



Procedure for responding to Freedom of Information Applications

April 2024



Name	Procedure for responding to Freedom of Information Applications
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Approved by	Section 22 [REDACTED]
Business owner	Legal
Document no.	Version 2
Purpose	To document APRA's process for responding to Freedom of Information applications and complying with related requirements.
Supporting documents	FOI Templates
Related documents	Freedom of Information Act 1982 (Cth) FOI Guidelines Australian Prudential Regulation Authority Act 1998 (Cth) Agency Extension of Time for Processing an FOI Request FOI IM FOI Register FOI Statistical Returns Portal FOI Templates
Status	Final
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Revision history

Version no.	2
Author	Section 22 [REDACTED]
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Summary of changes

Updates to reflect APRA's updated FOI practice, including:

- liaising with Corporate and Regulatory Affairs in relation to complex and sensitive FOI Requests; and
 - simultaneous release of documents to the FOI applicant and on the disclosure log.
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APRA's approach to responding to FOI Applications

Overview

A person who wishes to obtain access to a document of an agency has a right to request access to that document under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) (**FOI Application** or **FOI Request**). APRA has a range of legal obligations in relation to processing FOI Applications under the FOI Act. It is of the utmost importance that APRA complies with all of its obligations.

APRA's Advisory Legal team is responsible for responding to FOI Applications received by APRA and has developed these procedures to assist awareness of, and compliance with, APRA's obligations related to FOI Applications. In undertaking its responsibilities in relation to FOI Applications, Advisory Legal works closely with relevant internal stakeholders; including Regulatory Affairs, relevant APRA supervision teams and specialist risk areas. In appropriate cases, Advisory Legal will also liaise with external stakeholders, including the FOI Applicant, relevant federal government departments and agencies (commonly the Australian Securities and Investments Commission and Treasury) and the Office of the Australian Information Commissioner (**OAIC**).

In these procedures, **FOI Officer** means the person performing the duties of the FOI Officer as nominated by a Senior Manager of the Legal Team from time to time.

What is an FOI Application?

An FOI Application or FOI Request is a request for access to "documents" under section 15 of the FOI Act. Under the FOI Act, a document includes:

- (a) any of, or any part of any of the following things:
 - (i) Any paper or other material on which there is writing;
 - (ii) A map, plan, drawing or photograph;
 - (iii) Any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - (iv) Any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
 - (v) Any article on which information has been stored or recorded, either mechanically or electronically;
 - (vi) Any other record of information; or
- (b) any copy, reproduction or duplicate of such a thing; or
- (c) any part of such a copy, reproduction or duplicate¹.

¹ Section 4 of the FOI Act

If information requested by a FOI applicant is not available as a discrete document but APRA is able to produce a written document using a computer or other equipment that is ordinarily available to APRA, APRA must produce a document containing relevant information.²

An FOI Application must:

- (a) be in writing;³
- (b) specify that it is a request for the purposes of the FOI Act;⁴
- (c) provide reasonable information that would enable the agency to identify the requested document;⁵ and
- (d) inform the agency how the applicant could be contacted in relation to their request.⁶

A request for information may be sent to APRA by:

- (a) email to foi@apra.gov.au;
- (b) mail to FOI Officer, Australian Prudential Regulation Authority, GPO Box 9836, Sydney NSW 2000; or
- (c) delivering it to an APRA Office.

Whilst FOI Applications are most commonly received by email, if an FOI application is received via mail or delivered in person care must be taken to determine the date it was received by APRA as this may not be the day it was received by the FOI Officer.

Timeframe for processing and making a decision on an FOI Application

Statutory Deadline

APRA has **30 calendar days** from the date that an FOI Application is received to process it and provide a decision to the applicant. If the due date for a decision is a Saturday, Sunday or a public holiday, the decision can be sent on the next business day.⁷ To ensure that APRA complies with this statutory deadline, due date for all FOI Applications must be placed, at a minimum, in the diaries of the FOI Officer, the FOI decision maker and the FOI inbox. To allow for unexpected issues that may arise in finalising the decision, it is recommended that FOI decision makers aim to finalise their decision at least 3 days before the statutory deadline.

² Section 17 of the FOI Act

³ Subsection 15(2)(a) of the FOI Act

⁴ Subsection 15(2)(aa) of the FOI Act

⁵ Subsection 15(2)(b) of the FOI Act

⁶ Subsection 15(2)(c) of the FOI Act.

⁷ Further information regarding the timeframe for processing a request is outlined at: [How long does an agency have to process an freedom of information request? - Home \(oaic.gov.au\)](#).

