

General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

The online triage tool on this website can help you to identify the different complaint bodies that may be able to assist you.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality; relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to anti-discrimination NSW, it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Office of the Victorian Information Commissioner (OVIC)

In this fact sheet, we introduce the Office of the Victorian Information Commissioner (OVIC). We outline how complaints can be made by people to the OVIC.

OVIC is the primary regulator and source of independent advice to the community and Victorian government about how the public sector collects, uses and discloses information. OVIC can investigate and handle complaints about how Victorian public sector agencies and Ministers handle FOI requests, independently review FOI decisions made by Victorian public sector agencies and Ministers and also investigate how Victorian public sector agencies and Ministers handle your personal information.

Legislation and Key Terms

Relevant Legislation:

The Office of the Victorian Information Commissioner (OVIC) is established under the *Freedom of Information Act 1982* (FOI Act) and has independent regulatory oversight of both the FOI Act and the *Privacy and Data Protection Act 2014* (PDP Act).

Below are links to legislation that is relevant to the Office of the Victorian Information Commissioner's complaint handling work.

- [Freedom of Information Act 1982](#)
- [Privacy and Data Protection Act 2014](#)

Key Terms: Below are key terms that appear throughout this factsheet and their meaning.

Agency means bodies or individuals that are authorised to perform a role on behalf of the government.

Community service provider: DFFH and private organisations funded by DFFH to provide services to support the welfare of children, young people, families and people at risk of homelessness.

Complaint means an expression of dissatisfaction where a response or resolution is wanted, expected or required.

Complainant means a person who has made a complaint.

DFFH means the Department of Families, Fairness and Housing.

FOI means freedom of information.

FOI Act means *Freedom of Information Act 1982*.

Minister means a government member chosen by the Premier of Victoria to take on extra responsibilities and is responsible for one or more policy areas, known as portfolios, and government department relevant to their portfolios.

PDP Act means *Privacy and Data Protection Act 2014*.

OVIC means the Office of the Victorian Information Commissioner.

Step 1: What type of Complaints can be made to this body?

Complaints can be made about how Victorian public sector agencies and Ministers handle FOI requests and OVIC can independently review FOI decisions made by Victorian public sector agencies and Ministers. OVIC focuses on complaints about, but not limited to:	
Sub-category	Example
Delay in processing FOI Requests	You should make a complaint if your Freedom of Information (FOI) request hasn't been processed within 30 days and no valid extension has been granted. Agencies must tell you if they need more time, otherwise, it may be considered a delay without cause. <i>Examples:</i> - Joan sent an FOI request to her Minister but hasn't heard anything back in 40 days and there's been no email advising of a time extension. - Amy's lawyer requested a police report for an insurance claim, but 60 days have passed without response or progress.
FOI Refusal – Document Doesn't Exist or Can't Be Found	You should make a complaint if you're told a document doesn't exist or can't be located, but you believe it should exist and that the agency didn't make a proper effort to find it. FOI requests must be for documents, not general information or answers to questions. <i>Example:</i> Jenny asked her council for records of her phone complaints about a neighbour's dog. She's told no records exist, even though the calls were recent and she believes notes must have been made.
FOI Complaint – Failure to Comply with FOI Professional Standards	You should make a complaint if a public sector agency doesn't follow the FOI professional standards. These standards include requirements like helping you make a valid request and responding on time. <i>Examples:</i> - James asked WorkSafe for copies of documents related to a workplace injury, but because he didn't use their specific form, they refused his request without helping him. - TAC failed to tell Angus within 21 days that his FOI request was not valid, even though the rest of the request was clear and he needed the documents to resolve an insurance dispute.
Breach of privacy	You should make a complaint if your personal information has been mishandled by a Victorian public sector organisation. This includes how your information was collected, stored, shared, or used in ways that don't follow the Information Privacy Principles (IPPs). <i>Examples:</i> Susan found out her council published a Word document with an embedded Excel sheet that included her full name, address, and gender. A journalist noticed the mistake and told the council, but it took 20 days to remove it.

