



Department of Defence Administrative Access Guidelines

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1. Introduction

This document is designed to support Defence personnel in promoting open government through the administrative release of information. It aims to assist personnel understand the underlying basis of administrative access and release, to make informed decisions about the types of documents and information most suitable for avenue for release and when to consider alternative options such as the FOI process or escalation.

The information in this document is supported by publicly available content on Defence's website <https://www.defence.gov.au/about/information-disclosures> for current and ex-serving ADF members, APS employees, families and representatives. It provides clarity for applicants around the best and most efficient ways for them to access information, before making a request.

This document is supported by a range of products that enable Defence personnel to meet the intended outcome/s and should be read in conjunction with the following:

- a) LINK to Redaction Policy
- b) [Consent advice](#)
- c) [Defence Privacy Policy](#)
- d) [Administrative access - Home \(oaic.gov.au\)](#)
- e) [Support services \(trauma informed approach\)](#)

2. Acronyms and Definitions

The following words, acronyms and abbreviations are referred to in this document.

Term / Acronym	Definition
ADF	Australian Defence Force
APP	Australian Privacy Principles
APS	Australian Public Service
FOI	Freedom of Information
OAIC	Office of the Australian Information Commissioner
POD	Proof of Death
POI	Proof of Identity
POR	Proof of Relationship
IAU	Information Access Unit
USB	Universal Serial Bus

3. Scope

3.1 This document applies to all Defence personnel.

Administrative access and release may involve:

- a) providing information or documents when requested by a member of the public;
- b) collating and releasing data or statistics following a specific request;
- c) designating an access arrangement for information or documents the agency is commonly asked for; and

- d) establishing a formal access arrangement for ADF members and APS employees seeking their own personnel records.

3.2 Requests for information can be made by:

- a) current and ex-serving ADF members including Reservists;
- b) current and previous APS employees;
- c) their families;
- d) advocates and/or representatives; and
- e) members of the public.

3.3 Some examples of information that may be appropriate for administrative release under this policy include:

- a) medical or service records;
- b) payments history;
- c) documents provided to or supplied by the applicant;
- d) an individual's own personal information;
- e) data or statistics that are not already available online; and
- f) policies and guidelines that are not already available online.

4. Background

- 4.1** These guidelines have been developed in response to *Recommendation 9: Improve administrative release of information* made by the Royal Commission into Defence and Veteran Suicide in their Interim Report released in August 2022. The Royal Commission recommended that the Australian Government should immediately prioritise the use of administrative release and proactively work with applicants to facilitate access via this process.
- 4.2** The *FOI Act* provides a person with a legal right of access to documents held by Defence. The *FOI Act* provides an exhaustive list of reasons why a document, or part of a document, may be exempt from release. FOI is an administratively complex process and there may be more efficient ways of releasing information to applicants.
- 4.3** Individuals also have the right to request access to their personal information under Australian Privacy Principle (APP) 12 and the *Privacy Act 1988* (Cth).
- 4.4** In addition to the above options, guidelines issued under section 93A of the *FOI Act* by the Office of the Australian Information Commissioner ([FOI Guidelines](#)) make it clear that it is open to agencies to consider administrative access as an option to release information outside of the *FOI Act*, APP12 in the *Privacy Act* or other legislative avenues.

5. What is Administrative Release?

- 5.1** Administrative release is access to information held by Government, in response to a specific request, outside formal legislative processes
- 5.2** Access to an individual's own information should be facilitated by Defence through administrative release processes.
- 5.3** The *FOI Act* requires agencies to direct current or former employees to access their personnel records through administrative arrangements before seeking documents through the *FOI Act*. Section 15A states that where there is an established procedure in place in the agency, a current or former employee **must** use this procedure to access their personnel records. A person who is not satisfied with the outcome or who is not notified of the outcome within 30 days may then make an FOI access request (s15A(2)).

6. What can be released administratively?

6.1 Types of information that may be requested under administrative release include:

- a) Personal information and records which an applicant is requesting about themselves, for example:
 - i. medical or service records;
 - ii. payments history;
 - iii. applications or claims made by the applicant and Defence's assessment of those applications or claims;
 - iv. records of contact with an applicant; and
 - v. documents provided to or supplied by the applicant.
- b) Personnel records of current or former employee/member of Defence who are still living, provided that person consents to the applicant having access or another exemption in APP6 in the *Privacy Act 1988* applies (the person information of deceased persons is not protected under the *Privacy Act 1988*)
- c) Documents available through self-service in '[DefenceOne](#)' Self Service portal.
- d) Departmental information that may be requested and considered for administrative release
 - i. information which is published on Defence's website;
 - ii. information which is published on Defence's website and which an applicant would like to access in a different format;
 - iii. statistics or data relating to Defence key functions and activities, excluding data containing personal information and sensitive unit level data about individuals; and
 - iv. documents that support the administration of Defence as a Commonwealth agency such as policy documents.

