

Third party notifications under the *Freedom of Information Act 1982*

Frequently asked questions

What is freedom of information?

The *Freedom of Information Act 1982* (Vic) (**FOI Act**) creates a right for any person to access documents held by Victorian public sector agencies and Ministers – except in limited circumstances.

The FOI Act applies to agencies including Victorian government departments, statutory agencies, public hospitals, councils, public schools, TAFEs and universities.

What is OVIC?

The Office of the Victorian Information Commissioner (**OVIC**) is an independent regulator with combined oversight of information access (freedom of information), information privacy and information security.

A function of the Information Commissioner¹ is to conduct an independent review of a decision made by an agency or Minister to refuse access to a document that an applicant requested under the FOI Act.

Why am I receiving this notification?

You are receiving this notification because your information is contained in a document that is being reviewed by the Information Commissioner and the Information Commissioner has decided to release your information to the applicant.

Sometimes, a document that an applicant requests access to contains information that relates to third parties, such as:

- personal information of someone other than the applicant (for example, a name or phone number);
- information that was communicated in confidence by a person to an agency or Minister; or
- the trade secrets or business affairs of an organisation.

If your information is contained in a document being reviewed, the Information Commissioner has to decide whether to release your information to the applicant.

When a review is finalised, the Information Commissioner makes a new decision about whether the document should or should not be released to the applicant.

The Information Commissioner must notify you of their decision where:

- you did not consent to releasing your information, if the agency or Minister consulted with you;
- the Information Commissioner decides to release your information to the applicant; and
- it is practicable to contact you.

Why is my information being released?

There are many factors the Information Commissioner must carefully consider before deciding if your information should be released.

¹ References to the Information Commissioner include the Public Access Deputy Commissioner.

These include:

- the nature of the information under review;
- possible exemptions under the FOI Act that may apply to, for example, personal information, business information or information communicated in confidence;²
- how the information was obtained or acquired;
- relevant background information, which may include the applicant's interest in, or reason for, requesting access to the information;
- submissions from the applicant and the agency; and
- if you were consulted by the agency, your views on releasing the information.

After weighing all of the relevant factors, the Information Commissioner has decided your information is not exempt under the FOI Act and should be released to the applicant.

What do I need to do next?

Please review the notification the Information Commissioner provided to you, which outlines:

- the nature of the documents under review;
- a description of your information to be released to the applicant; and
- the reasons why the Information Commissioner decided to release your information.

If you do not want your information to be released, you can apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for a review of the Information Commissioner's decision to release your information.

Details on how to make a review application to VCAT are set out in the notification provided.

If you do not want to apply for a review by VCAT, you do not need to do anything. This means that at the end of the 60 day appeal period, the agency or Minister will release the relevant information to the applicant.

Can I see what information is being released about me?

We have tried to provide sufficient information in the notification so you can identify your information that is to be released.

We cannot provide you copies of the documents reviewed by the Information Commissioner, even if they are your documents or they contain your information.

What if I am not sure what information is being released about me?

If you are still not sure what information will be released, you can contact us to discuss further.

You may also wish to contact the relevant agency or Minister to request a copy of the documents or request further details about your information in the document.

Further Information

Contact Us

t: 1300 00 6842

e: enquiries@ovic.vic.gov.au

w: ovic.vic.gov.au

Version 1.0, February 2019

Disclaimer

The information contained in this document is general in nature and does not constitute legal advice.

² Please visit our website for more information on the exemptions – 'What are the exemptions?', <https://ovic.vic.gov.au/freedom-of-information/for-the-public/what-are-the-exemptions/>.