	• <i>Bryan's personal information from VicRoads was passed on to a private company to process his registration renewal, but the company had a data breach, leaking Bryan's name, birthdate, and contact details.</i> • <i>Amina, who is blind, tried to access a government rent relief form online but couldn't complete it with her screen reader. When she called for help, staff told her they couldn't assist and there was no alternative format. Amina later learned that her personal details had been saved mid-form and may have been left unsecured.</i>
Breach of Protective Data Security	You should make a complaint if a public sector organisation doesn't follow the protective data security standards when handling your personal or sensitive data. These standards are meant to prevent misuse or unauthorised access to government-held information. <i>Example: A public housing resident learns their tenancy records, including their Centrelink number, were accidentally emailed to the wrong tenant.</i>
Breach of Law Enforcement Data Security	You should make a complaint if law enforcement data (e.g. held by Victoria Police or Corrections) has been mishandled or shared inappropriately. This includes breaches of the law enforcement data security standards. <i>Example: A police officer improperly accesses internal Victoria Police databases to look up personal information about their neighbour, in breach of the law enforcement data security standards.</i>
Breach of the Information Privacy Principles (IPPs)	You should make a complaint if a government organisation hasn't followed the 10 Information Privacy Principles. These cover things like collecting only what is necessary, keeping information accurate, and not sharing it without consent. <i>Examples:</i> • <i>A local government office keeps an outdated address on file, despite being notified several times by a renter who has now missed critical notices.</i> • <i>A council asks a disability support worker to provide their Medicare number, even though it's not needed for the service.</i>
Improper Handling of an FOI Request	You should make a complaint if an agency mismanages your FOI request, such as by misunderstanding it, refusing to help you clarify it, or not properly searching for documents. Agencies must take reasonable steps to locate the documents you're requesting. <i>Example: A mother asked for her child's school suspension records but was told no such documents exist, even though she was told at the time a report would be prepared.</i>
Excessive or Incorrect FOI Charges	You should make a complaint if you believe an FOI fee has been wrongly charged, is too high, or hasn't followed the rules for fee waivers or hardship. FOI fees must be transparent and fair, with options for review or reduction in financial hardship.

	<i>Example: A pensioner is asked to pay \$500 for access to documents about their housing dispute. They asked for a fee waiver, but the agency never assessed their request.</i>
FOI Refusal to Amend Personal Records	You should make a complaint if your request to correct or update your personal records held by a public agency is wrongly refused. This includes if they don't explain their refusal, delay it unfairly, or don't make a proper effort to check your concerns. <i>Example: A man discovers his government record still incorrectly lists him as convicted, even after a court overturned the decision. He's refused a correction despite clear evidence.</i>
Improper Disclosure or Misuse of Information Sharing Arrangements	You should make a complaint if a public body misuses your personal information under a data sharing agreement or doesn't follow required procedures. These agreements must be transparent, properly approved, and protect your privacy. <i>Example: A family violence survivor finds out her information was shared with another government agency under an arrangement she wasn't told about, and for a purpose she didn't agree to.</i>
Misuse of personal information for a different purpose (IPP 2)	You should make a complaint if an agency used your personal information for a purpose different from the one it was collected for, and you didn't agree to this. <i>Example: Tom gave his details to a housing agency for maintenance updates. Later, they used the same info to promote unrelated housing programs without his consent.</i>
Repeated or systemic privacy breaches	You should make a complaint if a public organisation has a pattern of mishandling personal information, even if each incident seems minor on its own. <i>Example: An agency keeps emailing sensitive client information to the wrong staff team despite being warned multiple times about it.</i>
Lack of transparency in how your personal information is collected or used (IPP 1 & IPP 5)	You should make a complaint if you weren't told why your information was being collected, how it would be used, or who it would be shared with. <i>Example: A local council collected Sasha's ID and address during an event sign-in but never explained why or where the data would be stored.</i>
Exclusions	OVIC cannot handle: • Centrelink, ATO, Medicare or other federal government agencies • Private companies or businesses (like banks, real estate agents, private schools or telcos) • Government agencies in other states or territories (like NSW Police or WA Health) • Health or medical privacy issues • General complaints about unfair treatment by a government agency

