

What to do if we refuse you access

What can I do if I am refused access?

If the National Archives refuses you access to open access period records under the [Archives Act 1983](#), we will provide you with a written statement giving the reasons for our decision. In many cases only a small amount of information is withheld, so check the record first, read the statement explaining why the information has been withheld and, if necessary, ask reference staff for clarification. If you do not agree with our reasons, you may apply for a review of the decision.

The Act provides a two-stage appeal process:

- internal reconsideration of the decision by the National Archives, and
- review by the Administrative Appeals Tribunal (AAT).

What is an internal reconsideration?

An internal reconsideration is a review by the National Archives of the decision to refuse you access. The review is undertaken by a senior officer of the National Archives.

You may apply for an internal reconsideration:

- if the record you have applied to see is in the [open access period](#) and any open period material has been wholly or partially withheld from public access
- if access to the record is refused (or is granted subject to conditions) to ensure the record's safety and preservation
- if the record has been made available to you in a form (eg a photocopy) other than the form you requested (eg the original), or
- if the record cannot be located.

If you submitted an application for access and we have not notified you of a decision, within 90 business days or within any notified extended consideration period, you cannot apply for an internal reconsideration. You may appeal to the AAT or contact the Commonwealth Ombudsman (see below for more information).

How do I apply for an internal reconsideration?

To apply for Internal Reconsideration please email ref@naa.gov.au, providing the details of your application. There is no application fee. Your application must clearly identify the record (i.e. give the series number and control symbol) and give an address in Australia where we can notify you of our decision.

Applications should be lodged within 28 days of us notifying you of our decision to refuse or restrict access. We will advise you in writing of the result of your application for internal reconsideration within 30 business days. If we uphold our refusal of access you may then appeal to the AAT.

What is the Administrative Appeals Tribunal (AAT)?

The AAT independently reviews administrative decisions made by Australian government agencies, including the National Archives. It operates much like a court, but it is not necessary for you to have a lawyer to present your case.

The Tribunal reviews the relevant National Archives' decisions on their merits. It decides whether the correct decision has been made in accordance with the Archives Act and can uphold, modify or reverse our decision. If you disagree with the AAT's decision on your application you may appeal on a point of law to the Federal Court.

What decisions can the AAT review?

Section 43 of the Act sets out the grounds on which you may appeal to the AAT against our decisions. There are a range of decisions that can be reviewed by the AAT, including:

- Our internal reconsideration has confirmed our decision to refuse you access to open period material.
- You submitted your original application for access and we have not notified you of a decision within 90 business days or within any notified extended consideration period.
- You submitted your application for internal reconsideration more than 30 business days ago and we have not notified you of a decision.

Application forms for making an appeal to the AAT, and information about application fees, are available from the AAT's website (aat.gov.au). You can also contact the AAT on 1300 366 700.

The AAT has a registry in each capital city. Submit your application for review to whichever registry is most convenient to you. You are required to lodge your application within 60 days of whichever of the events described above applies.

When can I complain to the Ombudsman?

You may complain to the Commonwealth Ombudsman if you are dissatisfied with any aspect of your dealings with the National Archives.

If you complain to the Ombudsman about our handling of your application for access or appeal you cannot apply to the AAT for a review of the access decision until the Ombudsman has informed you of the result of the investigation.

Information about the Ombudsman and an online complaints form is available on the Ombudsman's website (ombudsman.gov.au). You can also contact the Ombudsman's office on 1300 362 072.

What if I am concerned about information that has been released?

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.

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.

For further information

Fact sheet 10 – Access to records under the Archives Act

Fact sheet 11 – Viewing records in the research centre