Extensions of Time

The due date for an FOI Application may be extended by:

- a) asking the applicant for their consent to extend the due date up to **30 days**;⁸
- b) obtaining an automatic extension of **30 days** to consult with a third party;⁹ or
- c) applying to the OAIC for an extension of **30 days** if the request is 'complex and voluminous'.¹⁰

All statutory deadlines remain in full force and effect and must be complied with unless and until an extension of time is granted. If an applicant consents to extend the due date as contemplated under (a) above, APRA must notify the OAIC of any extension of the due date of an FOI Application via the OAIC portal. The statutory requirement is for the OAIC to be notified as soon as practicable¹¹. To comply with this requirement, APRA's best practice policy is to notify the OAIC within **5 business days** of receiving such consent but no later than the expiry of the initial statutory deadline for responding to the FOI Application. A copy of the applicant's consent (a pdf copy or screenshot) will need to be uploaded into the form on the OAIC portal.

Reference code: 24DAZZDB

OAIC Australian Government Office of the Australian Information Commissioner

IC Request Form – Agency extension of time for processing an FOI request

Save and Close Open Saved Form Need Help

Getting started

Fields marked with * are required.

About this form

The Office of the Australian Information Commissioner (OAIC) can grant extensions of time to agencies who are processing Freedom of Information requests.

This form can be used by agencies to request an extension of time to process an FOI request or to notify an agreed extension of time.

Please note that if an agency does not provide the Information Commissioner with adequate reasons, the extension of time request may be refused.

Further guidance and advice for agencies about [extension of time for processing requests](#), including the details to be included in a request, is available on our [website](#).

An agency may apply to vary the extension if an earlier extension granted by the OAIC is insufficient, however the agency must explain what has changed since the initial extension of time request and provide reasons for why a variation to the extension is justified.

You can save this form at any point and return to complete it within 3 days. If you do not submit your saved form within 3 days it will be permanently erased from the secure server.

PLEASE NOTE:

- To save your form, click on the **Save and Close** button at the top of this form.

⁸ Section 15AA of the FOI Act

⁹ Subsections 15(6)-(8) of the FOI Act.

¹⁰ Section 15AB of the FOI Act

¹¹ Section 15AA(b) of the FOI Act

PLEASE NOTE:

- To save your form, click on the **Save and Close** button at the top of this form.
- Refreshing your browser will clear any information that you have not saved. If you need to refresh your browser while completing this form and wish to keep your changes please save the form first.

This request may be subject to the *Freedom of Information Act 1982*.

This request for an extension of time application will be provided to the person who lodged the FOI request.

If you have any questions about making an extension of time request or have trouble completing this form please send an email to foidr@oaic.gov.au or call our enquiries line on 1300 363 992.

Your personal information

We will handle your personal information in accordance with the Australian Privacy Principles.

If you have any questions about the personal information we collect and how we will handle your information, please contact the OAIC or see our [privacy policy](#) available on our website.

Before you start

To ensure you are using the correct form, please select one of the following options. *

- I am notifying of or requesting an extension of time.
- I am requesting a review of an FOI decision.
- I want to complain about the handling of my FOI request.

Submit

APRA may ask the applicant for an extension more than once, provided that the combined length of all agreed extensions does not exceed 30 days.

How to apply for an extension from the OAIC

To apply for an extension from the OAIC complete the form at [Agency Extension of Time for Processing an FOI Request](#) or email foidr@oaic.gov.au as soon as practically possible. To ensure that there is sufficient time for APRA's extension request to be considered, and for APRA always remains in compliance with statutory deadlines, we recommend that, where possible, requests for extensions of time be made no later than two weeks prior to the expiry of the relevant statutory deadline.

If APRA has been granted an extension of time, either with the applicant's consent or by application to the OAIC, a copy of the applicant's consent and confirmation of OAIC notification or OAIC approval email must be uploaded to the relevant folder in IM in the approved form.

Process for Responding to an FOI Application

APRA's process for each FOI Application is as follows:

- Acknowledging the FOI Application within 14 days of receiving it;
- Completing relevant administrative tasks (outlined in items **Error! Reference source not found.-Error! Reference source not found.** of Annexure A);
- Liaising with Regulatory Affairs and Corporate Affairs to determine whether the FOI Application is complex or sensitive;
- Allocating a decision maker;

- Locating the requested documents or information from within APRA and having preliminary discussions with relevant APRA division regarding scope of request and number of relevant documents/number of hours to undertake searches;
- Corresponding with the applicant to clarify scope of request where appropriate;
- Seeking an extension from the applicant or the OAIC if required;
- Where applicable, consulting with the FOI teams of other relevant agencies;
- Reviewing the documents relevant to the request;
- Lodging a Corporate Affairs request as soon as possible if it is likely that there will be documents that will be released;
- Making a decision and drafting and finalising the decision letter;
- Responding to the applicant by the relevant due date (either 30 days or longer if an extension is in place); and
- Complying with post-decision requirements.

Annexure A contains a checklist which must be completed in relation to each FOI Application by one of the team members allocated to the FOI Application.

In addition, checklists outlining the standard process for responding to requests for Internal Review and OAIC Review are located at **Annexure B** and **Annexure C** (respectively).

