

Fact Sheet: What to do if your FOI request (Form 424A) is returned to you

1. Ask for the documents outside of FOI

Email tpv.lodgements@border.gov.au with an informal information request:

“My request for my documents under Freedom of Information was recently returned to me by the Department. I would like to request my documents as an informal information request outside of Freedom of Information Act.

I note that these are non-controversial documents about me personally, namely:

- The records, written and audio, of my interviews;
- My protection file note and any decisions made about me in relation to screening.

I understand that I am entitled to these documents as an informal information request. This request can be made at any time and is independent of the formal requirements of the Freedom of Information Act. Please treat this email as my informal information request.”

A template or example letter you could send or email to the Department is attached to this factsheet.

2. Seek review of the refusal with the Office of the Australian Information Commission

If you haven't received your documents after 30 days, you have the right to seek review with the Information Commissioner. Requests must be made in writing and a template or example of what you might like to send to the Information Commissioner is attached to this factsheet.

3. Contacting Freedom of Information in your state

<p>If you are in Victoria, Western Australia, Tasmania, South Australia or the Northern Territory</p> <p>Postal address Freedom of Information Melbourne Department of Immigration and Border Protection GPO Box 241 Melbourne Vic. 3001 Telephone: 131 881 Fax: 03 9235 3384 Email: foi.vic@border.gov.au</p>	<p>If you are in New South Wales, Queensland and the Australian Capital Territory</p> <p>Postal address Freedom of Information and Subpoenas Department of Immigration and Border Protection GPO Box 9984 Sydney NSW 2001 Telephone: 131 881 Fax: 02 8861 4444 Email: foi.nsw@border.gov.au</p>
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4. Contacting RACS

Telephone Advice Line: (02) 9114 1600; Tuesday and Thursday, 10-11.30am

Auburn drop-in service: 44A Macquarie Road, Auburn; 10am-2pm Wednesday

Parramatta drop-in service: 4 Victoria Road, Parramatta; 10am-2pm Friday

Please note: This fact sheet contains general information only. It does not constitute legal or migration advice. RACS is independent of the Department of Immigration. All assistance is free. This factsheet was prepared in November 2015.

Name:
Boat ID:
Phone:
Address:

Department of Immigration and Border Protection
GPO Box 9984
Sydney NSW 2001

TPV Lodgements: tpv.lodgements@border.gov.au
FOI NSW: foi.nsw@border.gov.au

Dear Sir/Madam

My request for my documents under the *Freedom of Information Act 1982* (Cth) (FOI Act) was recently returned to me by the Department without a decision.

1. Informal information request

I would like to request access to my documents as an informal information request outside the FOI Act.

I note that these are non-controversial documents or information about me personally, namely:

- The records, written and audio, of my interviews;
- My protection file note and any decisions made about me in relation to screening.

I understand that I am entitled to these documents as an informal information request. This request can be made at any time and is independent of the formal requirements of the FOI Act. Please treat this letter as my informal information request.

2. Deemed refusal of application

I understand that the FOI Act means that I have a legally enforceable right to obtain access to my documents.

I also understand that section 15AC of the Act means that failure to decide within 30 days is a deemed refusal. There is no basis under the law for refusing my request for release of information for the reasons provided. If the Department disagrees, I request that you provide me with the reasons and legal basis for the decision. If not, I may apply for review of the refusal by the Office of the Australian Information Commissioner.

Yours sincerely

Name:
Boat ID:
Phone:
Address:

The Office of the Australian Information Commissioner
GPO Box 5218
Sydney 2001

By email: enquiries@oaic.gov.au

Dear Sir/Madam

Request for review of a decision with the Office of the Australian Information Commissioner

I am unhappy with a decision of the Department of Immigration under the Freedom of Information Act 1982.

I applied for my documents with the Department by completing a form 424A, a copy of which is attached.

This form was returned to me with a letter advising me that it is not my turn to apply yet because of the date I arrived to Australia by boat.

I have not yet received my documents.

I understand that the *Freedom of Information Act 1982* (Cth) (FOI Act) means that I have a legally enforceable right to obtain access to my documents.

I also understand that section 15AC of the Act means that failure to decide within 30 days is a deemed refusal, of which I can seek review with the Information Commissioner. There is no basis under the law for refusing my request for release of information for the reasons provided by the Department. I would like to ask the Information Commissioner to review this decision.

Yours sincerely