

FOI and Privacy Laws

Commonwealth

The [Freedom of Information Act 1982](#) regulates documents created by the Federal Government (not state or territory government agencies).

[Privacy Act 1988](#) regulates personal information held by private and government organisations. This Act may be relevant where an application is for records held by a non-government agency and is not regulated by state or territory privacy legislation.

Australian Capital Territory

[Information Privacy Act 2014](#) regulates the storage and handling of personal information about individuals by ACT Government agencies.

The [Human Rights Act 2004](#) gives ACT individuals 'the right not to have unlawful or arbitrary interferences with your privacy'.

New South Wales

The [Government Information \(Public Access\) Act 2009](#) is an FOI law that regulates documents created by the NSW State Government.

The [Privacy and Personal Information Protection Act 1998](#) regulates personal information held by NSW state government agencies.

Personal information held by NSW private sector is regulated by the Privacy Act 1988 (Commonwealth).

Northern Territory

The [Information Act 2002 Northern Territory](#) is a single act that combines information privacy, freedom of information, and public records laws. It regulates NT government Agencies.

Commonwealth or private sector organisations operating in NT are regulated by the Privacy Act 1988 (Commonwealth).

Queensland

The [Right to Information Act 2009](#) regulates documents created by the Queensland State Government.

[Information Privacy Act 2009](#) regulates personal information collected and stored by Queensland government agencies.

Personal information held by private Queensland organisations may be regulated by the Privacy Act 1988 (Commonwealth).

South Australia

Since 2017, care leavers do not have to apply for access to their records under the [Freedom of Information Act 1991](#). In response to a recommendation by the Child Protection Systems Royal Commission, care leavers are eligible for access to their records according to Section 153 of the [Children and Young People \(Safety\) Act 2017](#).

South Australian privacy laws operate under Cabinet Direction. The [Privacy Committee of South Australia](#), which is part of State Records, is charged with applying the Information Privacy Principles set out in the Privacy Act 1988 (Commonwealth).

Tasmania

The [Right to Information Act 2009](#) regulates documents created by the Tasmanian State Government.

The [Personal Information Protection Act 2004](#) 'allows a person to access personal information', held by: 'public authority; any body, organisation or person who has entered into a personal information contract relating to personal information'; and, a 'prescribed body'.

Victoria

The [Victorian Freedom of Information Act 1982](#) regulates documents created by the Victorian State Government.

The [Privacy and Data Protection Act 2014](#) regulates personal information held by Victorian state government agencies and contracted service providers.

Personal information held by parts of the Victorian private sector may be regulated by the Privacy Act 1988 (Commonwealth).

Western Australia

The [Freedom of Information Act 1992](#) regulates documents created by the WA State Government.

WA does not have a current legislative privacy regime. The Information Privacy Bill 2007 (which drew on the Commonwealth Privacy Act 1988 and Victorian Privacy Act 2000) was presented to the WA Parliament in 2007 but did not become law.

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