	• Police misconduct or corruption • Freedom of Information decisions involving national security or defence • Court or tribunal decisions (like VCAT rulings or court orders) • How a Minister carried out official duties
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Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State	OVIC has the power to hear complaints under the laws of Victoria.
Geographical Scope	OVIC has the power to act on complaints about the conduct of Victorian agencies and Ministers.
Time limitations for review applications	FOI decision reviews For OVIC to review a FOI decision, the application must: • be made within 28 days of receiving the decision; • be in writing; • identify the relevant agency or Minister; and • identify the decision to be reviewed. OVIC may accept an application for review outside of the 28 days if the delay was because of the agency or Minister who made the decision. If an applicant applies to OVIC for a review outside the 28 days, and OVIC cannot accept it out of time, the applicant may consider making another request made to the agency or Minister to receive fresh review rights. Privacy complaints Where the complaint involves privacy, you must make the complaint within 60 days after the action or conduct complained of occurred. OVIC may accept a made outside the period if satisfied that the complaint is made out of time because of an act or omission of the agency, principal officer or Minister concerned. Complaints must be in writing, set out the nature of the complaint and identify the agency, principal officer or Minister concerned.
Exclusions	Generally speaking, OVIC can only review decisions made under the FOI Act and the PDP Act. It cannot look at issues outside of the FOI Act and the PDP Act or review decisions unrelated to your FOI request or privacy complaint. OVIC cannot review decisions made by a Commonwealth or federal agency, a government agency of another state or territory, or a private organisation or company. If your FOI decision or privacy complaint relates to a Commonwealth agency like the Australian Tax

	Office, Centrelink, or Australian Border Force, you need to apply to the Office of the Australian Information Commissioner for a review or your privacy complaint. OVIC cannot investigate the conduct of Ministers, Ministerial officers, or an agency or Principal Officer where the agency or Principal Officer performs Ministerial functions or obligations under the FOI Act or PDP Act. OVIC also cannot investigate a claim that a document is exempt for national security, defence or international relations reasons.
Exercise of discretion	OVIC does not have to investigate every complaint it receives. When deciding whether to investigate, the OVIC can consider any matters it considers appropriate or relevant. Some of the factors that will commonly be consider include: • the action or failure by an agency was not in the performance by the agency of its functions or obligations under the FOI Act or PDP Act. • the action or failure by a principal officer was not in the performance by the principal officer of the principal officer's functions or obligations. • the complainant has the right to make a complaint about the action to another body and has not exercised that right. • the complaint is frivolous, vexatious, misconceived, lacking in substance or not made in good faith. • the complainant does not have a sufficient interest in the subject-matter of the complaint. • the complainant has failed to co-operate with OVIC in dealing with the complaint without reasonable excuse. • the complaint was made after the end of the time permitted to make a complaint. • OVIC considers that a complaint is not appropriate in the circumstances. • OVIC is unable to contact the applicant following reasonable attempts to do so. If OVIC don't accept your review application, OVIC will ask you to withdraw it in writing. If this happens, OVIC will explain why it can't accept your review. If OVIC can't accept your review application and you don't withdraw it, OVIC will send you a letter telling you that OVIC has declined to accept, or dismissed, your application and explain why.

Step 3: Who can you make a complaint against?

OVIC deals with complaints about how Victorian public sector agencies and Ministers handle FOI requests and can independently review FOI decisions made by Victorian public sector agencies and Ministers.

Respondent	Description
Victorian Departments and agencies	There are many Victorian departments and agencies including but not limited to: • the Department of Jobs, Skills, Industry and Regions; • the Department of Health; • the Department of Premier and Cabinet; • the Department of Transport and Planning; • Development Victoria; • Disability Services Commissioner; • VicRoads; • Victoria Police; • Worksafe Victoria; • Victorian Ombudsman; • Victoria's Big Build; • Study Melbourne; • Homes Victoria; • LaunchVic; • Parks Victoria; and • Public Transport Victoria. You can find a directory of all Victorian departments and agencies here.
TAFEs and other public education providers	You can complain about how a Victorian TAFE institute or other publicly funded training provider has handled your personal information or FOI request. Victoria's TAFEs include: • Box Hill Institute • Chisholm Institute • Gordon Institute of TAFE • Holmesglen • Kangan Institute • Melbourne Polytechnic

