

Access to records under the Archives Act

Access to archival records

Access to archival records of the Commonwealth government is governed by the *Archives Act 1983*. Under the Act you have a right of access to most Commonwealth records in the *open access period*. Following amendments to the Act which were implemented on 1 January 2011, the open access period is transitioning from 30 years to 20 years over a period of 10 years. The open access period for Cabinet notebooks is also transitioning from 50 years to 30 years over the same period. The 99-year access rule for Census records remains unchanged.

The table below sets out the open access periods for Commonwealth records and Cabinet notebooks until 2021 when the new 20 year and 30 year open access periods apply.

Year Commonwealth record created	Year Cabinet notebook created	Open access period begins
1998 or 1999	1987, 1988 or 1989	1 January 2020
2000	1990	1 January 2021

Does the Archives Act apply to all records in the open access period?

The Act applies to all records except those of the Courts, some records of the Parliament, and some records held by other national collecting institutions, such as the Australian War Memorial and the National Library of Australia. You have a right of access to all other records in the open access period, including those held by government agencies.

Are all records available when they reach the open access period?

Under the Archives Act, most records are eligible for public access when they reach the open access period unless they are an exempt record as defined in section 33 of the Act. The National Archives assesses records to identify and withhold exempt information. Please see *Fact sheet 46 – Why we refuse access* for more information.

The National Archives' [Access Examination Policy](#) on the personal, business and professional affairs of a person provides additional information about the framework the National Archives uses to manage the release of information in records.

How often is exempt information withheld?

Most records (98 per cent) are wholly released for public access while less than two per cent are partially released. A very small percentage of records (–0.25 per cent) are wholly withheld because they consist entirely of exempt information.

Who decides if records should be withheld?

Certain National Archives' staff are delegated under the Act to examine records and make decisions about whether they can be released. Sometimes this is done in consultation with departments and agencies. Under the Archives Act we are required to release as much information as possible. If you have concerns about information that has been released, please email us at publicrelease@naa.gov.au.

Is there are limit on the number of applications I can submit?

While the National Archives does not impose a limit on the number of applications submitted by each individual, amendments to the Archives Act which took effect on 25 April 2019 allow the National Archives to unilaterally extend the period for notification of a decision – known as the 'consideration period' (90 business days) when an applicant has current applications for more than 25 items. The consideration period can also be extended with the applicant's agreement in other circumstances. This ensures the National Archives' resources are used equitably to service applications from all researchers. For further information, please see [Amendments made to the access provisions of the Archives Act 1983](#).

How long does the examination of records take?

While most examination is completed within a month, it may take up to 90 business days or longer to examine some files. We will let you know if there are delays. If we have not given you a decision within 90 business days or within the extended consideration period as notified, we are deemed to have made a decision refusing to grant you access and you may appeal. Please see *Fact sheet 12 – What to do if we refuse you access*, for more information.

How do I know if information has been withheld?

If the records that you have applied to see are exempted from public access, either in part or in whole, we will send you a written statement of reasons which tells you what information has been exempted, the one or more exemption categories that apply and why they apply. Details of all records containing exempt information are listed on RecordSearch. The Access status will show **Closed** or **Open with exception** and the Reason for restriction will give the exemption category or categories under which we have exempted the information.

What can I do if information has been withheld?

You can apply to have the decision reviewed by the National Archives. This process is known as internal reconsideration. If we confirm the decision you may appeal to the independent Administrative Appeals Tribunal (AAT) to have our decision reviewed. Please see *Fact sheet 12 – What to do if we refuse you access*, for more information.

How much do I have to pay?

There is no charge for obtaining access or for applying to the National Archives to review our decision. If you appeal to the AAT, an application fee will apply. Payment is required if you want the National Archives to provide copies of records.

Why is information withheld?

The information we exempt from public access falls into two broad areas:

Personal information – Some personal information may require exemption for at least the lifetime of the individual (eg medical histories, or details of personal relationships).

Information about the security of the Commonwealth and its residents – If its disclosure could adversely affect Australia's defence, security or international relations (eg details of the design and construction of weapons, or records about intelligence-gathering, or information passed to the Australian government in confidence by a foreign entity) it will be withheld. Please see *Fact sheet 46 – Why we refuse access*, for further information.