



Australian Government
Registered Organisations Commission



POLICY

PP 005 / 26 MAY 2020

ROC Access to Information Policy



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About this policy

The Registered Organisations Commission (**ROC**) is the federal regulator of registered organisations in Australia, and is established under the [Fair Work \(Registered Organisations Act\) 2009](#) (the **RO Act**).

This policy explains how the ROC will make access available to information that is held by it and respond to any request for information.

Access to certain documents maintained by the ROC is allowed under Regulation 20 of the [Fair Work \(Registered Organisations\) Regulations 2009](#) (the **RO Regulations**). The ROC will also comply with the [Freedom of Information Act 1982](#) (the **FOI Act**).

Underlying Principles

We will release information when we can

We will endeavour to be as open as possible if you request access to information that we hold. There are certain provisions in the [FOI Act](#), the [Privacy Act 1988](#) (**Privacy Act**) and other legislation that may restrict our ability to provide information upon request. Where we are unable to provide access to the requested information, an explanation of the decision will be provided and the rights of review will be explained.

We understand that it is time consuming for members of the public to make formal FOI requests. Therefore, we are committed to keeping our published records and Disclosure Log as up-to-date as possible and we will provide information without requiring a formal Freedom of Information (**FOI**) request where it is possible and lawful to do so.

We respect people's privacy and confidentiality

We will maintain people's privacy and confidentiality in line with our obligations under the [Privacy Act](#) and the ROC's [Privacy Policy](#) and other legislation. Where a request for information would require disclosure of a third party's information we will (where practicable) consult with those parties prior to the information's release.

Prior to releasing information, unless we have a lawful obligation to do otherwise, we will delete personal information relating to others where it is apparent the information is not already known to the requesting party (such as addresses, phone numbers and email addresses).

If information has been provided to us under a mutual understanding that the information is confidential, we will not release the information without the permission of the person who supplied it. If permission to release the information is not given, the ROC will inform the party requesting access to the information that they may make an application under the [FOI Act](#).



We will then consider whether the information can be released in accordance with the [FOI Act](#).

We will communicate and be responsive

We will adopt processes for providing access to information that are straightforward, timely and easy for people to understand. When a formal FOI request is required, we will work with you and will endeavour to provide the information you want in the most efficient and least costly way possible.

We will always provide applicants for the release of information with details of their review rights both within the ROC and externally, for example to the [Office of the Australian Information Commissioner \(OAIC\)](#) or [Commonwealth Ombudsman](#).

Accessing ROC information

We provide access to information in the following ways:

- **Proactive publication of information, for example** through our [website](#) and [media releases](#)
- **Release** of information under Regulation 20 of the [RO Regulations](#), which gives a person the right to inspect and obtain a copy of documents lodged with the ROC (with certain exceptions, described below) and
- **Release via FOI application**, where information is not released otherwise or is not publicly available, and may be properly provided in response to an application made under the [FOI Act](#).

We will consider all relevant legislation and policies when considering requests for access to information.

Proactive publication of information

A formal FOI request is not required to access information that is publicly available. You should also check the information we have published on the [ROC](#) website to see if what you are seeking is already available.

Information that is frequently sought and can be found on our website includes:

- [lists of registered organisations](#)
- [annual returns](#) for each organisation, including notifications of changes to records
- [financial reports](#) for each reporting unit
- [election decisions](#)
- [officer and related party disclosure statements](#)



- [decisions](#) of the ROC Commissioner
- [tools and resources](#)
- links to relevant [legislation](#)
- links to [other agencies](#)
- [media releases](#)
- matters that are the subject of [current or completed court proceedings](#) (though not the detail of those matters) and
- matters that are the subject of [current or completed inquiries or investigations](#) under sections 330 and 331 of the RO Act (though not the detail of those matters).

For information in relation to the rules of registered organisations, including registration and rule alterations, and for right of entry permit matters, please refer to the Fair Work Commission (www.fwc.gov.au).

Release under the RO Act and Regulations

Section 329G of the RO Act governs the disclosure of information obtained by the ROC Commissioner or ROC staff while exercising powers or performing functions under the RO Act. Such information may only be disclosed where necessary or appropriate to particular persons in the course of performing or exercising functions or powers (including under the Fair Work Act 2009); or where the disclosure is likely to assist in the administration or enforcement of a law of the Commonwealth, a State or a Territory.

Additionally, the RO Regulations make provision for public access to many of the documents otherwise lodged with the ROC. In particular, Regulation 20(1A) provides for a person to inspect certain documents at the Commissioner's premises, after giving reasonable notice.