A completed copy of the relevant checklist must be saved to the IM folder for the applicable FOI Application. Further detail about APRA's process is set out below.

Allocating a Decision maker

Each FOI Application received will be allocated to at least two team members with:

- one person coordinating the receipt of relevant documents and liaising with the FOI Applicant (**FOI Officer**); and
- another person of appropriate seniority (acting under a formal instrument of delegation) as the decision maker (**FOI decision maker**).

For most FOI Applications, the FOI decision maker will be allocated based on capacity and workload from the pool of eligible decision makers from the Legal team who hold delegation to determine FOI Applications (staff members of Level 3 and Level 4). For complex or sensitive FOI Applications, it may be appropriate for a more senior FOI decision maker to be appointed. In these complex or sensitive cases, advice should be sought from the Regulatory Affairs and Corporate Affairs teams who will, in consultation with the relevant Manager, Advisory Legal, appoint an appropriately senior FOI decision maker to consider the FOI Application. In all cases, the FOI decision maker will be supported by the FOI Officer and, if necessary, other members of the Advisory Legal team.

Engaging Relevant Stakeholders

APRA is operating in an increasingly complex environment and is observing more frequent use of FOI processes by sophisticated users (lawyers, journalists, political staffers etc). It is increasingly common for FOI Applications to be used alongside other requests for information, such as enquiries to APRA's media team or Questions on Notice from members of Parliament. In such cases, it is critically important that relevant stakeholders are kept up to date in relation to FOI Applications that APRA receives so that APRA is able to ensure that the information that it provides in response to such requests is complete, accurate and consistent.

The appropriate level of engagement with stakeholders will depend on the nature of the FOI Application. Early engagement with stakeholders will give the decision maker important context in relation to issues surrounding the freedom of information request and, in particular, any sensitive commercial or political issues that may arise. Early discussions with stakeholders will also assist the FOI decision maker to appropriately scope a request and to make decisions about how to deal with the request in an efficient manner. In complex or sensitive cases, consideration should be given as to whether it is necessary and appropriate to provide a briefing to APRA members or members of the relevant APRA executive team. The Regulatory Affairs and Corporate Affairs team will be able to provide advice to the FOI decision maker in relation to whether and, if so, to whom a briefing is required.

Scoping Request

All FOI Applications should be assessed by the FOI decision maker at the earliest possible opportunity and before requested any searches for documents to determine:

1. whether the terms of the request are sufficiently clear to allow the FOI decision maker to determine what documents the FOI Applicant is requesting; and
2. the extent of searches that would be required to be conducted to identify and collate documents that would be relevant to the request.

Lack of Clarity in Request

When interpreting an FOI Application, the words used by the FOI Applicant should be given their ordinary and natural meaning unless the context otherwise requires. In some cases, the request may use subject matter specific or technical language that may not be understood by the FOI decision maker. In such cases, it may be necessary for the FOI decision maker to consult a technical or subject matter expert within APRA to determine whether the request is sufficiently clear for APRA to understand the documents that have been requested.

If the terms of request are unclear or uncertain, the FOI decision maker should bring the lack of clarity of the request to the attention to the FOI Applicant and request that they clarify the scope of the request. If required, the FOI decision maker should offer to assist the FOI Applicant to clarify the terms of their request so that it is able to be considered by APRA.

Required Searches

Once an FOI Application is received and allocated to an FOI decision maker, the FOI decision maker should undertake a preliminary assessment of the nature and scale of the searches that would be required to identify documents held by APRA that may be responsive to the request. The purpose of

this preliminary assessment is to identify FOI Applications that are, on their face, likely to involve a substantial and unreasonable diversion of APRA's resources.

A request is likely to involve a substantial and unreasonable diversion of resources if it would require all of APRA, or whole teams or divisions, to undertake broad searches of their inboxes or IM or if a request is likely to return a high number of results (generally greater than 100). If a decision maker is concerned that a request may create a substantial and unreasonable diversion of resources, they should reach out to discuss the request with a member of the relevant APRA team that will be required to undertake the searches, the Business & Information Governance team and the Information Technology team (as required) to understand the nature and scale of the searches that are required to be undertaken and their resourcing impact on APRA before making a formal search request.

Consulting with an FOI Applicant

APRA has an obligation to provide 'reasonable assistance' to an FOI applicant.¹² This includes helping an applicant to revise their FOI Application to provide information reasonably necessary to enable APRA to identify the document that is requested. If an FOI Application would be too onerous for APRA to process, APRA is able to consult with the applicant informally and/or formally:

1. **Informal consultation:** involves emailing the applicant and asking them to refine their request.
2. **Formal consultation:** involves providing the applicant with a Notice of Practical Refusal under section 24AB of the FOI Act. A Notice of Practical Refusal may be given if the FOI decision maker believes that the work involved in processing the FOI request would be an 'unreasonable diversion of resources'¹³ and/or the applicant does not provide the information reasonably necessary to enable APRA to identify the requested documents.¹⁴ The FOI applicant has **14 days** (during which the processing period for the request is paused) to respond to the Notice of Practical Refusal and revise their FOI request, or the FOI request is deemed withdrawn. The FOI applicant can consult with APRA during this time for help in refining their FOI request. During this consultation period, the timer to process the request is paused but, once the FOI applicant has responded to APRA and revised their FOI request, the processing period recommences and APRA must respond to the FOI request within the remaining processing time.