6.2 Care should be taken in relation to the administrative release of personal information under APP12 in the *Privacy Act 1988* as an alternative to release under the FOI Act. APP12 effectively provides that Defence is not required to give access to the extent that Defence is required or authorised to refuse to give access under the FOI Act, or any other Commonwealth legislation that provides for access to documents.

7. Benefits of administrative access

7.1 The OAIC state the benefits of administrative release of information can provide a quicker, more flexible and inexpensive alternative to providing access to government information through the *FOI Act* request process. The process also advances the objective of the *FOI Act*, which include:

- a) increasing public participation in Government processes, with a view to promoting better-informed decision-making;
- b) increasing scrutiny, discussion, comment and review of the Government's activities;
- c) increasing recognition that information held by the Government is to be managed for public purposes, and is a national resource; and
- d) facilitating and promoting public access to information, promptly and at the lowest reasonable cost.

7.2 In addition, it is consistent with the Productivity Commissioner's [Data Availability and Use - inquiry](#) to improve access to data.

8. What are the limitations on administrative access?

- 8.1** The applicant has no legislated right of review under administrative access and the applicant must be informed of the implications of agreeing to seek information through administrative release.
- 8.2** Defence may be legally obliged to refuse to produce some information or to redact some information sought under administrative access in a similar manner to that applying under the *FOI Act* or other legislation. This can extend to information that involves personal information of another person or sensitive or confidential information that would not be released in the formal processes. This has been mentioned above in relation to administrative access under APP12 in the *Privacy Act 1988*.
- 8.3** Defence is required to consider applicable legislation and the APP guidelines when considering the administrative release of information. The OAIC and [APP 12 — Access to personal information](#) provide guidance on the considerations for refusing to give access.
- 8.4** Release of information or documents under administrative release arrangements may not be appropriate where:
- a) statutory secrecy provisions prevent release of the information;
 - b) release may breach the *Privacy Act*, for example, a dataset containing personal information that has had identifiers such as names and addresses removed but still has the potential to be re-identified in whole or in part (for advice about de-identification, refer to the OAIC's publication *De-identification* and the *Privacy Act*);
 - c) a third party may object to the release of the information, and the request is better handled under the third-party consultation procedures in the *FOI Act*;
 - d) more than minor redactions are likely to be made to the documents; or
 - e) the applicant has indicated that they wish to have the opportunity, if refused information, to apply for independent review of the agency's decision under the *FOI Act*.
- 8.5** Applicants are to be appropriately informed before they make an application, and where possible should be guided to [Defence website](#) for information about the different mechanisms.

9. Types of information not suitable for administrative release

- 9.1** The following types of information may require significant treatment to manage sensitivity and security issues before being released. As such they may not be appropriate for release under administrative release:
- a) sensitive personal information that may be harmful to the mental well-being or emotional condition of an individual. It is possible that the information may be released administratively, however where potential risks or sensitivities are known or identified, consideration should be given to putting steps in place to ensure the safety and wellbeing of the applicant on receipt of such sensitive information (refer to the below section on supported release of information);
 - b) personal information of third parties and non-Senior Executive Service staff members;
 - c) business, financial, or commercial information of third parties;
 - d) documents containing material obtained in confidence;
 - e) legal advice provided to or within the Department;
 - f) documents relating to a current legal investigation or prosecution;
 - g) cabinet documents, including drafts;
 - h) advice to Ministers or their offices;
 - i) documents concerning an internal disciplinary or employee grievance matter; and
 - j) documents that are expressly prohibited from disclosure under legislation, for example,

under statutory secrecy provisions.

- 9.2** Whilst not exhaustive, documents or information falling within the above categories may not be suitable for request under the administrative release process. Any requests or enquiries about access to the information listed above should be directed to the Information Access Unit (IAU) for assessment and handling

10. Identifying the need for escalation

- 10.1** Situations where you should consider escalating the request to your supervisor or the Information Access Unit (IAU) include:

- a) the need for considerable redactions has been identified;
- b) that administrative access is not the pathway recommended for the situation;
- c) decision or guidance is needed about the release of some information;
- d) there is concern about the validity of the consent;
- e) documents cannot readily be put into a format which can be easily released which means content could be altered or edits and comments remain embedded;
- f) if the request for documents is extensive and greater than 30 days will be required in order to release the information; and
- g) it is assessed that content in the documents requested for release may cause harm to the applicant and that a supported release is required.