The general right of access to documents under Regulation 20 has no application to some types of documents. In these instances, access may still be able to be provided to members of that registered organisation in accordance with the provisions of those particular sections, for example:

- information sought by the ROC upon request to a registered organisation (s.236)
- statements of loans, grants and donations (s.237) and
- information sought by members (s.272).

Where any of the above information contains personal details such as dates of birth, home addresses and personal account details, the ROC approach (consistent with the ROC [Privacy Policy](#)) is to redact such details before supplying the information to the requesting party.



How do I request information?

Who am I?	Where should I direct my request?
A person acting on behalf of a registered organisation	<ul style="list-style-type: none"> The ROC Officer (if any) you have been dealing with in relation to your matter or Send an email to regorgs@roc.gov.au Please note: you may be required to provide proof of identity or authority
A person applying for registration as a registered auditor	<ul style="list-style-type: none"> The ROC Officer (if any) you have been dealing with in relation to your matter or Send an email to regorgs@roc.gov.au
A member of a registered organisation seeking access to documents under sections 236, 237	<ul style="list-style-type: none"> Send an email to regorgs@roc.gov.au
A representative of a law enforcement body	<ul style="list-style-type: none"> Send an email to regorgs@roc.gov.au detailing your request and the basis for it, or phone 1300 341 665 Requests will be closely assessed before disclosing personal information for law enforcement purposes
A representative of a Government agency or of an organisation with a Memorandum of Understanding with the ROC	<ul style="list-style-type: none"> Send an email to regorgs@roc.gov.au
A person making an FOI request	<ul style="list-style-type: none"> Send an email to regorgs@roc.gov.au Refer to 'How to make an FOI request' (below) for further details
A member of the public	<ul style="list-style-type: none"> Send an email to regorgs@roc.gov.au

FOI requests: your rights

If the information you want cannot be released in any of the other ways outlined above, you can make an FOI application to seek those documents.



The [FOI Act](#) gives a person the right to:

- access copies of documents of the ROC, other than documents that are determined to be exempt from disclosure under the FOI Act
- ask for information we hold about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading and
- seek a review of our decision not to give you access to a document or not to amend your personal record.

How to make an FOI request

An FOI request for access to documents must:

- be in writing
- state that the request is an application for the purposes of the [FOI Act](#)
- provide information about the document(s) you seek to access (which will help us locate them) and
- provide contact details so we can communicate with you (e.g. email, postal, address, and telephone).

You can send your request by email to regorgs@roc.gov.au or by post to GPO Box 2983, Melbourne VIC 3001.

If you ask a third party to make an FOI request on your behalf, you need to provide a specific, written authority for us to send copies of documents to you, care of that person, or to allow that person to inspect copies of documents containing information about you.

Collection and disclosure of your personal information – FOI Act and Privacy Act

The ROC may collect personal information about yourself and others when you make an inquiry, apply for access to information under the FOI Act and Privacy Act or make a submissions in relation to an FOI request.

Where practicable, the ROC will not disclose personal information you provide unless we are required or authorised to do so.

Please refer to the ROC [Privacy Policy](#) for more information on how we deal with your personal information.

How will requests for information be handled?

In deciding whether to grant access to information, the ROC will have regard to the [FOI Act](#), the [Privacy Act](#) and section 20 of the [RO Regulations](#), as well as the individual circumstances of each request.



Certain information or documents will not usually be released by the ROC. The following table provides an example of information or documents that may or may not be suitable for release.

Information which may be suitable for release	Information not suitable for release
<ul style="list-style-type: none"> • Information and documents provided to the ROC by the person or organisation requesting the release • Correspondence to and from the person or organisation requesting the release • Copies of documents containing the personal information of the requesting party • File notes of telephone conversations or interviews between the requesting party and the ROC (where a record of conversation was made) other than notes taken during mediation • Copies of any tribunal or court decisions/authority relied on in making a decision • Findings of contravention made following an inquiry or investigation under ss.330 and 331 of the RO Act • Information routinely published by the ROC, including: <ul style="list-style-type: none"> – Annual Returns lodged by registered organisations – Financial Reports lodged by reporting units of registered organisations – Officer and related party disclosure statements – Lists of registered auditors – Decisions of the ROC Commissioner – The parties whom the ROC Commissioner is currently inquiring into / investigating pursuant to sections 330 and 331 of the RO Act 	<ul style="list-style-type: none"> • Personal information relating to others¹ • Notes taken and other communications that took place during or connected to a mediation (as this is a confidential process) • Legal advice provided by the ROC's lawyers or by external legal providers or other material subject to legal professional privilege • Information or documents relating to current investigations and enforcement processes • Information or documents relating to a matter involving the ROC that is currently before the courts • Documents that could tend to disclose investigative processes • Documents containing deliberative content, such as recommendations currently under consideration, or internal case conference or briefing notes where a matter is still open or ongoing • Documents containing information which is likely to be of commercial value to a business. • Information related to disclosure which comes within the whistle-blower provisions (Part 4A of Chapter 11 of the RO Act)

