

EXAMPLES OF SECTION 85 NOTICES

Example 1

FREEDOM OF INFORMATION ACT 1992 (QLD)

(Notice issued under section 85(3) of the Freedom of Information Act)

OFFICE OF THE INFORMATION
COMMISSIONER (QLD)

File ref. [number]

[name of applicant]

Applicant

and

[name of agency]

Respondent

NOTICE TO ATTEND BEFORE THE INFORMATION COMMISSIONER

TO: [name]
[position title]
[name of agency]

1. I, [name], Queensland Information Commissioner, have reason to believe that the [name of agency] has information relevant to external review [number], which I am conducting under Part 5 of the *Freedom of Information Act 1992* (Qld) (**FOI Act**).
2. Under the authority conferred on me by section 85(3) of the FOI Act, I require you to attend before me at [location] at [time] on [date], to answer questions relevant to the external review brought before me by the Applicant, [name of applicant].

NOTE: Section 94 of the FOI Act states that a person given notice to attend before me under section 85 of the FOI Act must not, without reasonable excuse, fail to do so.

Maximum penalty – 100 penalty units.

Given this [number]st day of [month] [year].

.....
[name]
Information Commissioner

Example 2

FREEDOM OF INFORMATION ACT 1992 (QLD)
(Notice issued under section 85(1) of the FOI Act)

**OFFICE OF THE INFORMATION
COMMISSIONER (QLD)**

File ref. [number]

[name of applicant]

Applicant

and

[name of agency]

Respondent

NOTICE TO ATTEND BEFORE THE INFORMATION COMMISSIONER

TO: [name]
[position title]
[name of agency]

1. I, [name], Queensland Information Commissioner, have reason to believe that the [name of agency] has information relevant to the external review which I am conducting under Part 5 of the *Freedom of Information Act 1992* (Qld) (**FOI Act**).
2. Under the authority conferred on me by section 85(3) of the FOI Act, I require you to attend before me at [time] on [date], to answer questions relevant to the external review brought before me by the applicant, [name of applicant].
3. Under the authority conferred on me by section 85(1) of the FOI Act, I require you to deliver:
 - a) all documents which respond to items 1 – 5, & 7 of the Applicant's freedom of information application dated [date] (**attached**), except for documents which have previously been provided to the Office of the Information Commissioner; and
 - b) all [name of agency] record keeping policies, procedures and practices which relate to any areas of [name of agency] in which documents responding to a) above may be located.
 - c) a description of the information management systems in place concerning documents relevant to the FOI request.
4. All documents requested at 3 above must be provided to [location] by [time] on [day] [date].

NOTE: Section 94 of the FOI Act states that a person must not fail to deliver the documents required under this Notice without reasonable excuse.

Maximum penalty – 100 penalty units.

Section 85 FOI Act Annotation

Given this [number]th day of [month] [year].

.....
[name]
Information Commissioner