

The Manual is to be read and used in conjunction with Corporate Business Rule 10, the *Freedom of Information Act 1982* (FOI Act), and the Office of the Australian Information Commissioner's FOI Guidelines (the Guidelines).

Version control

Version	Date	Revision description	Author
0.1	October 2025	Initial draft updated from Operational Manual 2021-2025	Director FOI
0.2			
0.3			
0.4			
1.0			

Introduction

Freedom of Information Act

The *Freedom of Information Act 1982* (the FOI Act) provides the Australian community with a right of access to documents held by most Australian Government agencies and to official documents held by Ministers.

Under the FOI Act, applicants can request a wide variety of documents, including those relating to the department's policies, operations, administration and service delivery. Individuals can also request access to, or amendment of, personal information held by the department.

The FOI Act promotes Australia's representative democracy by:

- increasing public participation in Government processes with a view to promoting better-informed decision making
- increasing scrutiny, discussion, comment and review of Government activities, and
- facilitating and promoting public access to information promptly and at the lowest reasonable cost where possible.

Whilst the FOI Act promotes the release of information where possible, a range of exemptions and conditional exemptions within the Act protect certain types of information from disclosure.

The department encourages administrative access to documents outside the formal FOI process whenever possible to facilitate and promote public access to information.

When interpreting or applying the provisions of the FOI Act, departmental staff must seek to uphold the spirit of the act and its stated objectives.

Regulation of the FOI Act

The Office of the Australian Information Commissioner (OAIC) is an independent statutory agency which provides oversight of the operation of the FOI Act and review of decisions made by agencies and ministers under that Act.

The OAIC's responsibilities include:

- granting extensions of FOI processing times where statutory timeframes may not be met
- providing advice to the public, government agencies and businesses
- reviewing FOI access and amendment decisions made by agencies, and
- handling complaints and conducting investigations and monitoring agency, and administration into the processing of FOI requests.

The OAIC issues FOI guidelines¹ for agencies and ministers when performing a function or exercising a power under the FOI Act².

The department must comply with any request from the OAIC to provide information as set out in section 93 of the FOI Act.

¹ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines>

² Section 93A of the FOI Act.

Roles and responsibilities

All departmental staff have a duty to assist the department to comply with its obligations under the FOI Act. For example, all staff have an obligation to manage business records so that Officers of the department can search for, identify and retrieve documents and information requested by FOI applicants.

The following roles are vital for the efficient processing of individual FOI requests:

FOI Case Officers

FOI Case Officers coordinate the processing of FOI requests. They provide advice and assistance to FOI Decision Makers and Action Officers, and manage consultations with applicants, third parties and other stakeholders.

FOI Case Officers also prepare FOI decisions and documents for release, including redacting exempt information under instructions from the Decision Maker.

FOI Action Officers

FOI Action Officers sit within the branch of the department that has responsibility for progressing a FOI request. They are usually a subject matter expert on the information being requested by an applicant. They are the main point of contact for the Decision Maker and the FOI Case Officer.

An important responsibility of the Action Officer is to coordinate searches for relevant documents and provide them to the FOI Case Officer so that statutory timeframes for decisions on requests can be met.

FOI Decision Makers

Decision Makers must be authorised to make decisions on access or requests under section 23 of the FOI Act.

In our department, Decision Makers usually work within the Branch or Division responsible for the subject of the access request. Authorised FOI Decision Makers must be Executive Level 2 or higher, or Medical Officer Class 4. This is to ensure that FOI decisions are made with the appropriate level of scrutiny and subject-matter expertise.

Nothing in the allocation of responsibilities is to detract from the independence of the Decision Maker. The Decision Maker must exercise their discretion without direction from any other person when making the FOI decision.

The Decision Maker must provide the applicant with a statement of reasons for their decision and can choose to impose charges for processing non-personal access requests.

Decision Makers must take an evidence-based approach to decision making. Material can only be redacted from a document subject to a FOI request if an exemption applies. Evidence is needed to satisfy the decision maker that an exemption is applicable.

Evidence considered by the Decision Maker for FOI requests can include:

- records that confirm reasonable searches for documents have been undertaken
- the content, subject matter and sensitivity of any documents located
- advice from agency staff
- results of third-party consultation and courtesy consultation

- public source information, and
- material supplied by the applicant.