	• South West TAFE • Sunraysia Institute of TAFE • William Angliss Institute A full list of TAFEs in Victoria is available here.
Other public bodies and statutory authorities	You can also complain about independent public authorities that carry out government functions or make decisions that affect the community. Examples include: • Environment Protection Authority (EPA Victoria) • Victorian Building Authority (VBA) • Victorian Equal Opportunity and Human Rights Commission (VEOHRC) • State Revenue Office (SRO) • Victorian Electoral Commission (VEC) • Emergency Management Victoria (EMV) • Victorian Institute of Forensic Medicine (VIFM) These organisations are still part of the public sector and must follow the Privacy and Data Protection Act 2014 and the Freedom of Information Act 1982.
Local councils	You can find a directory of all Victorian local councils here.
Community service providers	The Department of Families, Fairness and Housing (DFFH) and non-government organisations that are funded, licensed or authorised by DFFH to provide child protection, family support, community inclusion or specialist homelessness services. DFFH maintains a register of community service providers (as at May 2024) here.
University	There are nine public universities in Victoria including: • University of Melbourne; • Monash University; • Deakin University; • La Trobe University; • Swinburne University; and • RMIT University. A list of all universities in Victoria is available here.

Minister	In Victoria there are a number of Ministers appointed by the Premier of Victoria who are allocated responsibility for specific areas of government. A list of all Victorian Ministers is available here .
Exclusions	Generally speaking, OVIC can only review decisions made under the FOI Act or PDP Act. It cannot look at issues outside of the FOI Act or PDP Act or review decisions unrelated to your FOI request or privacy complaint. OVIC cannot review decisions made by a Commonwealth or federal agency, a government agency of another state or territory, or a private organisation or company. If your FOI decision or privacy complaint relates to a Commonwealth agency like the Australian Tax Office, Centrelink, or Australian Border Force, you need to apply to the Office of the Australian Information Commissioner for a review. OVIC cannot investigate the conduct of Ministers, Ministerial officers, or an agency or Principal Officer where the agency or Principal Officer performs Ministerial functions or obligations under the Act. OVIC also cannot investigate a claim that a document is exempt for national security, defence or international relations reasons.
Additional information you need to know	If you are not sure if your complaint is within the jurisdiction of the OVIC you can discuss your situation with OVIC by calling 1300 006 842 Monday to Friday, between 9am and 4pm. More information about the types of complaints OVIC can and cannot handle can also be found on their website: The FOI complaint process

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	Anyone can make a complaint to OVIC.
Have you tried to resolve your complaint directly with the public authority or community service provider?	Before making a complaint to OVIC, it is useful to talk to the agency or Minister who is handling your FOI request or to which the privacy complaint relates to first discuss the issue. Talking to the agency or Minister is often a quick and easy way of resolving issues or understanding why something has occurred. It allows you to communicate directly with the agency or Minister, so they understand your concerns and what you want. If the issue isn't resolved, you can then make a complaint to OVIC.
Can a complaint be made on behalf of someone?	You can make a complaint on someone's behalf. However, unless you have their consent, for privacy reasons OVIC may be limited in what information they can provide to you. You can ask someone such as a friend, family member, advocate or member of parliament to make a complaint on your behalf. You may

	need to confirm that you have consented to the complaint being made on your behalf.
Exclusions	FOI request reviews Generally speaking, you can lodge a complaint with OVIC at any time within 28 days of receiving the decision regarding your FOI request. However, certain exceptions apply to this time limit. Privacy complaints You can lodge a complaint with OVIC at any time within 60 days of the action or conduct complained of occurred. However, certain exceptions apply to this time limit. Please see Step 2 (“Time Limitations”) for more information.
Additional information you need to know	OVIC’s services are free. You do not need a lawyer for the complaint process, but you can seek legal advice at any time.

Step 5: What remedies are available at this body?

