s. 22(1)(a)(ii)

From: OAIC <icon=oaic.gov.au@au.v6send.net>
Sent: Monday, 23 March 2026 3:19 PM
To: Foi
Subject: [ICON alert] FOI Commissioner's message | Questions from February's webinar | Updates to FOI guidelines | and more

s. 22(1)(a)(ii)

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Artificial Intelligence (AI) and FOI

In October 2025, the Information Commissioner issued an updated version of Part 3 of the FOI Guidelines – Processing and deciding FOI requests, including guidelines on how Artificial Intelligence (AI) interacts with FOI.

The updated Part 3 explains that AI brings with it the potential for FOI requests to be made without human intervention.

Part 3 explains that a 'bot-generated' FOI request – a request that was made without human intervention – will not be valid under the FOI Act.

That's because the 'right of access' to government-held information in s 11 of the FOI Act is given to 'every person', including a 'body politic or corporate (s 2C of the Acts Interpretation Act 1901).

Without a person or corporate entity making an FOI request (even if assisted by AI), there is no right of access under the FOI Act.

Part 3 also explains that to reduce the possibility of bot-generated FOI requests, agencies' online FOI request forms may include technology that can identify whether the form's user is a robot.

However, the FOI Act does not require any particular form to be completed to make a valid request, or for people to identify themselves.

Part 3 accepts that a person may use AI to assist them to make an FOI request.

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