Searching for Documents

APRA has an obligation to take all reasonable steps to locate documents that may be responsive to an FOI Application. The required searches that will be reasonable will depend on the facts and circumstances of each request, but may include:

- asking relevant APRA teams to search for relevant documents in IM.
- asking individual APRA staff members (or groups of staff members) to conduct searches of email inboxes and IM workspaces for relevant documents.

¹² Paragraph 3.20 of the FOI Guidelines, Subsection 15(3) of the FOI Act

¹³ Section 24AA of the FOI Act

¹⁴ Subsection 15(2)(b) of the FOI Act

- conducting targeted word searches of IM or the n drive.
- asking IT to run key word searches over the APRA document storage or IT systems.
- Requesting the data team to extract data contained on APRA's databases.
- reviewing responses to Questions on Notice.
- reviewing other material published by APRA.

Once a decision has been made to process an FOI Application, a decision maker should develop (in consultation with relevant stakeholders) a plan of what searches need to be conducted to identify relevant documents and agree on the timeframe for these searches to be undertaken, having regard to the resourcing demands that such a request will place on relevant APRA teams and their BAU workload and the relevant statutory deadline for APRA to process the FOI Application. A decision maker should consider requesting an extension of time at this stage of the process if it is evident that the relevant searches are likely to take some time to complete or that there is likely to be a large number of potentially responsive documents that will require review, such that the 30-day statutory deadline is unlikely to be met.

All responsive documents that are identified by the searches undertaken should be provided to the FOI Officer. Relevant APRA teams **should not** conduct any further review of the documents to determine whether the document is responsive to the request or should be disclosed to the FOI Applicant. However, relevant APRA teams can provide comments about potential sensitivities around the disclosure of any document (for example if the information is confidential or commercially sensitive) for consideration by the decision maker. All responsive documents should be saved in a separate folder, named "Relevant Documents" in the folder for that FOI Application on IM.

Reviewing Documents

All documents that are identified by searches undertaken must be reviewed by the FOI team. To commence the review process, the FOI Officer should create a table that contains links to each responsive document in PDF format. The decision maker should then review each document identified and record their decision in the table in relation to whether the document is relevant and, if so, whether there are any exemptions that apply. When reviewing the document, if the decision maker considers that an exemption applies to parts of a document, the decision maker should mark-up proposed redactions using Adobe Pro and label the exemption applied using the text overlay feature.

Exemption Claims

Unconditional Exemptions

If an unconditional exemption applies, a document is exempt from FOI disclosure. Examples of unconditional exemptions are:

- a) Documents to which secrecy provisions of enactments apply;¹⁵¹⁶

¹⁵ Section 38 of the FOI Act

¹⁶ Relevantly, under subsection 56(11) of the APRA Act a document that is a protected document or contains protected information is an exempt document for the purposes of section 38 of the FOI Act.

- b) Documents containing material obtained in confidence;¹⁷
- c) Documents subject to legal professional privilege;¹⁸ and
- d) Documents affecting enforcement of law and protection of public safety.¹⁹

Public Interest Conditional Exemptions

Unlike unconditional exemptions, conditional exemptions require the balancing of competing factors, on a case-by-case basis, pursuant to the Public Interest Test. If a document is assessed as conditionally exempt (for example because it would involve unreasonable disclosure of personal information), access must still be given unless in the circumstances it would, on balance, be contrary to the public interest.²⁰ Examples of conditional exemptions are:

- a) Operations of Agencies;²¹
- b) Personal Privacy;²² and
- c) Deliberative processes.²³

In applying the Public Interest Test, the following factors for and against disclosure must be considered:

Factors for disclosure: If disclosure would or could reasonably be expected to:

- a) promote the objects of the FOI Act;
- b) enhance the public's knowledge of APRA's operations; and
- c) reveal the context and reasons for APRA's decisions.²⁴

Factors against disclosure: Examples include, if disclosure would or could reasonably be expected to:

- a) prejudice APRA's ability to collaborate with other agencies;
- b) inhibit APRA's ability to perform its operations and have a substantial adverse effect on the proper and efficient conduct of APRA; and
- c) prejudice APRA's ability to protect individuals' right to privacy.