Power	Description
Warm/direct referral	If OVIC accepts your review, OVIC will make preliminary enquiries with the agency or Minister who made the decision. Where possible, OVIC will try to resolve your review informally. OVIC will ask the agency or Minister for any information and documents we need. This might include: • Documents – If the agency or Minister has refused access to a document or a part of a document, OVIC will ask them for a complete (unredacted) copy of the document. • Correspondence – OVIC will ask the agency or Minister for any documents or information relevant to your review. This might include the original FOI request you made, any correspondence between you and them, and any correspondence they had with third parties. • Submissions – OVIC will invite the agency or Minister to make a submission that explains their decision. If OVIC disagree with particular elements of the decision, or they haven’t provided enough information about their decision, OVIC will ask them to provide more information. OVIC may need to contact the agency or Minister several times to get more information about the exemptions they applied to the documents or why they did not amend a document with your information in it. OVIC will also provide you with an opportunity to provide written submissions or information that supports your view that the agency’s or Minister’s decision is incorrect.

Informal resolution	OVIC aim to resolve reviews with as little formality and technicality as possible. OVIC will work with you and the agency or Minister to try to resolve the review in the most efficient and practical way. This is generally quicker and less formal. OVIC are a neutral third party and do not take sides or advocate for either you or the agency or Minister. Please keep an open mind and be flexible when we provide advice and options to resolve your review. If an agreement is reached, it will be put in writing so that you and the agency or Minister are clear on the outcome.
Privacy - conciliation	In relation to privacy complaints, and OVIC determines that conciliation is reasonably possible, an OVIC conciliator will conduct conciliation directly or indirectly. This will involve you and the organisation negotiating with one another about how the complaint may be resolved.
Formal review decision	FOI request reviews If OVIC can't resolve your review informally, OVIC will make a formal review decision. The review decision might vary the decision and direct the agency or Minister to disclose more information to you or be the same decision as the agency's or Minister's decision, which means you won't receive any more information. OVIC will give the review decision to you and to the agency or Minister. The decision explains OVIC's reasons for making it. If you or the agency or Minister are not happy with OVIC's review decision, you can apply to VCAT to review it. Privacy complaints If you and the organisation reach an agreement to resolve your privacy complaint, OVIC will close the complaint on the basis that conciliation was successful. This will mean you can take no further action in relation to it. If conciliation is successful, you and the organisation may formalise this in a formal written agreement that sets out the terms of the settlement. But this is not always necessary and complaints are sometimes resolved more informally. If a complaint is not resolved, OVIC may decide to close your complaint without it being resolved. In any of these cases, you have the right to direct OVIC to refer your complaint to the Victorian Civil and Administrative Tribunal (VCAT) where you can litigate the matter further
Additional information you need to know	More information about OVIC's review processes can be found here. You can also find more information about bringing your complaint to VCAT at the following link: After OVIC: Litigating at VCAT.

Step 6: Preparing your complaint. What should your complaint look like? What should it include?

Requirement	Description
Format	Complaints can be lodged in writing or verbally. Complex or less urgent complaints are usually better submitted in writing so you can provide supporting documentation. If you would like the assistance of an interpreter or translator this can be arranged by the OVIC free of charge.
Personal Details	To apply for a review, you should include your: • First and last name • Contact number • Email and postal address OVIC's online complaint form will not progress unless you complete the above person details fields.
Respondent's Details	You should provide the name of the Minister or Victorian public agency or community service provider you complaining about.
Relevant Facts	You should provide details of: • the name of the agency or Minister; • whether the act, conduct, or issue you are complaining about happen within the last 60 days; • for FOI decision reviews: ○ the reference number for the FOI request; ○ the type of decision you want OVIC to review; • any communications there has been between you and the agency or Minister • details of what happened after you complained to the agency or Minister about the problem? • What do you want to happen for your complaint to be resolved? You should provide as much detail as possible to help OVIC understand your complaint. If you have any documents to support your complaint they should be provided, including any correspondence you had with the public agency or Minister about your complaint. If you lodge your complaint through OVIC's online complaint form you can attach supporting documents with a aggregate maximum size of 30MB for all attachments.