Good decision making is a time-consuming process. Decision Makers must allow sufficient time to assess each FOI request thoroughly.

Application requirements

An FOI **access** request is a request for documents or information contained in departmental systems. Under section 15(2) of the FOI Act, access requests must:

- be in writing
- state that the request is an application for the purposes of the FOI Act
- provide such information concerning the documents as is reasonably necessary to enable the department to identify the documents [this is referred to as the 'scope of the request'], and
- provide a contact address for communication with the department.

An FOI **amendment** request is a request to change personal information recorded in departmental documents or systems. Under section 49 of the FOI Act, amendment requests must:

- be in writing
- as far as practicable, specify:
 - the document or official document containing the record of personal information that is claimed to require amendment; and
 - the information that is claimed to be incomplete, incorrect, out of date or misleading; and
 - whether the information is claimed to be incomplete, incorrect, out of date or misleading; and
 - the applicant's reasons for so claiming; and
 - the amendment requested by the applicant; and
- specify an address in Australia to which a notice may be sent to the applicant, and
- be sent by post to the agency or Minister, or delivered to an officer of the agency or a member of the staff of the Minister, at the address of the office of the agency or Minister.

The department operates on a 'no wrong door' policy, which means that members of the community are able to lodge an FOI request via any channel, as long as it meets the requirements of section 15(2) (for access requests) or sections 49 or 51A (for amendments or annotation requests) of the FOI Act.

Staff who receive an FOI request must therefore immediately forward it to foi@health.gov.au mailbox to ensure that statutory timeframes can be met.

If staff are unsure if the correspondence meets the terms of a valid FOI request, they should seek guidance from the FOI section.

Statutory timeframes

General principles

Under the FOI Act, the processing period for a FOI request is 30 calendar days from the date a FOI request is received by the department. This is known as the 'statutory timeframe' of the request.

In some circumstances, the processing period can be extended:

- to allow consultation with a third party (sections 26A, 27 and 27A) – 30 calendar days
- with the agreement in writing of the applicant (section 15AA) – up to 30 calendar days
- with the approval in writing of the Information Commissioner where the request is complex or voluminous (section 15AB) – up to 30 calendar days or another appropriate defined period.

The FOI processing period pauses in only two instances:

- when a 'charge notice' has been issued to an applicant and payment of the charge or a deposit is pending and/or when the applicant has contended that the charge be reduced or not imposed – up to 30 calendar days, or
- when the applicant is formally consulted under section 24AB on a 'practical refusal reason' – up to 14 calendar days.

If an FOI request falls due on a weekend or public holiday, the statutory timeframe is extended to the next working day, as per subsection 36(2) of the *Acts Interpretation Act 1901 (Cth)*.

Deemed decisions

When a FOI decision is not made within the statutory timeframe as outlined above, the department or Minister's Office is taken to have made a decision to refuse access to the document. This is called a deemed refusal decision.

If a deemed refusal decision occurs, the Decision Maker must direct the FOI Officer to apply to the IC under section 15AC of the FOI Act for further time to deal with the FOI request. If the IC allows further time and the decision is notified within the extended period, the deemed refusal decision is taken never to have occurred.

If a request becomes deemed refused, the department must cease work on the request and issue a deemed refusal notice. The applicant is then able to seek review of the deemed decision via the OAIC. During an Information Commissioner (IC) review, the department may make a section 55G revised decision on the request.

Withdrawal of requests

Under the FOI Act, access and amendment requests can only be withdrawn if:

- the applicant requests or agrees in writing that the request can be withdrawn
- the applicant does not respond to a section 24AB practical refusal notice within the statutory 14-day timeframe provided for response, or
- the applicant does not agree to pay a charge notice or contend that a charge should be reduced or not imposed within the statutory 30-day timeframe provided for response.

In all other circumstances, the department **must** process a FOI request as per the requirements of the FOI Act. This means that the department:

- must issue a statement of reasons (a decision notice) to the applicant within the applicable statutory timeframe
- cannot assume or deem a FOI request to be withdrawn when an administrative release or other outcome has been provided to the applicant (unless the applicant agrees to withdraw their request in writing), and
- cannot assume or deem a FOI request to be withdrawn when the applicant fails to respond to general correspondence by requested timeframes. In these circumstances, the department must continue to process the request on available information.