Irrelevant Factors: The following factors must not be taken into account²⁵ in deciding whether granting access to the document would, on balance, be contrary to the public interest:

¹⁷ Section 45 of the FOI Act

¹⁸ Section 42 of the FOI Act

¹⁹ Section 37 of the FOI Act

²⁰ Subsection 11A(5) of the FOI Act

²¹ Section 47E of the FOI Act

²² Subsection 47F(1) of the FOI Act

²³ Section 47C of the FOI Act

²⁴ These are examples only the [OAIC website](#) at step 4 contains further information which should be considered when assessing these factors.

²⁵ Section 11B of the FOI Act

- a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- b) access to the document could result in any person misinterpreting or misunderstanding the document;
- c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made; and
- d) access to the document could result in confusion or unnecessary debate.

Updating Stakeholders

The FOI Officer is responsible for preparing and sending a weekly FOI update email to:

- the APRA Members
- The Chief of Staff
- The General Manager, Corporate Affairs
- Nominated Members of the Corporate Affairs team
- The Senior Managers of Regulatory Affairs
- Nominated Members of the Regulatory Affairs team
- The Senior Manager of External Communications
- The Team Leader – Business & Information Governance
- The General Counsel
- Senior Manager, Advisory Legal
- Manager, Advisory Legal

The update should include:

- the name and occupation (if known) of each FOI Applicant.
- a description of each ongoing FOI Application, the date that it was received, where it is up to in being processed and the due date.
- a description of any FOI Applications completed that week, the name of the FOI decision maker, the decision and the date that the decision was provided to the applicant.
- any documents that were released under an FOI request that week.
- The exemptions that were applied if access was refused to a document.
- Details of any outstanding IC or AAT reviews.

The update should be cleared with the relevant Manager, Advisory Legal or relevant Senior Manager, Advisory Legal (or a person nominated by them in their absence) before it is circulated. Generally, these updates should be sent no later than Wednesday afternoon to allow Regulatory Affairs to use the information in their fortnightly reports.

Finalising an FOI Request

Preparing Notice of Decision

APRA prepares a Notice of Decision for each FOI request setting out the decision made by the decision maker and the decision maker's reasons for decision. In making a decision in relation to an FOI request, a decision maker can:

- Grant full access to the documents;
- Grant partial access to documents subject to exemption claims; or
- Refuse access to the documents.

APRA maintains templates for many different types of decisions that are commonly made in relation to FOI Applications at APRA. To ensure consistency of approach, decision makers are strongly encouraged to use the templates provided as the basis for all FOI decisions. Complex decisions with multiple documents that are subject to different exemption claims may require a decision maker to combine aspects of several templates.

The decision maker bears ultimate responsibility for the content of the Notice of Decision. However, all Notices of Decision should be proofread by the FOI Officer before they are finalised to ensure that:

1. all information in the Notice of Decision is factually correct;
2. all sections of the template have been completed by the decision maker; and
3. there are no spelling or grammatical errors.

The FOI Officer must also open each document to be released and apply any redactions that have been made by the decision maker.

Sending Decision to Applicant

APRA's preference is to issue notices of decision to FOI Applicants via email from the FOI inbox. The FOI Officer should prepare a draft email for approval by the decision maker attaching a copy of the notice of decision (in PDF format) and any documents to be released to the FOI Applicant (in PDF format). Both the decision maker and the FOI Officer should double check that the correct versions of the documents to be released have been attached and that the correct redactions have been applied. If the documents are too large to be sent to the FOI Applicant as an attachment to an email, the FOI Officer should publish the documents on the FOI Disclosure Log (see below) and then send the FOI Applicant a link to the FOI Disclosure Log.

Updating the Disclosure Log

If a decision is made to release documents (either in full or in part), APRA is required to update the FOI Disclosure Log within **10 working days** of releasing any documents under an FOI request.²⁶ However, APRA's practice is to publish the update to the disclosure log on the same day that the decision is released. There are limited exceptions to this requirement.²⁷

To update the disclosure log, open a SHOP request with Corporate Affairs for an APRA website update at least 3 days before it needs to be published. The disclosed document/s can be provided later but the SHOP request needs to be lodged 3 days in advance or earlier. Draft an update to the disclosure log in a word document and attach it to the SHOP request. Any update to the disclosure log must include the following information:

- Disclosure log reference number;
- Date information listed in disclosure log;
- Summary of FOI request received by APRA; and
- Information published in the disclosure log, including:
 - Link(s) to the document(s) being released;
 - Date of release (i.e. the date of the relevant decision releasing the document(s));
 - Description of the documents being released, for example: email, letter, statistical publication, notice, file note, report, memorandum, spreadsheet, contract, deed, paper, register etc; and
 - An indication as to whether full or partial access to the document(s) has been given.

The person who lodges the request will be asked to confirm the update prior to it being published. If documents have been provided to Corporate Affairs before the decision has been finalised by the decision maker, it is the responsibility of the FOI Officer to notify Corporate Affairs when the decision has been finalised and sent to the FOI Applicant so that the disclosure log can be updated.

