

## Freedom of Information – Avenues of appeal

Where you are not satisfied with a Freedom of Information (FOI) decision handed down by Ballarat Health Services, in the first instance we recommend contacting BHS to discuss the decision making process. However where you feel that these discussions have not resolved the issue, the following avenues are available to you.

Who	What	Timeframe	Contact details
Office of the Victorian Information Commissioner	<p>Applicants can refer decisions to the Information Commissioner where:</p> <ul style="list-style-type: none"> <li>• access to documents under the <i>Freedom of Information Act 1982</i> has been refused;</li> <li>• access to a documents has been deferred;</li> <li>• application fees have not been waived or reduced; or</li> <li>• amendment of a personal record has been refused.</li> </ul>	<p>Application for review by the Information Commissioner must be lodged with OVIC within 28 days of receiving written notification of refusal, or within 70 days of receiving written notification of refusal on the basis that release of the information poses threat to the safety of person/s.</p>	<p>Office of the of Victorian Information Commissioner (OVIC)</p> <p>PO Box 24274 Melbourne, Victoria, 3001 Australia Ph: 1300 842 364</p> <p>Email: <a href="mailto:enquiries@foiccommissioner.vic.gov.au">enquiries@foiccommissioner.vic.gov.au</a></p>
Health Complaints Commissioner	<p>Applicants may apply for conciliation by the Health Complaints Commissioner where access to medical records has been refused.</p>	<p>Application for conciliation must be lodged with the Health Complaints Commissioner 28 days from receiving written notification of refusal, or 70 days from receiving written notification of refusal on basis that release of health information poses threat to the safety of person/s.</p>	<p>Health Complaints Commissioner Level 26 570 Bourke Street Melbourne, Victoria, 3000 Australia Ph: 1300 582 113</p> <p>E-mail: <a href="mailto:hcc@hcc.vic.gov.au">hcc@hcc.vic.gov.au</a></p>
Nominated Health Provider	<p>Where access to records is refused on the grounds that access may pose a serious threat to the health or life of the individual, the applicant may nominate another health service provider to assess the grounds for the refusal to release documents.</p>	<p>The nomination of a health provider to conduct an assessment must be received by BHS within 21 days following receipt of notification of original decision OR within 21 days following a formal discussion with a BHS regarding the original decision.</p>	
Victorian Civil and Administrative Tribunal (VCAT)	<p>Applicants can apply to VCAT for a review regarding:</p> <ul style="list-style-type: none"> <li>• decisions associated with access charges;</li> <li>• decisions not to amend a document containing personal information;</li> <li>• decisions to refuse access that have been upheld by the Information Commissioner;</li> <li>• decisions of a principal officer (BHS CEO) refusing to grant access to a document in accordance with a request;</li> <li>• a 'deemed refusal' of an agency (where the agency has not made a decision in relation to your FOI request within the statutory time limit); and</li> <li>• matters unable to be resolved following conciliation by the Health Complaints Commissioner.</li> </ul>	<p>Within 60 days from the day on which notice in writing of the decision is received.</p>	<p>VCAT - Review and Regulation List GPO Box 5408 Melbourne, Victoria, 3001 Australia</p> <p>Ph: (03) 9628 9755</p> <p>E-mail: <a href="mailto:vcat-admin@justice.vic.gov.au">vcat-admin@justice.vic.gov.au</a></p>