

## Your rights to review and appeal

Under the *Freedom of Information Act 1991*(SA)

### Internal Review

If you are unhappy with a determination made by the University of Adelaide in response to your:

- Freedom of Information (FOI) application for access to a document; or
- FOI application for amendment to your personal records.

in most cases, you are entitled to apply for an Internal Review of that determination.

### When can't I apply for an Internal Review?

If the determination on your original application was made by the Vice-Chancellor rather than an accredited FOI Officer within the University, you cannot apply for an Internal Review. However, you can apply for an External Review by the Ombudsman SA, or apply for a review by the South Australian Civil and Administrative Tribunal (SACAT) – see below.

### Request an Internal Review

An Internal Review must be lodged within 30 calendar days of you receiving the determination that you are unhappy with.

Applications must be made in writing in accordance with Section 29 or Section 38 of the FOI Act or by using the *FOI Application Form for Internal Review of a Determination* available on the University's FOI website at <https://www.adelaide.edu.au/legalandrisk/freedom-of-information/asking-for-an-foi-decision-review#internal-review>.

The Vice-Chancellor makes the determination on internal review.

### How much does an Internal Review cost?

An application fee must be paid when you lodge your Internal Review application if you are requesting a review of a determination in response to your request for access to documents.

There is no application fee for an Internal Review of a determination in response to an FOI application for amendment to your personal records.

Further information can be found in our fact sheet *Schedule of Fees and Charges* on the University's FOI website at <https://www.adelaide.edu.au/legalandrisk/freedom-of-information/foi-forms-fact-sheets>.

If as a result of an Internal Review the University changes or reverses a determination so that access to a document is or will be given, an Internal Review application fee paid by the applicant will be refunded.

### What if I am a concession card holder or cannot afford to pay?

If you are the holder of a current concession card or student identification card issued by a secondary or tertiary educational institution, you are entitled to a fee waiver. You should attach a copy of your concession card to your completed internal review application form.

You may also apply for a waiver or reduction of fees or charges on the grounds of financial hardship. You will need to give written reasons as to why the payment of a fee would cause you financial hardship.

## How long does an Internal Review take?

The University will determine your Internal Review application within 14 calendar days of it being received.

If the University does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review), you are entitled to apply for an External Review by the Ombudsman SA or a review by the South Australian Civil and Administrative Tribunal (SACAT). See the External Review section below.

## External Review by Ombudsman SA

If you are unhappy with an Internal Review determination, or if you are unable to apply for an Internal Review, and you are unhappy with the determination, you have the right to apply to Ombudsman SA for an External Review.

## How long will an External Review take and how much will it cost?

If you wish to make an application for an External Review by the Ombudsman, you must do so within 30 calendar days after being notified of the determination. However, the Ombudsman SA can extend this time limit at their discretion. There is no fee or charge for External Reviews undertaken by the Ombudsman.

There is no time limit for the Ombudsman to complete an external review. The Ombudsman can take as long as reasonably necessary to process the application and make a determination. For more information, please contact Ombudsman SA.

### Contact Details:

#### Ombudsman SA

Phone: 8226 8699

Email: [ombudsman@ombudsman.sa.gov.au](mailto:ombudsman@ombudsman.sa.gov.au)

Website: [www.ombudsman.sa.gov.au](http://www.ombudsman.sa.gov.au)

## Review by SACAT

Alternatively, you may apply for a review of the determination by SACAT.

You must exercise your right of review with SACAT within 30 calendar days after being advised of the above types of determinations or the results of a review. Any costs will be determined by SACAT, where applicable. For more information contact SACAT.

### Contact Details:

#### South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: [sacat@sacat.sa.gov.au](mailto:sacat@sacat.sa.gov.au)

Website: [sacat.sa.gov.au](http://sacat.sa.gov.au)