Updating the FOI register

Once a decision has been finalised, the FOI Officer must update the FOI register to ensure that all relevant information about the decision has been captured (date of decision, whether the request was granted (either in whole or in part) or refused, any exemptions applied and whether any Notice of Practical refusal was issued). It is important that this information is accurate as it is used as the basis of our reporting to the OAIC.

Filing

It is the responsibility of the FOI Officer and the decision maker to ensure that the IM folder is up to date. At the completion of each matter, each folder should contain:

²⁶ Subsection 11C(6) of the FOI Act

²⁷ Section 11C of the FOI Act

- A copy of the FOI request.
- A copy of the Notice of Decision.
- Any Notice of Practical Refusal sent to the FOI Applicant.
- A copy of all relevant documents considered by the decision maker (in clean copy).
- A copy of the document set disclosed documents as disclosed to the FOI Applicant.
- A copy of all of APRA's correspondence with the FOI Applicant.
- A copy of all internal correspondence in relation to searches that were undertaken.
- All advice received from the Regulatory Affairs and Corporate Affairs teams.

It is important that this filing is completed, at the latest, immediately after the decision has been sent to the FOI Applicant as this information will be required in the event that an internal review of the decision is sought by the FOI Applicant.

Other FOI related processes

Consulting with Another Agency

APRA may be contacted by another government agency (e.g. ASIC, Treasury, RBA, etc.) asking for APRA to consult on the release of documents under the FOI Act in relation to a FOI Application which they have received but which is relevant to APRA. APRA is able to provide an opinion as to the disclosure of the relevant documents, but it is the other agency's decision whether or not to release the documents.

Transferring FOI Applications to another agency

A FOI Application could be transferred from one agency to another if the information requested is more 'closely connected with the functions of another agency than with those of the agency to which the request is made.'²⁸

If the transfer is agreed to, send an email to the applicant informing them that APRA has transferred their request to the relevant agency. A copy of the original FOI request, the acknowledgement and the email informing the applicant of the transfer must then be sent to the relevant agency.

It is important to be organised when transferring a FOI request or receiving a transferred FOI request as the due date is **30 days** from the date that the FOI request was received by the first agency, not the date that it was transferred to the other agency.

FOI Statistical Reporting Obligations

APRA is required to provide quarterly and annual statistics on FOI Applications to the OAIC. The report seeks statistics on:

- the number of FOI Applications made;
- the exemptions claimed;
- how many FOI Applications were practically refused;
- response time of requests;
- processing charges;
- the disclosure log;
- review of access decisions;
- amendment of personal records;
- agency annual details;
- staff resources involved in FOI work;
- staff hours spent on FOI work;
- non-staff costs attributed to FOI;
- comparison statistics on the previous year; and
- Data relating to page views and unique visitors is an optional feature.

The data to complete the OAIC's required quarterly and annual statistical returns is contained in the FOI register. However, this data should always be cross-checked against the information in each individual FOI folder to ensure that it is accurate. Data in relation to pages views can be accessed via a SHOP request with Corporate Affairs or by contacting External Communications directly.

The due dates for APRA's quarterly statistical returns are²⁹:

- Quarter 1: 1 July to 30 September: 21 October
- Quarter 2: 1 October to 31 December: 21 January
- Quarter 3: 1 January to 31 March: 21 April
- Quarter 4: 1 April to 30 June: 21 July

The due date for the annual return about staff resources and other costs and comparisons with previous years. For each year ending 30 June the return must be submitted by 31 July. These due

²⁹ Regulation 8 of *Freedom of Information (Prescribed Authorities, Principal Offices and Annual Report) Regulations 2017*

dates should be diarised (as well as appropriate reminders) by the FOI Officer at the start of each calendar year in the diaries of the FOI Officer, the relevant Manager, Advisory Legal, the relevant Senior Manager, Advisory Legal and the FOI Inbox.

APRA's User ID and Password for the web portal are as follows:

LOGIN: Section 22

Password: Section 22

The web portal can be found at: <https://foistats.oaic.gov.au/>. More information on quarterly and annual reporting can be found in the [FOI stats Guide](#) or on the OAIC website.

Review of Information Publication Scheme

As a government agency to which the FOI Act applies, APRA must, in conjunction with the Information Commissioner, complete a review of the operation, in the agency, of the Information Publication Scheme under the FOI Act from time to time but at least every 5 years.³⁰ The last review was conducted in 2023.

