



Australian Government

**Australian Commission for
Law Enforcement Integrity**

FREEDOM OF INFORMATION

The object of the *Freedom of Information Act 1982* (the FOI Act) is to "extend as far as possible the right of the Australian community access to information in the possession of the Government of the Commonwealth". By virtue of section 15 of the FOI Act, any person is entitled to apply for access to documents of a Commonwealth Government agency that fall within the scope of the Act.

The FOI Act is not an exhaustive code. It does not prevent or discourage the giving of access to any exempt document to which access can lawfully be given other than under the FOI Act. It is a minimum not a maximum standard.

ESTABLISHMENT

The Australian Commission for Law Enforcement Integrity (ACLEI) was established by the *Law Enforcement Integrity Commissioner Act 2006*. The Act came into effect on 30 December 2006.

ACLEI is responsible for detecting, investigating and preventing corruption issues within law enforcement agencies (presently being the Australian Federal Police and the Australian Crime Commission). ACLEI is also responsible for maintaining and improving the integrity of staff members of law enforcement agencies.

ORGANISATION

ACLEI is situated in Canberra and consists of the Integrity Commissioner, and investigative, legal and corporate personnel.

The Integrity Commissioner is a statutory officer appointed under the *Law Enforcement Integrity Commissioner Act 2006*. Staff are employed under the *Public Service Act 1999*.

The Integrity Commissioner may investigate a 'corruption issue' relating to a present or former staff member of a law enforcement agency. The Commissioner may do so on referral of a corruption issue by the head of a law enforcement agency, the Minister, the Commonwealth Ombudsman, or another government agency (Commonwealth, State or Territory). The Commissioner can also investigate a potential corruption issue arising from a member of the public; or commence an investigation using his or her 'own motion' powers under the *Law Enforcement Integrity Commissioner Act 2006*.

REQUESTS FOR INFORMATION

If you are interested in obtaining information from ACLEI, it is a good idea to telephone first to find out the most efficient way to do so. Sometimes a formal Freedom of Information (FOI) request may be needed, but this is not always the case.

If you are intending to make a request for access, could you please provide as much information as possible about the documents you are seeking access to and a contact telephone number or e-mail address so you can be contacted, if necessary, to discuss the request.

The information on the form below is used to assist identifying relevant personal information, where requested. This form can be used to make a request, if you wish.

The FOI Coordinator of ACLEI has been authorised to disclose the following information to a person who has advised the Integrity Commissioner of a potential corruption issue, or to a person known to be acting on their behalf:

- Correspondence to ACLEI received from them
- Correspondence to them from ACLEI
- Records of telephone and personal discussion involving them, unless those records contain information which the officer deciding the FOI request considers to be sensitive, or the disclosure of which would be contrary to the confidentiality provisions of the *Law Enforcement Integrity Commissioner Act 2006*; a non-sensitive portion of any such document may be disclosed
- Other documents where the officer making the disclosure is satisfied that the person would have already seen them (for example, copies of correspondence between the person and the agency, which is the subject of their issue).

INFORMATION HELD BY AUSTRALIAN COMMISSION FOR LAW ENFORCEMENT INTEGRITY

The Integrity Commissioner holds information in the following broad categories:

The Integrity Commissioner holds information related to:

- Investigations and inquiries, including information about corruption issues; correspondence and records of consultations with people providing information, with agencies and other information sources; records related to ACLEI's use or proposed use of coercive, covert and intrusive powers for investigative purposes; background material; records of conversations; analysis and advice; and reports
- Legal matters, including legal documents, opinions, advice and representations
- Policy matters, including minutes of meetings, research, administrative and operational guidelines
- Administrative matters, including the Integrity Commissioner's role as the chief executive of an Australian Government agency with a particular set of responsibilities, and in terms of the development or implementation of administrative process, policy or legislation, and
- Corporate and management matters, including staffing, contracting and financial records, and information about asset management.