11. What is a supported release of information?

- 11.1** Duty of care is an important consideration when processing administrative access requests and the final release of Defence information to an applicant.
- 11.2** Where it is known or identified that potential sensitivities are present, the applicant is contacted to assess the level of risk and provide support. Where determined by the releaser that a degree of risk is present, in consultation with the applicant to obtain consent, records can be released to a health care provider to support the applicant in review and understanding of the information contained.

12. What is the difference between administrative release and an FOI request?

- 12.1** The FOI site provides for a comparison table showing the differences between FOI requests and administrative access requests. The comparative table can be viewed here: [FOI Vs Administrative access](#)

13. What information does Defence already publish?

- 13.1** Defence proactively releases non-personal information on its website under [Information disclosures |](#)

13.2 Examples of information which is publicly available on Defences website include:

- a) details of the Department's structure, functions, and responsibilities;
- b) operational information;
- c) annual reports;
- d) responses to Parliament;
- e) reviews;
- f) statutory appointments;
- g) consultation arrangements; and
- h) routinely requested information, including on Defences FOI disclosure log.

13.3 Defence's corporate reports are also available on the [Australian Government Transparency Portal](#). Applicants should be referred to the publicly available information if such a request is received.

14. How to apply for administrative access to information

14.1 Defence does not mandate a prescribed format required of applicants making a request for administrative access. In the interest of encouraging an open and transparent government and enhancing administrative release of information applicants can make a request in writing or by phone and must clearly identify:

- a) the information or documents the applicant is seeking;
- b) the applicant's contact details;
- c) proof of identity, relationship, consent, or authority to act (as appropriate); and
- d) a method by which the Department can reply, for example an email or postal address.

14.2 Whilst Defence does not mandate the format in which a request can be made, to assist an applicant to make a request under administrative release or FOI, the use of a dynamic Webform application is the preferred method and applicants should be guided to use it where possible, access to the form can be found here www.defence.gov.au/information

14.3 The Webform ensures the minimum amount of information required by Defence is gathered and limits the need for re-contact with the applicant.

14.4. Where an applicant is not able to obtain the information being sought via administrative release Webform or does not have access to internet, the applicant can phone 1800 DEFENCE (1800 333 362) for assistance on submission of the form or guidance on access mechanisms for Defence. A member of the Information Access Unit (IAU) will be engaged to work with the applicant to adequately assess the request and more effectively manage the applicant.

14.5 Applicants can submit a request for the administrative release of information by:

- a) Completing the [personal information request form](#)
- b) Calling 1800 DEFENCE (1800 333 362); or
- c) Emailing yourcustomer.service@defence.gov.au

15. Methods of releasing information

15.1 Requested information can be provided to applicants as paper-based documents, electronic records or released on electronic storage devices such as a Universal Serial Bus (USB). Information may also be provided through a third party, such as a medical practitioner, or by producing a summary of the information to the individual. Where possible, Defence will try and release the information in the format

requested by the applicant. If this is not possible, Defence may discuss other options with the applicant.

16. Establishing proof of identity

16.1 Defence must be satisfied that the identity of the individual concerned with an administrative access request is established.

16.2 The steps appropriate to establish an individual's identity will depend on the circumstances of the request including whether the individual is already known or readily identifiable, the sensitivity of the personal information being requested, and the possible adverse consequences for the individual of unauthorised disclosure.

16.3 Identification requirements as a minimum:

Table 1

Category	POI (Table 2)	POR (Table 3)	Consent (Table 4)	additional documentation (Table 5)
Serving ADF member or APS Employee	<i>Email from a Defence account incl. signature block, with request</i>			
Serving ADF member or APS Employee without Defence email access	✓			
Ex-serving member	✓			
Family of living member/ex-member	✓		✓	
Family of deceased member/ex-member	✓	✓		✓
Advocate / representative of living member/ex-member	✓		✓	
Representative to the family of a deceased member	✓	✓		✓

Table 2 - Certified copy – a photocopy certified by any one of these [Occupations](#)

POI	Proof of Identity for applicant
	<ul style="list-style-type: none"> A certified copy of identification of a primary identity document - Australian driver's licence, passport or birth certificate. A certified copy of a secondary identity document - Medicare card, Australian senior's card or RSL membership card. Where necessary, proof of name change is also required to establish proof of identity.

Table 3

POR	Proof of Relationship
	<ul style="list-style-type: none"> POI of the applicant and the member/ex-serving member, and: Proof of relationship – a certified copy of marriage certificate, death certificate or power of attorney. Where necessary, a certified copy proof of name change is also required to establish proof of identity. Consent from the member or ex-serving member – if alive.

Table 4

Consent	Consent **
	<ul style="list-style-type: none"> • Consent from the member or ex-serving member – if alive.