³⁰ Section 9 of the FOI Act

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

Annexure A – FOI Application Checklist

#	Obligation	Date Completed	Comments
	Acknowledging to the applicant's request		
1.	<input type="checkbox"/> I sent the applicant an acknowledgement email within 14 days of receiving the request.	DD/MM/YYYY	
2.	<input type="checkbox"/> When deciding if an extension was necessary, I took into consideration; <ul style="list-style-type: none"> • The difficulty to locate the documents or information requested; and • The current workload of the team and their capacity to meet the 30 day deadline. <p>If I decided an extension was necessary, I sent an email to the applicant asking for their consent to the extension³¹ or sought the extension from the OAIC.³²</p>		
3.	<input type="checkbox"/> If the applicant has consented to the extension of time, I notified the OAIC via their online portal before the initial statutory deadline and within 5 business days of receiving such consent.		
4.	<input type="checkbox"/> I liaised with Regulatory Affairs and Corporate Affairs to determine whether the FOI Application is complex or sensitive.		
5.	<input type="checkbox"/> I sent an email to the appropriate staff within the Legal Team asking for a Level 3 or above decision maker.		
	Administrative Tasks		
6.	<input type="checkbox"/> I googled the applicant's name to check who they are (e.g. an applicant who is a journalist		

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

#	Obligation	Date Completed	Comments
	may send the request from their personal email).		
7.	<input type="checkbox"/> I inserted a new row in the FOI register and highlighted the row in blue if the request was made by a journalist.		
8.	<input type="checkbox"/> I created a new document set on IM (named in the format: FOI [XX-XX] [Applicant Name])		
9.	<input type="checkbox"/> In my own email inbox, I made an FOI folder and moved all relevant correspondence into the folder.		
10.	<input type="checkbox"/> Create 2 subfolders in the document set labelled 'Internal Correspondence' and 'External Correspondence'.		
11.	<input type="checkbox"/> I saved all relevant emails and this Checklist to the IM Document set.		
12.	<input type="checkbox"/> I put a reminder in my calendar and calendar of the FOI Inbox and the decision maker for the date the FOI decision is due.		
13.	<input type="checkbox"/> I checked the disclosure log to see if the documents have already been disclosed.		
14.	<input type="checkbox"/> I have added the FOI request into the draft weekly FOI update email.		
Obtaining the requested documents or information			
15.	<input type="checkbox"/> I asked the decision maker who would be the appropriate person/team to contact to obtain the documents.		
16.	<input type="checkbox"/> If the request appears particularly sensitive, I have discussed with the decision maker whether any key APRA stakeholders need to be informed of the request and periodically updated. ³³		

³³ This step would be in addition to the Weekly FOI update email.

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

#	Obligation	Date Completed	Comments
17.	<input type="checkbox"/> I sent an internal consultation email to the relevant person/team for the requested document/information.		
18.	<input type="checkbox"/> I put a reminder in my calendar for the date the documents are due.		
19.	<input type="checkbox"/> If I didn't receive the documents by the due date, I followed up with the person/team via email.		
Reviewing the documents			
20.	<input type="checkbox"/> I prepared a "Review of Relevant Documents" table (Review Table) (template is contained in the FOI Templates folder on IM).		
21.	<input type="checkbox"/> I reviewed each responsive document and considered the applicable exemptions that might apply and completed these in the Review Table for the decision maker's review. I have also sought guidance from the decision maker regarding whether any redactions are required.		
22.	<input type="checkbox"/> If a responsive document was obtained from, or is relevant to, another agency I consulted with that agency.		
23.	<input type="checkbox"/> I drafted a decision and sent it to the decision maker for review.		
24.	<input type="checkbox"/> I saved the finalised decision as a PDF.		
25.	<input type="checkbox"/> If a document was released, I lodged a SHOP request with Corporate Affairs to update the disclosure log. ³⁴		
26.	<input type="checkbox"/> I ensured the disclosure log entry is ready to go live on the same day the final decision is communicated to the applicant with corporate affairs.		
27.	<input type="checkbox"/> When deciding if an extension was necessary, I took into consideration:		

³⁴ Although it is not a strict legal requirement, APRA has decided to publish documents released under FOI in the disclosure log.

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

#	Obligation	Date Completed	Comments
	<ul style="list-style-type: none"> the difficulty to locate the documents or information requested; and the current workload of the team and their capacity to meet the 30 day deadline. <p>If I decided an extension was necessary, I sent an email to the applicant asking for their consent to the extension³⁵ or sought the extension from the OAIC.³⁶</p>		
Responding to the applicant			
28.	<input type="checkbox"/> I sent the applicant an email, attaching a PDF of the decision within 30 days ³⁷ (or before the relevant due date if an extension is in place). <p>If access was granted, I attached the document(s) to be disclosed (in PDF format). Before attaching the document(s), I had made redactions to the document(s) consistent with guidance provided by the decision maker (I had also follow-up with the decision maker if it was not clear whether any redactions were required).</p>		
Final steps			
29.	<input type="checkbox"/> I uploaded the decision email to the Document Set on IM.		
30.	<input type="checkbox"/> I ensured all internal relevant emails have been uploaded to the Document Set on IM in a separate folder from the external emails.		
31.	<input type="checkbox"/> I completed the relevant row on the Document Register.		

