



## **Internal Review Policy**

### ***Information Act***

## **INTRODUCTION**

The Northern Territory *Information Act* gives any person:

1. the right to request access to government information (including personal information) held by Northern Territory Treasury; and
2. the right to request correction of their personal information, if the information is inaccurate, incomplete or out of date.

This is subject to certain legislative requirements, exemptions and payment of fees.

When a person makes an application to access government information or correct their personal information, Treasury must make a determination 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 outcome of the initial request, the applicant has a right to seek an internal review by Treasury. 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 Treasury's Information Policy Officer to discuss the concern. If the matter is not resolved at this point, it may be resolved more formally through an internal review process.

An internal review is when someone, other than the person who made the first decision, considers the request afresh. In Treasury, the initial decision-maker is usually the Deputy Under Treasurer or Assistant Under Treasurer responsible for the work area to which the request related. The person who reviews the decision is usually a Deputy Under Treasurer or Assistant Under Treasurer from another area that was not involved with the original request or subsequent decision. The reviewer may affirm the original decision or 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:

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1. refused access to all the information;
  2. refused access to part of the information;
  3. information not located, identified or not in existence;
  4. time taken by Treasury 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/or
  7. amount charged.

## **HOW TO APPLY FOR AN INTERNAL REVIEW**

To request an internal review and avoid any delay, it is very important to:

- apply for an internal review within 30 days of receiving notification of the first decision;
- apply for an internal review in writing, using the standard form found at [http://www.nt.gov.au/ntt/info\\_act.shtml](http://www.nt.gov.au/ntt/info_act.shtml);
- 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 an address to which correspondence regarding the outcome of the review may be forwarded.

An internal review cannot commence if any of the above items are insufficiently addressed.

## **WHAT MUST TREASURY DO WHEN IT RECEIVES AN INTERNAL REVIEW REQUEST?**

Treasury's policy is to reconsider initial decisions as promptly as possible.

Once Treasury 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, if adequate, confirms that it has been received, in writing to the applicant. The Information Policy Officer then arranges the internal review with an appropriate delegated officer not involved in the initial decision.

Treasury will notify the applicant of the outcome of the review within 30 calendar days.

Treasury may decide to confirm or vary the initial decision in whole or in part; or may revoke the initial decision in whole or in part and substitute another decision.

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Treasury can refuse to review the decision if satisfied that the application for review was not made within 30 days of the applicant being notified of the initial decision.

### **ARE THERE ANY COSTS INVOLVED?**

There is no fee payable for an internal review.

### **WHAT IS AN EXTERNAL REVIEW?**

If an applicant is dissatisfied with the outcome, or the handling of the internal review conducted by Treasury, they may seek an independent external review from the Information Commissioner, although the internal review must normally be completed before such a request can be made. (It should be noted that there was 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 Treasury under the *Information Act*. If the Information Commissioner considers that a different decision should have been made given the circumstances of the case, he/she can direct Treasury to revise the decision as appropriate. The Information Commissioner may also review the fees and charges levied by Treasury 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 *Information 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 Treasury.

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 about access to government information, the Commissioner and decision-makers within Treasury must not be concerned about or take into consideration the applicant's reasons for seeking access.

### **HOW TO SEEK AN 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.

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## APPEAL TO THE SUPREME COURT

The *Information Act* provides that a person aggrieved by a decision of the Information Commissioner under the Act 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.

## FURTHER INFORMATION

For questions or concerns about the *Information Act* and related policies, contact Treasury's Information Policy Officer.

For other information, refer to the Treasury website: [www.nt.gov.au/ntt/info\\_act.shtml](http://www.nt.gov.au/ntt/info_act.shtml).

## LEGISLATION

A list of the legislation and policies relating to the internal review process is provided below. If further advice is required in relation to any specific legislation, inquiries should be directed to the Information Policy Officer or the relevant agency responsible for enforcing compliance with the legislation.

Legislation and Related Policies	Agency Responsible
<i>Information Act</i>	Department of Justice
Northern Territory Government Records and Archives Management Standards	Northern Territory Archives Service (Department of Corporate and Information Services)
Public Sector Management Code of Conduct	Office of the Commissioner for Public Employment
Northern Territory Treasury Privacy Policy	Northern Territory Treasury
Northern Territory Treasury Access Policy	Northern Territory Treasury
Northern Territory Records Management Policies	Northern Territory Treasury