# Policy: Information Act - Internal Review Policy

# Introduction

Subject to certain exceptions and fees in the legislation, the Northern Territory *Information Act* (the Act) gives any person:

* the right to request access to government information (including personal information) held by the Department of Treasury and Finance (DTF); and
* the right to request correction of their personal information, if the information is inaccurate, incomplete or out of date.

When a person makes an application to access government information or correct their personal information, DTF must make a determination on the application within 30 days of accepting the application and advise the applicant in writing of that decision or it is deemed to have been refused.

If the applicant is dissatisfied with the decision of the initial request, the applicant has a right to seek an internal review with DTF. If the applicant is still dissatisfied with the outcome of the internal review, further rights of review exist with the Information Commissioner.

# What is an internal review?

Many issues can be resolved quickly by contacting DTF’s Information Policy Officer to discuss the concerns. If the matter is not resolved at this point, it may have to be resolved more formally.

An internal review is when someone other than the person who made the first decision considers the request afresh. This person may make a different decision from that of the original decision maker.

# Which decisions can be reviewed?

An applicant can ask for a review of any of the following decisions about the initial request:

1. refused access to all of the information;
2. refused access to part of the information;
3. information not located, identified or not in existence;
4. time taken by DTF to make a decision (if the applicant has not received a reply within 30 days of the initial application, it is deemed refusal of the request and allows the applicant to proceed to the internal review stage);
5. refused correction of personal information;
6. correction of personal information that is different from that specified; and
7. amount charged.

# How to apply for an internal review

To request an internal review and avoid any delay the applicant must:

* request for an internal review within 30 days of receiving notification of the first decision;
* apply for an internal review in writing. The Request for an Internal Review form is found here: <https://nt.gov.au/law/rights/freedom-of-information/review-of-decisions>
* provide sufficient detail to identify the initial application;
* provide sufficient detail to explain the reasons for seeking a review of the initial decision or identify particular aspects of the decision which are of concern;
* specify the name of the applicant; and
* specify a mailing address to which correspondence regarding the outcome of the review may be forwarded. An email address must be accompanied by a postal or home address.
* An internal review cannot commence if any of the above items are insufficiently addressed.

# DTF’s responsibilities

When DTF receives a request for an internal review, the following processes apply:

* DTF has a flexible internal review process, which reconsiders initial decisions with as little delay as possible;
* once DTF receives a request for an internal review, it is forwarded directly to the Information Policy Officer;
* the Information Policy Officer validates the application form and arranges the internal review. Contact will be made with the applicant if further information or clarification is required;
* the applicant will receive a letter confirming receipt of the application for review;
* DTF will notify the applicant of the outcome of the review within 30 calendar days;
* DTF may decide to confirm or vary the initial decision in whole or in part; or revoke the initial decision in whole or in part and substitute another decision; and
* DTF can refuse to review the decision if satisfied that the application for review was not made within 30 days after the applicant was notified of the initial decision.

# Costs involved

Fees and charges will be tracked throughout the review process in terms of time taken and materials. Costs associated with the search and retrieval of relevant information will be assessed and could vary depending on the complexity of the applicant’s request. All costs are in accordance with the schedule outlined in the Information Act Regulations.

Costs incurred by the agency for undertaking the review process may be passed onto the applicant; this is at the discretion of the Under Treasurer or relevant delegate. An estimate will be provided and applicants have the option to apply in writing to waive or reduce fees. There is a standard form found at <https://nt.gov.au/law/rights/freedom-of-information/fees>

# What is an external review?

If you are dissatisfied with the outcome, you may seek an independent, external review from the Information Commissioner, although the internal review must be completed before referral to the Information Commissioner. However, there is no formal procedure for review of decisions to refuse access or correction made before 1 July 2004 or breaches of privacy that occurred before 1 July 2004.

The Information Commissioner has the power to investigate and conduct a review of the decisions made by DTF under the Act. If the Information Commissioner considers that a different decision should have been made in the circumstances of the case, they can direct DTF to revise the decision. The Information Commissioner may also review the fees and charges levied by DTF for access to documents or correction of personal information under the Act.

The focus of the Information Commissioner at every stage of a complaint is on attempting to reach an informal resolution that minimises the time and resources that participants are required to contribute to the complaint process. In some cases, this may simply involve providing sufficient information to a participant to allow them to realistically assess the strengths and weaknesses of the position they have taken. It may also involve considering solutions completely outside the Act.

In any case, the approach taken will depend on the objectives and needs of the parties, any applicable legal restrictions or policies and consideration of implications for the future operations of DTF. In some cases, no obvious informal resolution will present itself, or one or more of the parties will want to proceed to a decision. At the time of making a decision, the Information Commissioner and decision-makers within DTF must not be concerned about or take into consideration, the reasons that access is being sought.

# Further rights of complaint

## External Review

Requests for a review should be made in writing directly to the Information Commissioner on approved forms available from the Office of the Information Commissioner.

## Appeal to the Supreme Court

The Act provides that if a person is aggrieved by a decision of the Information Commissioner, they may appeal to the Supreme Court on a question of law only. The Supreme Court may make orders and give directions that the court considers appropriate in dealing with an appeal.

# Contact details

Information Policy Officer

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P: (08) 899 96982

F: (08) 899 96150

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W: <http://www.treasury.nt.gov.au/InformationAct>