

## Third party information - what you need to know

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## Assumptions

- The access application is valid.
- The scope documents contain either or both personal information about third parties or commercial information about third parties.
- You want to:
  - give access to as much information as is practicable;
  - deal with it in the shortest time; and
  - use the least resources possible.

## Myths and misconceptions

- Third parties have a right of veto. ✘
- If a third party objects you cannot give access. ✘
- If you cannot contact a third party you cannot give access to any of their information. ✘
- Documents created outside of the agency are 'owned' by the author. ✘
- You cannot negotiate to deal with application outside of the FOI Act. ✘

## Third party right to be consulted

Third parties whose information appears in requested documents have a right to be consulted, but **ONLY when the agency proposes to give access** to that information.

## Practical Tips

- Take time to consider the likely outcome of proceeding in a particular manner.
- Wherever possible negotiate to exclude third party information from the scope of the application.
- Keep the applicant fully informed of implications of proceeding in a particular manner.
- If you decide to give access, the onus will transfer to third parties to justify exemption.

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For agencies:

- [Thinking outside the box](#)
- [Key questions for decision-makers to consider](#)
- [What is personal information?](#)
- [Releasing documents that may be technically exempt](#)
- [Consulting third parties](#)
- [What if there are many third parties to consult?](#)
- [Key FOI principles for agencies](#)
- [Flowchart – Dealing with an access application](#)

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OIC Publications – FOI Guidance:

- [Third parties and their rights - guide for the public](#)
- [Calculating time and days guide](#)
- [Dealing with personal information about an officer of an agency](#)
- [FOI Coordinators Manual](#)

## Discussion