What NOT to include	Do not make false or misleading statements. This may be an offence.
Additional information you need to know	The complaint form has a section seeking your consent to refer your complaint to another complaint handling body, or the internal complaint unit of the agency or Minister if OVIC thinks that is appropriate. If you do not want this to happen you need to untick the consent box.

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	- You can make a complaint via the online form: FOI request review here. Privacy complaint here. - Email: - FOI request review: enquiries@ovic.vic.gov.au. - Privacy complaint: privacy@ovic.vic.gov.au.
Receipt	If you lodge your complaint in writing, it will be acknowledged in a timely manner. If OVIC accepts your application, you will be provided with a case reference number. When your complaint is acknowledged you may be asked for more information or documentation to help with the OVIC's assessment.
Initial assessment	Your complaint will first be reviewed to determine if it is within the jurisdiction of OVIC. OVIC will consult with the parties to the review to determine the material facts and issues in relation to the review and whether the matter can be resolved informally.
Non-acceptance, withdrawal and declining to review	If OVIC does not accept your complaint, OVIC will ask you to withdraw it in writing. If this happens, OVIC will explain why we can't accept your review. Sometimes OVIC can quickly resolve a review at this early stage by talking to you and the agency or Minister. If OVIC can resolve your review before formally accepting it, OVIC will also ask you to withdraw it. If OVIC can't accept your review application and you don't withdraw it, OVIC will send you a letter telling you that OVIC has declined to accept, or dismissed, your application and explain why.
Acceptance of review application	If OVIC accepts your review application, OVIC must tell the agency or Minister that made the FOI decision that OVIC has accepted it.

	OVIC have 30 days to complete a review. However, the FOI Act permits OVIC having more time with your agreement. OVIC try to complete reviews as quickly and efficiently as it can. However, it takes OVIC on average over 120 days to complete a standard review. You don't have to agree to an extension. If you agree to an extension, OVIC have until the new date to complete your review. If OVIC don't complete the review on time (within 30 days or the new agreed date), you can apply to the Victorian Civil and Administrative Tribunal (VCAT) to review the decision.
Preliminary inquiries	Once OVIC have accepted your review, it will make preliminary enquiries with the agency or Minister who made the decision. Where possible, OVIC try to resolve your review informally. OVIC may need to contact the agency or Minister several times to get more information about the exemptions they applied to the documents or why they did not amend a document with your information in it. OVIC will also provide you with an opportunity to provide written submissions or information that supports your view that the agency's or Minister's decision is incorrect.
Informal resolution	OVIC aim to resolve reviews with as little formality and technicality as possible. OVIC will work with you and the agency or Minister to try to resolve the review in the most efficient and practical way. This is generally quicker and less formal. OVIC are a neutral third party and do not take sides or advocate for either you or the agency or Minister. If an agreement is reached, it will be put in writing so that you and the agency or Minister are clear on the outcome.
Formal review decision	FOI request reviews If OVIC cannot resolve your review informally, OVIC will make a formal review decision. The review decision might vary the decision and direct the agency or Minister to disclose more information to you or be the same decision as the agency's or Minister's decision, which means you won't receive any more information. OVIC will give the review decision to you and to the agency or Minister. The decision explains OVIC's reasons for making it. If you or the agency or Minister are not happy with OVIC's review decision, you can apply to VCAT to review it. Privacy complaints If you and the organisation reach an agreement to resolve your privacy complaint, OVIC will close the complaint on the basis that conciliation was successful. This will mean you can take no further action in relation to it. If conciliation is successful, you and the organisation may formalise this in a formal written agreement that

	sets out the terms of the settlement. But this is not always necessary and complaints are sometimes resolved more informally. If a complaint is not resolved, OVIC may decide to close your complaint without it being resolved. In any of these cases, you have the right to direct OVIC to refer your complaint to the Victorian Civil and Administrative Tribunal (VCAT) where you can litigate the matter further.
Other avenues	FOI requests If an agency or Minister has not given you their decision on your request within 30 days (or any extension of time you agreed to), this is called a 'deemed refusal'. This means that the agency or Minister is taken to have refused access to documents in full. If this happens, you can apply to VCAT for a review. There is no time limit for applying to VCAT on a deemed refusal. Privacy complaints If OVIC does not resolve your complaint through conciliation, you have a right to request OVIC to refer the complaint to VCAT. You will have 60 days to request that we refer your complaint to VCAT. VCAT only hears privacy complaints that are referred to it by OVIC. You cannot bring up any new allegations during the hearing that were not included in your complaint to OVIC.
Additional information you need to know	If you or the agency or Minister are not happy with OVIC's review decision, you can apply to VCAT to review it. More information about OVIC's review processes can be found here.