If an FOI applicant makes a contention that charges relating to a request have been wrongly assessed or should be reduced or not imposed, and the department makes a decision to reject that contention, the FOI applicant has 30 days to pay the required deposit or charge or seek review of the decision. If the applicant does not respond within the 30 days period, the request is deemed withdrawn.

Search and retrieval

To comply with the FOI Act, the department must conduct and/or coordinate reasonable searches for all relevant documents in the possession of the department. In most cases, search and retrieval will be coordinated by the Action Officer for the request.

Reasonable searches require comprehensive steps to locate documents, having regard to:
the subject matter of the documents

the current and past file management systems and the practice of destruction or removal of documents

the record management systems in place

the individuals within an agency or minister's office who may be able to assist with the location of documents, and

the age of the documents.

Evidence of searches undertaken must be provided to FOI Section in the form of a Search and Retrieval Checklist and a Schedule of Documents that has been reviewed and signed by the Decision Maker.

If Decision Maker and/or Action Officer believes other line areas of the department may also hold documents within scope of an access request, they must advise the FOI Case Officer and coordinate an expanded search and retrieval.

Where search and retrieval has commenced and it becomes apparent that the request is complex or voluminous in size, the Action Officer must advise the Decision Maker and FOI Case Officer as soon as possible to discuss the possibility of engaging in informal scope clarification or a formal request consultation process with the applicant.

Contract service provider documents

When locating documents for a FOI request, the department (via the relevant line area's Action Officer) must enforce its contractual rights to obtain documents from service providers where they hold documents that may fall within the scope of a FOI request (see section 6C of the FOI Act).

Practical refusal consultations

Section 24AA(1) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document when either (or both) of the following applies:

- the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations, or
- the request does not satisfy the requirement in paragraph 15(2)(b).

In instances where the Decision Maker determines a request may meet one of the practical refusal reasons:

- (i) the Action Officer should notify the FOI Case Officer as soon as possible that a section 24AB 'practical refusal' consultation may be required.
- (ii) the FOI Case Officer should advise and support the Action Officer to clarify the scope of the request, and/or establish the number of documents potentially in scope of a request.
- (iii) the Action Officer should undertake sampling of the documents potentially in scope of a request to calculate the work effort required to process the request.

In accordance with section 15(3) of the FOI Act, the department is required to take reasonable steps to assist the applicant to make an FOI request. This can be done during the request consultation process by:

- Assisting the applicant to refine the scope of their request, in terms of the timeframe, subject, or type of documents sought.
- In consultation with the Decision Maker, providing suggestions as to how the applicant might frame the scope of the request to capture the documents of interest.

The 24AB request consultation period runs for 14 days and starts on the day after the section 24AB notice is issued. The consultation period can be extended with the agreement of the FOI applicant. Before the end of the consultation period, the applicant must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- advise they do not wish to revise the request.

If the applicant does not do one of the three things listed above during the consultation period - or does not consult the contact person during the period - the request may be deemed to have been withdrawn on the day after the request consultation period expires.

If the applicant agrees to revise the request in a way that removes the practical refusal reason outlined above, the department must recommence processing the request.

Please note: as per section 24AB(8) of the FOI Act, the time taken to consult an applicant under section 24AB is not counted in the statutory timeframe provided for processing the request. LEX FOI automatically adjusts the statutory timeframes for stop/start events.

Documents not held by the department

Where the department receives a request for documents that it does not have responsibility for, it should:

- contact the applicant to advise the correct point of contact (for example, where health records, rates notices, and/or police records are sought from the wrong department), and seek withdrawal of the request, or

- transfer the request to the appropriate Australian Government department as per section 16 of the FOI Act.

If the request is not withdrawn or transferred, the department is required to make an access decision within the statutory timeframe.

Sensitive documents

FOI Case Officers must have access to all documents within scope of a request and a member of the FOI section with suitable security clearance will handle the documents. Action Officers should provide such documents via the Protected network.

If FOI Section does not have an FOI Case Officer with the appropriate level of clearance, the Decision Maker can review the documents and provide instructions to the FOI Case Officer on preparation of the notice of decision.

Business areas cannot refuse to provide documents for FOI assessment because they happen to be sensitive, are marked 'In-Confidence' or 'Cabinet', or might be exempt under the FOI Act.

