



FOI [XX]-[XX]

XX Month 2024

[applicant's name]  
[applicant's address or organisation]

By email: [applicant's email]

Sydney

1 Martin Place (Level 12), NSW 2000  
GPO Box 9836, Sydney NSW 2001  
Australian Prudential Regulation Authority  
02 9210 3000 | [apra.gov.au](http://apra.gov.au)

Dear [title] [surname]

## NOTICE OF DECISION MADE UNDER SECTION 23 OF THE FREEDOM OF INFORMATION ACT 1982 (CTH) (FOI ACT) WITH REASONS FOR DECISION PROVIDED UNDER SECTION 26

**Applicant:** [applicant's name]

**Decision-maker:** [decision-maker's first name and person number], an authorised officer of the Australian Prudential Regulation Authority (**APRA**) for the purposes of subsection 23(1) of the FOI Act.

**FOI request:** '[FOI request].'  
(FOI request)

**My decision:** Grant access to the **document(s)** specified in the Applicant's request under subsection 11A(3) of the FOI Act.

### MATERIAL FACTS

- On [date], you made the FOI request by email under the FOI Act.
- On [date], APRA acknowledged receipt of the request by email.
- [insert as applicable]: On [date], APRA extended the decision date under section 15AA of the FOI Act until [date].
- [insert as applicable]: On [date], APRA extended the decision date under section 15AB of the FOI Act until [date].
- [insert as applicable]: The request is for documents that contain information relating to the [business affairs of the APRA [non-/regulated] entity or personal affairs of a third party]. Therefore, APRA extended the statutory timeline until [date] under section [27 or 27A or 15A] of the FOI Act.

## EVIDENCE AND MATERIAL RELIED ON

6. In making my decision, I have relied on the following evidence and material:
  - (i) the Applicant's request received by APRA on [date];
  - (ii) acknowledgment email from FOI Officer to the Applicant dated [date];
  - (iii) internal APRA email correspondence [from date to date];
  - (iv) [insert as applicable]: file note written by the FOI Officer dated [date];
  - (v) relevant sections of the FOI Act; and
  - (vi) guidelines issued by the Office of the Australian Information Commissioner to date (**FOI Guidelines**).
7. APRA has conducted all reasonable searches of its records and identified [XX] document(s) relevant to your FOI request (relevant document(s)), as listed in the Schedule to this Notice of Decision.

## REASONS

8. I have decided to grant access to the relevant document(s) under subsection 11A(3) of the FOI Act.
9. [insert as applicable] Section 22 of the FOI Act allows an agency to prepare an edited copy of the relevant document/s, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request. Personal details (such as names, titles, telephone numbers, email addresses and photos) have been redacted in the relevant document pursuant to section 22 of the FOI Act.

## RIGHTS OF REVIEW

### Application for Internal Review of decision

10. Under section 54 of the FOI Act, you have the right to apply for an internal review of the decision if you disagree with my decision. If you make an application for review, another officer of APRA will be appointed to conduct the review and make a fresh decision on the merits of the case.
11. Under section 54B of the FOI Act, you must apply in writing for a review of the decision within 30 days after the day the decision has been notified to you (subject to any extension granted by APRA).
12. You do not have to pay any other fees or processing charges for an internal review, except any fees and charges applicable for providing access to further material, if any, in the document(s) released as a result of the review (for example, photocopying, inspection, etc).
13. No particular form is required to apply for review, although it is desirable (but not essential) to set out in the application, the grounds on which you consider that the decision should be reviewed.
14. An application for internal review of the decision should be:
  - (i) sent by email to [foi@apra.gov.au](mailto:foi@apra.gov.au) (preferred); or
  - (ii) sent by post or hand delivered, addressed to:

FOI Officer  
Australian Prudential Regulation Authority  
GPO Box 9836  
Sydney NSW 2001.

15. If you make an application for internal review and we do not make a decision within 30 days of receiving the application, we are deemed to have affirmed the original decision. However, under section 54D of the FOI Act, APRA may apply, in writing to the Information Commissioner, before that deadline, for further time to undertake the internal review.

## Application for review by Information Commissioner

16. Under section 54L of the FOI Act, you also have the right to apply to the Information Commissioner for a review of the original decision set out in this Notice of Decision or a review of this decision made on internal review.
17. Any application must be in writing and must give details of an address where notices may be sent and include a copy of the original decision or the decision made on internal review.
18. An application for review by the Information Commissioner may be lodged with one of the following:

Online	Complete and lodge the online review form at: <a href="https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review">https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review</a>  (Alternatively, you may download & complete the review form, then send it to the Office of the Australian Information Commissioner via post or email as detailed below)
Post	Director of FOI Dispute Resolution GPO Box 5218, Sydney NSW 2001
Email	foidr@oaic.gov.au

19. More information about your review rights under the FOI Act is available at: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/>.

## Application for review by Administrative Appeals Tribunal

20. If you apply for a review by the Information Commissioner, you may be entitled to seek a subsequent review of the Information Commissioner's decision by the Administrative Appeals Tribunal (AAT).
21. The AAT is an independent review body with powers that include the ability to make a fresh decision in relation to your FOI request. An application to the AAT for a review of an FOI decision does not attract a fee. The AAT cannot award costs either in your favour or against you, although it may in some circumstances recommend payment by the Attorney-General of some or all of your costs.
22. More information is available from the AAT at <https://www.aat.gov.au/apply-for-a-review/freedom-of-information-foi> or on 1800 228 333.

## Complaints to the Information Commissioner

23. You may complain to the Information Commissioner concerning action taken by APRA in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint.

[decision-maker's first name and person number]  
FOI Officer  
Australian Prudential Regulation Authority

## Document schedule

Document no.	Description	Exemption(s)	Access

## **FREEDOM OF INFORMATION ACT 1982 (CTH)**

### **11A Access to documents on request**

#### *Scope*

- (1) This section applies if:
  - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
    - (i) a document of the agency; or
    - (ii) an official document of the Minister; and
  - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.
- (2) This section applies subject to this Act.

Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:

- (a) section 12 (documents otherwise available);
- (b) section 13 (documents in national institutions);
- (c) section 15A (personnel records);
- (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

#### *Mandatory access—general rule*

- (3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

#### *Exemptions and conditional exemptions*

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
  - (a) a conditionally exempt document; and
  - (b) an exempt document:
    - (i) under Division 2 of Part IV (exemptions); or
    - (ii) within the meaning of paragraph (b) or (c) of the definition of **exempt document** in subsection 4(1).