

Special access

The *Archives Act 1983* provides a public right of access to Commonwealth records once they enter the open access period. Some records however, cannot be released because of the type of information they contain.

The Archives Act allows certain categories of researchers to apply for special access to Commonwealth records not publicly available.

Who can apply for special access?

Under arrangements approved by the prime minister, the following categories of researchers are eligible to apply for special access:

- former governors-general, federal ministers and senior Commonwealth public servants, and authorised biographers of former office-holders seeking access to records relating to their subject's dealings while in office
- people who have been connected with the Commonwealth government who have deposited their personal records with the National Archives
- researchers preparing major works of national significance for publication.

Applying for special access

Former office-holders and official biographers

Applications for special access from, or on behalf of, a former governor-general should be directed to the Official Secretary to the Governor-General. If the application is from or on behalf of a former prime minister, minister or other authorised office holder, the application should be directed to the Department of Prime Minister and Cabinet.

Personal records depositors

Applications from people applying to access records that they have deposited with the National Archives should contact the National Archives' Personal Records Manager on (02) 6212 3937.

Researchers preparing works of national significance

Applications for special access made on the basis that the result of the research will be a major work of national significance should be directed to the Commonwealth agency or agencies which control the records to be used, using the [application for special access](#).

The National Archives can help you make an application for special access by giving you advice on which agencies you will need to approach, and by helping you identify, at series level, the records you may wish to access. The decision on your application for special access will be made by the agency or agencies which control the records.

We encourage you to discuss your project with the relevant agency before you make a formal application. In making its decision an agency will usually consider the applicant's intention to publish; the qualifications of the applicant, including previous publications; the benefits and costs to the Commonwealth of granting special access; any sensitivity related to the records involved, including defence, international relations or national security considerations; repercussions for individuals; and the privacy of individuals named in the records.

The agency will notify the applicant and the National Archives of its decision. A written explanation will be provided to you if your request has been refused. There is no right of appeal under the Archives Act against a decision to decline an application for special access. An applicant may contact the Commonwealth Ombudsman about the handling of their application, and may seek a review of the decision under the Administrative Decisions (Judicial Review) Act 1977.

Applications falling within this category require closer assessment by the delegate. Factors to be considered are set out in the [special access arrangements](#).

Processing special access applications

Decisions to approve or refuse applications for special access are made by a person who has been delegated the authority by the Minister responsible for the National Archives.

The National Archives administers requests from personal records depositors for access to their own records. In all other cases, however, decisions on special access applications lie entirely with the agency controlling the records. Agencies must notify the National Archives if they receive applications for special access.

There are restrictions on the ability of agencies to grant special access to certain types of records. If an agency receives a request that covers records in the following categories, it is mandatory that these be referred to the appropriate agency for decision: Cabinet; Executive Council; Office of the Governor-General; other governments; parliamentary departments; or security agencies.

Conditions for granting special access

A range of conditions may be applied to a successful application for special access:

- One agency cannot authorise special access to records controlled by another agency. As a result, if an applicant requires access to records of more than one agency there may be advantages if the agencies involved consult before responding to the application.
- Special access is granted to an individual – research assistants need to be separately authorised.
- You must agree to all of the agency's conditions before you can have special access to records. A number of standard conditions appear on the special access acceptance form, but the agency controlling the records may add further specific conditions. By signing the form you enter into an agreement concerning the conditions placed on your special access.
- The National Archives is required to provide details of all special access applications to the National Archives of Australia Advisory Council. This regular statement to the Advisory Council does not identify applicants.