Processing the request

The department operates a decentralised decision-making model, which means that authorised FOI Decision Makers sit within the business area responsible for the subject of the FOI request.

The FOI Case Officer acts on instructions from the Decision Maker to:

- consult with the applicant on the scope of their request
- notify of and undertake third party and/or courtesy consultations in relation to the request
- seek extensions of time under sections 15AA, 15AB and/or 15AC of the FOI Act
- draft notices, including 24AB Practical Refusal notices, Charge notices, or notice of decision (statement of reasons)
- mark-up any required redactions and prepare documents for release, and
- upload documents to the department's Disclosure Log.

Third party consultation

The FOI Act requires agencies and Ministers' Officers to undertake third party consultation in relation to:

- documents affecting Commonwealth-State relations (section 26A)
- business documents (section 27)
- documents affecting personal privacy (section 27A).

Sections 27(5) and 27A(4) provide that the department is not required to consult with affected third parties where it is impracticable to do so. For example, where:

- the department does not have current contact details for the third party
- contacting the third party would, or could reasonably be expected to, disclose the identity of the applicant where the applicant has not given consent
- third-party information is contained in a document to which the third-party is not entitled to access (i.e. internal briefs or decision-making documents)

- there are a very large number of affected third parties (please seek internal FOI advice on this point as required).

The department must notify the applicant within the statutory timeframe if third party consultation is required.

Where third party consultation is required, the Decision Maker must provide written instructions to the FOI Case Officer and clear the document packs to be sent for consultation.

The FOI Act provides an additional 30 processing days to undertake third party consultation.

Cabinet documents

A Cabinet (section 34) exemption must not be used without consultation and prior agreement of the Freedom of Information Coordinator of the Department of the Prime Minister and Cabinet as outlined in the Cabinet Handbook³.

The FOI Case Officer will prepare the material and undertake the required consultation with the Department of the Prime Minister and Cabinet.

It is important the Action Officer notifies the FOI case officer early if Cabinet material is identified within scope of a request, as consultation takes ordinarily up to two weeks and there is no extension provision within the FOI Act to undertake consultation with other Australian Government agencies.

Courtesy consultations

If the documents for release were received from, originated with, or relate to another Australian Government agency or Minister's Office, the department should undertake a courtesy consultation to ensure that sensitive material is identified and assessed for release.

The need for a courtesy consultation should be identified by the Action Officer and Decision Maker in the Schedule of Documents provided to the FOI Case Officer, or in writing to foi@health.gov.au as soon as possible.

There is no specific extension provision within the FOI Act to undertake a courtesy consultation. However, it may be appropriate to seek a section 15AA or 15AB extension of time to allow the inter-agency consultation to take place.

Charges

The FOI Act provides agencies with the **discretion** to impose a charge for processing a request and/or providing access to documents.

There are no fees applicable under the FOI Act for:

- making a FOI request
- providing access to an applicant's own personal information
- the first five (5) hours of decision-making time, or
- FOI requests not decided within the processing period.

The [Freedom of Information \(Charges\) Regulations 2019](#) set the amount applicants can be charged and outlines the procedures to be followed when dealing with FOI charges.

3 <https://www.pmc.gov.au/resource-centre/government/cabinet-handbook> - Paragraph 140.

Applicants cannot be charged for time spent by the department on administrative tasks like setting up Content Manager (CM) files, corresponding with the relevant FOI Section, or documenting hours spent on search and retrieval.

The department must issue a written notice of a decision to impose a charge, including a preliminary assessment of the amount. The preliminary assessment of the charge should be based on sampling of documents potentially (or actually) in scope of the request.

The FOI processing period is paused from the date the department issues the charge notice until the date that the applicant pays the charge or a deposit inclusive.

Applicants have up to 30 calendar days to respond in writing to a charge notice by advising the department that they:

- agree to pay the charge, or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed, giving reasons for the contention, or
- withdraw the request.

If the applicant does not respond within 30 calendar days, the FOI request is deemed to have been withdrawn.

Charge waiver or reduction

An applicant can make a contention for a reduction of the charge or for the charge to not be imposed on the basis of public interest or financial hardship. In both instances, the Decision Maker can seek submissions or evidence to support the waiver request.