INFORMATION THAT MAY BE DISCLOSED

The information ACLEI holds may be disclosed in accordance with the *Freedom of Information Act 1982* (FOI Act) in the following circumstances:

On request

For example, in relation to information sought by a person about the investigation of his or her own corruption issue, where:

- the documents are routine
- an ongoing investigation will not be prejudiced
- there is no other interest likely to be adversely affected by disclosure
- the release does not infringe the confidentiality provisions of the *Law Enforcement Integrity Commissioner Act 2006*.

Making a Freedom of Information (FOI) request

The request must:

- be made in writing
- provide enough information for ACLEI to identify the documents sought
- specify an address within Australia for notices to be sent
- be accompanied by a \$30 application fee.

FOI requests should be sent to:

FOI Coordinator
Australian Commission for Law Enforcement Integrity
GPO Box 305
Canberra City ACT 2601
Tel: (02) 6229 9333
Fax: (02) 6230 7341
Email: contact@aclei.gov.au

Fees and Charges

APPLICATION FEES

- There is an application fee of \$30 for FOI requests.
- There is a separate application fee of \$40 for internal review of a decision.

EXEMPTION AND REMISSION

Remission of fees can be sought having regard to, amongst other factors, financial hardship or public interest.

In deciding whether to reduce or not to impose a charge, the decision-maker must, amongst other things, take into account whether payment of the charge, or part of it, would cause the applicant financial hardship and whether the giving of access to the documents is in the general public interest.

A person seeking a remission of fees should make a request and provide sufficient evidence in writing, for the FOI Coordinator to consider the request.

Until the application fee for an FOI request is paid, or a decision is made regarding an application to remit the application fee, an FOI request will not be processed.

DEPOSITS

Where a deposit has been sought or a charge imposed, no further action is taken by ACLEI until payment is received.

Cheques and money orders are to be made payable to Australian Commission for Law Enforcement Integrity.

In addition to the application fee, further charges for processing an FOI request may also apply.

PROCESSING CHARGES

- The charge for locating documents is \$15 per hour.
- The charge for agency decision-making and consultation time is \$20 per hour.
- There are charges in relation to the provision of access (eg: 10c per photocopy, \$6.25 per half hour supervised inspection and special rates for special services such as tape transcription or computer output).
- Requests for personal information may incur a maximum charge of two hours for locating documents and a further two hours for decision making time. Full rates for the provision of access apply.

REVIEW OF DECISIONS

The FOI Act provides three forms of review for those people who have sought access to documents under the Act, and are not satisfied with the response of an Australian Government department or agency to their request:

- Internal review by the agency to which the FOI request was made
- A complaint to the Commonwealth Ombudsman about a decision, a delay in providing information, or any other aspect of the agency's handling of the FOI request
- An appeal to the Administrative Appeals Tribunal (AAT) about an adverse internal review decision made by the agency.

If you are dissatisfied with ACLEI's decision on your request, you should first ask for the decision to be internally reviewed. If you are not happy with this internal review, you can complain to the Ombudsman or the AAT.

You can also complain to the Ombudsman about delays in receiving a decision, denial of access to documents or the agency's response to your request.

The Ombudsman can examine ACLEI's files and other records. If the Ombudsman finds that your complaint is justified he or she can recommend that the agency releases information, or in the case of delay, that the agency promptly resolves the FOI request.

If you make a complaint to the Commonwealth Ombudsman, your right of appeal to the AAT is frozen until the Ombudsman's investigation is finished. You can appeal to the AAT up to 60 days after the Commonwealth Ombudsman has informed you of the outcome of his or her investigation.

ADDITIONAL MATTERS

Processing an FOI request can take some time, especially if the number of documents sought is large. If the request for documents contains information about a person, company or organisation other than the applicant, ACLEI is required to consult with them before making a decision.

It may not be possible to obtain access to all of the documents sought in the request because some may be exempt from release under the FOI Act.