**** see para 17 for further information**

Table 5

Additional Documentation	<p>* In certain cases, evidence of court appointed executor or administrator of deceased person's estate or court sealed grant of probate is required.</p>
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16.4 If any element of the identity process is incomplete, the application cannot progress. The applicant will be provided advice of what was incomplete and supported to resubmit with the appropriate documents.

17. Consent to release information

17.1 Consent can be provided as 'express consent' either verbally or in writing, or 'implied consent' which may be inferred in the circumstances from the conduct of the individual. When obtaining consent, the four key elements to consider are:

- a) the individual is adequately informed before giving consent;
- b) the individual gives consent voluntarily;
- c) the consent is current and specific; and
- d) the individual has the capacity to understand and communicate their consent.

17.2 When an applicant is seeking their own personal information, and their POI has been confirmed, consent is implied through the act of the individual seeking the information.

17.3 When a third party seeks administrative release of the personal information of another individual, it is important that consent is in place or obtained or that evidence is provided to show authority to act on behalf of the individual. Defence requires that third party applicants provide written consent from the individual referred to in the application.

17.4 Defence will consider the application against [APP 6 — Use or disclosure of personal information](#) which outlines when Defence may use or disclose personal information and consult with the individual associated with the application to confirm consent where required

18. Release of information of a deceased persons

18.1 A request for release of the personal information of a deceased person can be sought under administrative access. A *Will*, *Grant of Probate*, *Letter of Administration* and/or other forms of proof of relationship may satisfy the legal requirement to release the personal information of a deceased person, including where the applicant's relationship status with the deceased member is unclear. Defence will support applicants to understand their particular circumstances and what evidence may be required.

19. Timeframes

19.1 APP 12.4(a)(i) provides that an agency must 'respond' to a request to release within 30 calendar days. The 30-day period commences on the day after the day the agency receives the request.

19.2 For requests for an individual's own personal information that are likely to take longer than 30 days due to the complexity or volume contained in the application, Defence must make the applicant aware

at the time of making the request and advise them of their rights

- 19.3** For non-personal information requests likely to take longer than 30 days, Defence must make the applicant aware at the time of the request of their right to make a request under the *FOI Act*.

20. Redactions

- 20.1** Information can be released to an applicant in full, when they contain information that is appropriate to release under administrative release.
- 20.2** Administrative release does not always provide access to information without restriction. Unless there is a lawful obligation to do otherwise, prior to release Defence will apply redactions to information which it considers is not appropriate for release under administrative release.
- 20.3** Refer to the *Defence Redaction Policy* for more information.

21. Charges

- 21.1** Defence does not charge any fees for documents provided under administrative release.

22. Review of an administrative access decision and complaints

- 22.1** There are no formal review rights under administrative release; however an applicant who disagrees with the decision about a request made under administrative release, can contact yourcustomer.service@defence.gov.au or 1800 DEFENCE (1800 333 362) for further information or guidance.
- 22.2** Alternatively, applicants may submit a formal complaint to the [Commonwealth Ombudsman](#) about how the request was handled or, if they sought access to their own personal information, make a [Privacy complaint](#) to the OAIC.

23. Recording of administrative access requests

- 23.1** Requests will be recorded and tracked via a Customer Relationship Management (CRM) system prior to work flowing to the applicable information custodians for information gathering and release. Information custodians are to inform the SIAU once a release has occurred to request closure in the CRM.
- 23.2** If a request for release of information is made directly to an information custodian, the request is to be recorded, tracked and reported to the SIAU

24. Formal requests for information

- 24.1** Where it may not be possible or appropriate for the Department to administratively release Information, formal requests for access to information can be made in the following ways:

a) Freedom of Information

A request can be made for access to documents Defence holds, with certain exceptions, under the *FOI Act*. Further information about requesting documents under the *FOI Act* can be found on Defences website at <https://www.defence.gov.au/about/information-disclosures/freedom-information>

b) Personal Information under the *Privacy Act*

A request can be made under APP 12 of the *Privacy Act*, which allows a person to request their own personal information subject to similar exceptions to those detailed under this

policy. Where possible, Defence will use administrative access to satisfy these requests.

25. Further information

- 25.1** In most cases, requests made for information or copies of documents can be dealt with informally and quickly through administration release. For further advice or assistance, please contact Defence's Information Access Unit (IAU) at yourcustomer.service@defence.gov.au or 1800DEFENCE (1800 333 362)
- 25.2** Further information about administrative access and other options for accessing information held by the Department of Defence can be found on Defence's website at <https://www.defence.gov.au/about/information-disclosures>

References

[Freedom of Information Act 1982 \(Cth\)](#)

[Privacy Act 1988 \(Cth\)](#)

[Office of the Australian Information Commissioner](#)