If a contention is made, the processing period remains paused until the department notifies the applicant of its decision to impose or not impose or reduce the charge. An exception to this rule is if the applicant pays a charge or deposit whilst contesting a charge, in which case processing resumes.

A Decision Maker may decide to reduce a charge or not impose a charge at all. This may be appropriate, for example, if a significant number of hours were spent on search and retrieval, but only a small number of documents were identified within scope of the FOI request.

The Decision Maker has an ongoing obligation to continue to be satisfied that a charge should be imposed during both the initial decision and any subsequent internal review.

The department **must not** release any documents until all outstanding charges are paid.

Decision making

The FOI Act requires that the Department to take all reasonable steps to enable the applicant to be notified of a decision on the request as soon as practicable, and, in any event, no later than 30 days after receiving a request (subject to any extension of time applicable under the Act).

Once search and retrieval and all third-party consultations have been completed, the Decision Maker must instruct the FOI Case Officer as to the nature of the decision and identify any proposed exemptions.

The FOI Case Officer will then prepare a draft notice of decision and prepare documents for release, including marking up any proposed redactions.

The Action Officer and Decision Maker must then carefully review the draft notice of decision and any proposed documents for release for accuracy. When the Decision Maker is satisfied,

they can sign the notice of decision and advise the FOI Case Officer that the matter can be finalised.

Executive notification and briefings

The FOI Section will issue an Executive Notification to relevant internal stakeholders 3 days before a non-personal access decision is due for release to an applicant to enable visibility. Any inability to meet this timeframe must be risk-managed by the FOI Decision Maker.

Division Heads are responsible for providing briefings to their Deputy Secretary and the relevant adviser in the Minister's Office regarding sensitivities or possible media responses resulting from documents released under the FOI Act. Branch and Division Heads should also work with the media team to provide any media/talking points if a FOI release is likely to result in media publications or attention.

The FOI section can provide input into briefings and talking points in relation to the FOI legislative requirements and processes associated with a request if necessary. However, briefing responsibility lies with the line area as subject matter experts.

Internal review decision making

Where an applicant or third party requests an internal review of a FOI access decision, the request will be processed by a different authorised Decision Maker, usually at a higher level in the relevant area.

There is a 30 day statutory timeframe for internal review decisions. This period cannot be extended for third party consultation and can only be extended where an extension is sought from the OAIC under section 54D of the FOI Act after the request has fallen outside of statutory timeframes. Extension requests relating to internal reviews are coordinated by the FOI section under instruction from the Internal Review Decision Maker.

In internal review decision making, a 'deemed affirmation' of the initial decision occurs when the time for making an internal review decision (30 days) has expired and the applicant has not been given a notice of the internal review decision. If this occurs, the principal officer of the agency is taken to have made a decision personally affirming the primary decision.

Information Commissioner review decision

An external review of the Department's primary decision or internal review decision is available to applicants and third parties who are dissatisfied with a decision and is referred to as an Information Commissioner review (IC review). An applicant or third party has 30 days from the date of receiving an internal review decision, or 60 days from the date of receiving a primary decision, to request an IC review of that decision.

All requests for IC review are undertaken at the discretion of the Information Commissioner. The Information Commissioner has accepted review requests more than 60 days past the initial decision date. The Information Commissioner also has power to decide not to undertake a review and redirect the Department, applicant or third party to the Administrative Reviews Tribunal (ART) to make a final decision.

Disclosure Log

Subsection 11C(3) of the FOI Act states that if an agency or Minister gives access to a document under section 11A of the FOI Act, it must publish the information to members of the public generally on a website (known as a Disclosure Log).

The requirement to publish documents only applies to non-personal documents, with limited exceptions to publication set out in subsection 11(C)(1).

The FOI Decision Maker is required to make a Disclosure Log recommendation as part of the decision-making process. Publication of approved documents on the department's Disclosure Logs is thereafter managed by FOI Case Officers.

Records management

Records Management is the systematic control of the information the department creates, receives, and uses in its work—regardless of the tool or format.

Effective management of departmental records is vital to FOI as the department needs to be able to search for, identify and retrieve documents and information requested by applicants. To do this, all departmental staff are required to capture business-related records in an approved records management system where they can be stored and managed.

Further information

For further advice or assistance, please contact the FOI section in the Commercial and Information Law Branch by email to foi@health.gov.au.