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	Description
Review by VCAT	FOI request reviews If you or the agency or Minister are not happy with OVIC's review decision, you can apply to the Victorian Civil and Administrative Tribunal (VCAT) to review it. You must apply to VCAT for a review within 60 days of receiving our review decision. There may be fees for a VCAT review. You can also apply to VCAT if OVIC have not completed your review within 30 days (or any extension you agreed to). This is also called a 'deemed refusal'. If you apply to VCAT for a review, the people involved in the VCAT review will be you and the agency or Minister who made the original decision. OVIC are not a party to the review.

	If you apply to VCAT for a review, you should withdraw your review with OVIC. Privacy complaints If OVIC does not resolve your complaint through conciliation, you have a right to request OVIC to refer the complaint to VCAT. You will have 60 days to request that we refer your complaint to VCAT. VCAT only hears privacy complaints that are referred to it by OVIC. You cannot bring up any new allegations during the hearing that were not included in your complaint to OVIC.
Additional information you need to know	More information about OVIC's review processes can be found here. You can also find more information about bringing your complaint to VCAT at the following link: After OVIC: Litigating at VCAT.

Step 9: Overlapping or Related Jurisdiction to the complaints body?

Jurisdiction	Description
Office of the Australian Information Commissioner	The Office of the Australian Information Commissioner (OAIC) can handle complaints about the way personal information has been handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of information decisions that are made by Australian Government agencies and ministers. There are also State Government privacy and information complaint bodies who may also be able to assist.
State and territory equivalents	Each state and territory in Australia has an equivalent to the OVIC. Accordingly, if your query relates to government agencies in a specific state which is not Victoria, please contact: • New South Wales – Information and Privacy Commission • Queensland – Office of the Information Commissioner • Northern Territory – Information Commissioner • Western Australia – Office of the Information Commissioner • South Australia – Ombudsman SA • Tasmania – Ombudsman Tasmania • Australian Capital Territory – ACT Ombudsman
Victorian Health Complaints Commissioner	The Victorian Health Complaints Commissioner handles complaints about health services and the handling of health information in Victoria.
Victorian Ombudsman	The Victorian Ombudsman handles complaints about the general conduct of Victorian government organisations, local councils, statutory authorities, and Victorian universities and TAFEs.

Victorian Independent Broad-based Anti-Corruption Commission	The Victorian Independent Broad-based Anti-Corruption Commission (IBAC) identifies, exposes and prevents police misconduct and public sector corruption, and handles complaints about police misconduct and corruption in Victorian government, local councils, Parliament and the judiciary.
Courts and Tribunals	Unlike OVIC courts and tribunals can make binding and enforceable determinations. You may want to seek legal advice about the option of pursuing your complaint at court if it relates to: compensation (including workers compensation claims), development application decisions, orders made by local councils, decisions, fines and orders of regulators and licensing authorities and disputes over expert assessments.

Need help?

Organisations that can help you make your complaint, provide support or advocacy or give you more information

Organisation	Contact Details	How they can help
OVIC	Website: https://ovic.vic.gov.au/ Email: enquiries@ovic.vic.gov.au Telephone: 1300 006 842 (1300 00 OVIC), Monday to Friday, 9:30am to 4:30pm	You can contact OVIC directly if you have any further questions or need assistance with your complaint.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provides interpreting and translation services for people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.

Self-help tools and additional resources

Resource	How this helps
Where to make a FOI complaint	Guidance from OVIC on how to make a complaint regarding a FOI request.
How to make a privacy complaint	Guidance from OVIC on how to make a privacy complaint
Law Society: Know Your Rights	Guidance for individuals who are uncertain about where to start when seeking legal advice.
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.