



Policy for handling FOI requests

Policy for handling FOI Requests	
Owner	General Counsel
Effective date	August 2023
Review date	August 2025
Approved by	Chief Executive Officer Issued as an Instruction to staff in accordance with section 17A of the <i>Australian Institute of Health and Welfare Act 1987</i>
Version	1
Intended audience	External

This document contains guidance material however, it should not be relied upon as a legal reference and legal advice should be sought for particular matters, if required.

All material presented in this document is provided under a Creative Commons Attribution 4.0 International licence, with the exception of the Commonwealth Coat of Arms (the terms of use for the Coat of Arms are available at <https://www.pmc.gov.au/government/commonwealth-coat-arms>).

The details of the relevant licence conditions are available on the Creative Commons website (available at <https://creativecommons.org>), as is the full legal code for the CC BY 4.0 license.



Attribution

Material obtained from this document is to be attributed to the Institute as:

© The Australian Institute of Health and Welfare 2023.



Preface

The purpose of this policy is to ensure that staff of the Australian Institute of Health and Welfare (the Institute) are aware of their obligations for handling requests received under the *Freedom of Information Act 1982* (the FOI Act).

This policy is to be read in conjunction with the FOI Act and the Office of the Information Commissioner Guidelines.

I, Robert Heferen, Chief Executive Officer and Principal Officer of the Institute, establish this policy as an Instruction to staff under section 17A of the *Australian Institute of Health and Welfare Act 1987*. This policy supersedes any previous policy and commences on signing. This policy may be amended from time to time to ensure its continued compliance with the FOI Act.



Robert Heferen
Chief Executive Officer
23 August 2023



Contents

- Preface.....3
- 1. POLICY5
 - 1.1 Purpose5
 - 1.2 Background.....5
 - 1.3 Authorised Decision-Makers5
- 2. GLOSSARY.....6
- 3. KEY LEGISLATION AND POLICY.....7
- 4. REVISION HISTORY.....8



1. POLICY

1.1 Purpose

The purpose of this Policy is to describe how the Australian Institute of Health and Welfare (the Institute) will handle requests for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

1.2 Background

The FOI Act imposes obligations on the Institute to give persons access to documents in the Institute's possession. Subject to the terms of the FOI Act and any applicable exemptions, a person has an enforceable legal right of access to inspect, or to have copies made of, relevant documents.

Where a request for access to documents is properly lodged under the FOI Act, the Institute has specific statutory duties to respond to that request, subject to the terms of the FOI Act, and to do so within strict time limits.

1.3 Authorised Decision-Makers

Only Institute staff authorised by the *Australian Institute of Health and Welfare (Freedom of Information Act 1982) Authorisation* are authorised to make decisions under the FOI Act.

These staff must comply with the timeframes established or imposed by the FOI Act for processing and handling FOI requests and making decisions on that request. They should also have regard to the FOI Guidelines published by the Information Commissioner when making a decision under the FOI Act.

When requested, Institute staff must:

- assist to locate or identify relevant documents
- provide scanned copies or photocopies of relevant documents in unedited form.

If Institute staff receive a request for access to documents under the FOI Act, it must be emailed ***immediately*** to foi@aihw.gov.au



2. GLOSSARY

Acronyms and abbreviations

Acronym/Abbreviation	Description
Applicant	means a person seeking access to documents under the FOI Act.
Decision-maker	means an Institute officer occupying a position described in the FOI Instrument and authorised to make decisions under the FOI Act.
FOI Act	means <i>the Freedom of Information Act 1982</i> .
Guidelines	means the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.
OAIC	means the Office of the Australian Information Commissioner.
Principal Officer	means the officer defined in section 4 of the FOI Act.



3. KEY LEGISLATION AND POLICY

The following documents directly relate to this policy and must be reviewed in context to this document. These links are current as at the time of publication.

Australian Government Federal Register of Legislation

- [Australian Institute of Health and Welfare Act 1987](https://www.legislation.gov.au/Details/C2018C00474)
[https://www.legislation.gov.au/Details/C2018C00474]
- [Freedom of Information Act 1982](https://www.legislation.gov.au/Details/C2023C00079)
[https://www.legislation.gov.au/Details/C2023C00079]

Australian Institute of Health and Welfare

- [Australian Institute of Health and Welfare \(Freedom of Information Act 1982\) Authorisation 2022](http://bruce.aihw.gov.au/Finance/Documents/FOI%20Act%201982%20Authorisation%20%e2%80%93%20decision%20makers.pdf)
[http://bruce.aihw.gov.au/Finance/Documents/FOI%20Act%201982%20Authorisation%20%e2%80%93%20decision%20makers.pdf] (internal only)
- [FOI Disclosure Log](https://www.aihw.gov.au/about-us/freedom-of-information/freedom-of-information-disclosure-log)
[https://www.aihw.gov.au/about-us/freedom-of-information/freedom-of-information-disclosure-log]

Office of the Australian Information Commissioner

- [Information Commissioner Guidelines](https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines)
[https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines]



4. REVISION HISTORY

Revisions to this policy are recorded below in order of most recent first.

Version No.	Date	Parts/Sections	Details
1	March 2023	All	First release

