

## Charging for access to documents under the Freedom of Information Act 1982

The *Freedom of Information Act 1982* (**FOI Act**) allows agencies to charge for providing access to documents that do not contain the personal information of the FOI applicant.

### Will the Fair Work Ombudsman charge me to access documents?

We may charge you for documents that do not contain personal information about you.

If you request both documents that contain personal information about you and ones that don't, we may charge you for the documents that do not contain your personal information.

### When won't the Fair Work Ombudsman charge?

We will not charge you if:

- the document contains personal information about you
- charging for the document would cause you financial hardship, or
- releasing the documents would be of general public interest or in the interest of a substantial section of the public.

### How will I know whether you will charge me for the documents I want?

When we receive your FOI request, we will check whether you have asked for documents that do not contain personal information about you.

If we decide you are liable to pay a charge, we will send you a preliminary assessment of the charge payable and how much deposit you need to pay.

### What do I need to do if you tell me there is a charge?

You have 30 days from the day we write to you to tell us whether:

- you will pay the charge
- you think the charge has been wrongly assessed
- you think the charge should be reduced
- you think the charge should not be imposed, or
- you withdraw your request (or the part of your request that the charge applies to).

If you don't respond within 30 days, your request for documents will be withdrawn. If you still want access to the document, you will need to file a new FOI request.

## What happens if I write to you and say that the charge has been wrongly assessed, should be reduced or not imposed?

We will take the following into account when deciding whether to reduce or not impose the charge:

- whether paying the charge will cause you financial hardship
- whether giving access to the documents is in the general [public interest](#) or in the interest of a substantial section of the public.

You must tell us which reason applies to you and give evidence, where appropriate. If you have said it is due to financial hardship, we will need proof to support your claim, such as evidence that you receive a pension or income support payment or confirmation of your income, debts and assets.

We will send you our decision within 30 days. We usually send our decisions by email.

## What can I do if I disagree with your decision to impose a charge?

If we decide that the charge has been correctly assessed, or that the charge should not be reduced or waived, you can apply for an internal review of the decision with us or an external review by the Australian Information Commissioner.

If you decide to apply for an internal review, you must write to us within 30 days. If you decide to apply for an external review by the Australian Information Commissioner, you must write to the Australian Information Commissioner within 60 days. You do not have to apply for an internal review before asking the Australian Information Commissioner to review our decision.

If you apply for an internal review and you do not agree with our decision following that review, you have 60 days to apply for an external review by the Australian Information Commissioner.

## Do charges affect the time it takes to process my request?

We have 30 days to process your request for documents. This time can be extended if we have to consult people or businesses because the documents contain information about them or if your request is large or complex.

If we decide you are liable to pay a charge and send you a preliminary assessment of charge letter, the 30-day processing period is put on hold. Your request will remain on hold:

- until you pay the charge (or the deposit)
- unless you write to us and tell us that you think the charge has been wrongly assessed, shouldn't be imposed or should be reduced and we notify you of our decision not to impose the charge (or a decision is made on review that you do not have to pay the charge).

## Can I change my request so I don't have to pay so much?

Yes, you can reduce the scope of your request at any time.

## Will I have to pay a deposit?

Yes, you will need to pay a deposit before we process your request.

Charges between \$25 and \$100 require a \$20 deposit. Charges more than \$100, require a 25% deposit.

**Can I pay the charge after you give me the documents?**

No, the charge must be paid before we give you the documents.

**How do I pay?**

We accept payment by cheque or money order or via Electronic Funds Transfer (EFT).

If paying by EFT, the FOI reference number needs to be cited (FOI-000XXX) and payment can be made to:

Bank:	Reserve Bank of Australia (RBA)
BSB:	092-009
Acct number:	117790
Acct name:	Office of the FWO Official Departmental Operating Account

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