³⁷ Subsection 15(5)(b) of the FOI Act

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

#	Obligation	Date Completed	Comments
32.	<input type="checkbox"/> I completed this checklist and saved it to the relevant Document Set on IM.		
33.	<input type="checkbox"/> I saved the PDF finalised decision document to the relevant Document Set on IM.		
34.	<input type="checkbox"/> I have updated the draft weekly FOI update email to reflect the decision that was made.		

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

Annexure B - Internal Review Checklist

#	Obligation	Date Completed	Comments
	Acknowledging the applicant's request for Internal Review		
1.	<input type="checkbox"/>		I checked whether the Internal Review Request received within the relevant timeframe. ³⁸
2.	<input type="checkbox"/>		I sent an acknowledgement email within 14 days of receiving the request for Internal Review.
3.	<input type="checkbox"/>		I sent an email to the Legal Advisory Team asking for a decision maker that was not the original decision maker. The decision maker was an equivalent level or above the level of the original decision maker.
	Administrative Tasks		
4.	<input type="checkbox"/>		I inserted a new row in the FOI register and highlighted the row in orange.
5.	<input type="checkbox"/>		I created a new document set on IM (named in the format: FOI [XX-XX] Internal Review of [XX-XX] [Applicant Name])
6.	<input type="checkbox"/>		In my own email inbox, I created an FOI folder for the Internal Review Request and moved all relevant correspondence into the folder.
7.	<input type="checkbox"/>		I saved all relevant emails to the IM Document set.
8.	<input type="checkbox"/>		I checked the disclosure log to see if the documents have already been disclosed.
	Reviewing the Decision		

³⁸ Section 54B of the FOI Act

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

9.	<input type="checkbox"/>	I considered whether it is necessary to conduct additional searches for documents or whether we could rely on the original searches conducted.
10.	<input type="checkbox"/>	I reviewed each responsive document and considered the applicable exemptions that might apply.
11.	<input type="checkbox"/>	If a document is to be released, I lodged a SHOP request with Corporate Affairs to update the disclosure log.
12.	<input type="checkbox"/>	I drafted a memo to the decision maker.
13.	<input type="checkbox"/>	I drafted a decision.
14.	<input type="checkbox"/>	I sent the draft memo and decision to the decision maker for review. If there were responsive documents to which no exemptions apply, I had also sought guidance from the decision maker regarding whether any redactions are required.
15.	<input type="checkbox"/>	I saved the finalised decision as a PDF.
Responding to the applicant		
16.	<input type="checkbox"/>	I sent an email to the applicant, attaching the PDF version of the decision. If the decision was varied, and the varied decision was to grant access to document(s), I also attached the document(s) to the email (in PDF format).
17.	<input type="checkbox"/>	Before attaching the document(s), I had made redactions to the document(s) consistent with guidance provided by the decision maker (I had also follow-up with the decision maker if it was not clear whether any redactions were required).
18.	<input type="checkbox"/>	The email was sent within 30 days of receiving the Internal Review request (or

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

		before the relevant due date if an extension is in place). ³⁹
19.	<input type="checkbox"/>	I ensured the disclosure log entry is ready to go live on the same day the final decision is communicated to the applicant.
Final steps		
20.	<input type="checkbox"/>	I uploaded a copy of the decision email to the IM document set.
21.	<input type="checkbox"/>	I uploaded all relevant emails to the Document Set on IM.
22.	<input type="checkbox"/>	I completed the relevant row in the FOI register.
23.	<input type="checkbox"/>	I completed this checklist and saved the updated version to the relevant Document Set on IM.
24.	<input type="checkbox"/>	I have updated the draft weekly FOI update email to reflect the decision that was made.

³⁹ Subsection 54S(2)(a) of the FOI Act

Freedom of Information Checklist

FOI Matter: [XX-XX]

Decision maker:

Annexure C - OAIC Review Checklist

Use this checklist only when an OAIC review request has been received.

	OAIC Review Request	Date completed	Comments
1.	<input type="checkbox"/> I opened the Document Set relevant to the applicant's 'Internal Review' and created a new folder inside the Document Set for the OAIC request.	DD/MM/YYYY Y	
2.	<input type="checkbox"/> I drafted a response to the OAIC and asked the relevant person to review it. I then saved the document as a PDF.		
3.	<input type="checkbox"/> I sent an email to the OAIC with the following attached: <ul style="list-style-type: none">• PDF document;• APRA's internal correspondence;• Original FOI request and decision;• Internal Review request and decision; and• Relevant documents.		
4.	<input type="checkbox"/> I saved all relevant emails to the IM Document set.		
5.	<input type="checkbox"/> If a document was released, I lodged a SHOP request with Corporate Affairs to update the disclosure log.		
6.	<input type="checkbox"/> I ensured the disclosure log entry is ready to go live on the same day the document is released to the applicant.		
7.	<input type="checkbox"/> I completed this checklist and saved it to the relevant Document Set on IM.		
8.	<input type="checkbox"/> I saved the finalised decision as a PDF to IM.		