¹ Decisions about information release in these cases will be made in accordance with the Privacy Act and the ROC Privacy Policy.



We will acknowledge within 14 days that we have received your FOI request.

We will send you a decision in writing within 30 days from the day after we receive the FOI request.

The timeframe for making a decision on an FOI request can be extended in certain circumstances.

For example, it may take longer than 30 days if we have to consult a third party before releasing information or documents that have personal information about them, business information or trade secrets. We will let you know if timeframes are extended.

As soon as practicable, we will also give you an estimate of any charges that apply to your request. Details of fees and charges, and the circumstances in which they may be requested, are outlined below.

The ROC reserves the right to refuse access to requested information, unless it is legally obliged to release it.

If we decide to refuse all or part of your FOI request or defer access to documents, we will provide you with a statement of reasons explaining the decision.

More information about the possible outcomes of an FOI request is available on the Office of the [Australian Information Commissioner \(OAIC\) website](#).

If you disagree with our decision

When we have made a decision about your FOI request, we will send you a letter explaining our decision and your review rights.

You can ask for the following decisions to be reviewed:

- if we refuse to give you access to all or part of a document or documents or if we defer giving you access
- if we impose a charge to process your FOI request or
- if we refuse to change or annotate information about you that you claim is incomplete, incorrect, out of date or misleading.

A third party who disagrees with our decision to give you documents that contain information about them can also ask for our decision to be reviewed.



Internal review

You can request in writing that we reconsider our decision through an internal review. An internal review will be conducted by another officer within the ROC. We will normally advise you of the internal review decision within 30 days of receiving your request. In limited circumstances, we may apply to the Information Commissioner for additional time to advise you of the internal review decision.

If you wish to lodge a request for internal review with the ROC, send your written request by email to regorgs@roc.gov.au or by post to GPO Box 2983, Melbourne VIC 3001.

Information Commissioner review

You can ask the Information Commissioner to review our original decision or our internal review decision within 60 days of the date of the relevant decision (or 30 days after you are notified of the decision, if you are an affected third party).

The Information Commissioner can affirm or vary the decision or substitute a new decision. The Information Commissioner may decide not to conduct a review in certain circumstances. More information is available at the [OAIC website](#).

Fees and charges

There is no application fee to make an FOI request however we reserve the right to impose a charge for providing access to information or documents and will do so in accordance with the rates set by the [FOI Act](#) and the [Freedom of Information \(Charges\) Regulations 1982](#). We 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.

These charges do not apply if the FOI request only relates to personal information about you.

If we decide to impose a charge, we will give you a written estimate and the basis of our calculation.

You can ask for the charge to be waived or reduced for any reason, including financial hardship or on the grounds of public interest. If you do so, you should explain your reasons and you may need to provide some evidence. We will then decide whether to grant the waiver or reduce the charge.



FOI Disclosure Log

In compliance with the FOI Act, we will publish certain information or documents released in response to FOI requests in our Disclosure Log where appropriate.

The FOI Disclosure Log contains information released by the ROC in response to requests under the FOI Act.

The Disclosure Log requirement does not apply to:

- personal information about any person if publication of that information would be unreasonable
- information about the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable
- other information covered by a determination made by the Australian Information Commissioner if publication of that information would be unreasonable or
- any information where it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete the information listed above.

Complaints

If you are unhappy with the way we have handled your request, you can make a complaint to the Information Commissioner who may investigate our actions. More information is available on the [OAIC website](#).

The Commonwealth Ombudsman can also investigate complaints about our actions. However, the Commonwealth Ombudsman and the Information Commissioner will consult to avoid the same matter being investigated twice.

Contact us

If you wish to request information from the ROC or have any general inquiries please contact the ROC by email at regorgs@roc.gov.au or post to GPO Box 2983, Melbourne VIC 3001.