

Corporate Policy: Freedom of Information

This Corporate Policy is issued under the authority of the Commissioner and should be read together with the [ACNC Policy Framework](#), which sets out the scope, context and definitions common to our policies.

Policy

1. This policy sets out the ACNC's approach to and management of access to information, including how the ACNC will comply with the [Freedom of Information Act 1982 \(Cth\)](#) (the FOI Act), the [Australian Information Commissioner Act 2010 \(Cth\)](#) (the AIC Act) and related provisions of the ACNC Act.

The FOI Act

2. The broad objective of the FOI Act is to give the public the right to access documents held by the Australian Government. As an Australian government agency, the ACNC is required to comply with the FOI Act.
3. The FOI Act gives members of the public the right to:
 - access copies of documents (except exempt documents) held by the ACNC
 - ask the ACNC to change or annotate information if it is incomplete, out of date, incorrect or misleading (where the information relates to the person making the request), and
 - seek a review of our decision not to allow access to a document or not to amend their personal records.
4. While a member of the public can ask to access any document held by the ACNC, the ACNC can refuse access to some documents, or parts of documents that are exempt. Exempt documents may include those relating to national security, documents containing material obtained in confidence and Cabinet documents, or other matters set out in the FOI Act, the ACNC Act, the [Privacy Act 1988 \(Cth\)](#) (the Privacy Act) and other legislation.
5. The FOI Act also sets out a range of pro-active disclosure measures including the requirement for all government agencies to have an Information Publication Scheme and an Information Disclosure Log.

The ACNC and the FOI Act

6. One of the statutory roles of the ACNC is to promote the transparent and accountable operation of registered charities in Australia and to make information about charities available to the public ([section 15-10\(b\)](#)). The ACNC recognises



that one way it can achieve this goal is to lead by example – we will operate and regulate in a way that is open, transparent and accountable to the public we serve.

7. The ACNC is committed to open and transparent operations, and unless there is a legal reason to protect the information we hold, we will make this information available to the public.
8. The ACNC will foster a pro-disclosure culture among its people, ensuring that all ACNC staff understand the ACNC's approach to information access.

Compliance with the FOI Act

9. This policy sets out the principles the ACNC will follow in order to make information accessible in accordance with the FOI Act.
10. The Commissioner has appointed an FOI Officer (the ACNC FOI Officer) who is the first point of contact for information access requests made to the ACNC. The ACNC FOI Officer can be contacted in the first instance by emailing advice@acnc.gov.au, calling 13 ACNC (13 22 62) or through post at GPO Box 5108, Melbourne, Victoria 3001.
11. All information access related matters should be referred to the ACNC FOI Officer, in accordance with ACNC procedures for handling information requests.
12. All matters related to information access will be acknowledged within 14 days of receipt, and will be resolved within statutory timeframes.
13. The ACNC FOI Officer will research the request and determine the initial response to the request, and this response will be signed by the Director, Legal.
14. In undertaking these functions, the ACNC FOI Officer will follow ACNC procedures for handling information requests and will be guided by the resources published by the [Office of the Australian Information Commissioner \(OAIC\)](#). All ACNC staff must follow ACNC procedures when handling information requests.

ACNC Information Publication Scheme

15. As required by the FOI Act, the ACNC has an [Information Publication Scheme](#).

Information Disclosure Log

16. In compliance with the FOI Act, the ACNC will make certain documents released in response to FOI requests available from [its website](#).

Principles

Principle 1: Starting point is open access to information

17. The ACNC will publish the ACNC Register, which will ensure that information about registered charities is publicly available. However, we will also hold a range of other information in documents such as information about charities that is not published, policies, procedures, manuals, guides, statistics, administrative information and other information.
18. In compliance with the pro-disclosure provisions of the FOI Act, we will proactively publish this information via the Information Publication Scheme and Information Disclosure Log.

19. While we will endeavour to be as open as possible, there are certain provisions in the FOI Act, the ACNC Act, the Privacy Act and other legislations that may restrict the information we might be able to provide to applicants. For example, the ACNC is prevented from disclosing information that is 'protected ACNC information' under Division 150 of the ACNC Act. In addition, if a person seeks a document containing the personal information of another person, there are provisions in the FOI Act¹ and the Privacy Act that apply to protect that information.
20. Where the ACNC is unable to grant a request for access to information, we will always explain the reasons for the decision and provide information about review and appeal rights.

Principle 2: Information to be made available outside the formal FOI process wherever possible

21. The ACNC understands that it is time consuming for the public to make formal FOI requests. The ACNC is committed to keeping its Information Publication Scheme and Information Disclosure Log as up-to-date as possible and will always provide information without requiring a formal FOI request where it is possible and lawful to do so.
22. Where it is necessary for an FOI request to be made, or where a member of the public prefers this process, the ACNC will explain our FOI process, provide a contact person for the information applicant, and respond within the timeframes required by the FOI Act.

Principle 3: Simple and transparent process

23. The ACNC will ensure that its process for providing access to information is straightforward, timely and easy for people to understand.
24. The ACNC will always provide information applicants with details of their review options within the ACNC, to the OAIC or the Commonwealth Ombudsman.

Principle 4: The ACNC will charge appropriately for access to information

25. The ACNC will make information available at the lowest reasonable cost and will reduce the cost of public access by publishing information online, especially information that is routinely sought by the public.

Definitions

document includes:

- any of, or any part of any of, the following things:
 - any paper or other material on which there is writing
 - a map, plan, drawing or photograph
 - any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them

¹ See section 47F FOI Act

- 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
- any article on which information has been stored or recorded, either mechanically or electronically
- any other record of information, or
- any copy, reproduction or duplicate of such a thing, or
- any part of such a copy, reproduction or duplicate;

but does not include:

- material maintained for reference purposes that is otherwise publicly available, or
- Cabinet notebooks.

information applicant – a person who has made a request for access to information held by the ACNC, whether via a formal FOI request or not.

personal information – information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

protected ACNC information – information that:

- was disclosed or obtained under or for the purposes of this Act, and
- relates to the affairs of an entity, and
- identifies or is reasonably capable of being used to identify the entity.

References

[Australian Charities and Not-for-profits Commission Act 2012 \(Cth\) s 15-10](#)

[Australian Information Commissioner Act 2010 \(Cth\)](#)

[Freedom of Information Act 1982 \(Cth\)](#)

[Privacy Act 1988 \(Cth\)](#)

[Privacy Policy](#)

[Information Publication Scheme](#)

Version	Date of effect	Brief summary of change
Version 1 - Initial policy	03/12/2012	Initial policy endorsed by the Commissioner on 06/12/2012