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## Access to records under the Archives Act – Fact sheet 10

### Access to archival records

Access to archival records is governed by the [Archives Act 1983](#). Under the Act you have a right of access to Commonwealth government records that are in the open access period. Following amendments to the Act approved by Parliament in May 2010, the open access period for Commonwealth records as defined by the Act will begin after 20 years instead of the previous 30 years. The open access period for Cabinet notebooks will begin after 30 years, instead of 50 years. The 99-year access rule for Census records remains unchanged.

The changes to the open access periods for Commonwealth records and Cabinet notebooks took effect from 1 January 2011 and will be phased in over a 10-year period, as outlined in the table below.

Year Commonwealth record created	Year Cabinet notebook created	Open access period begins
1980 or 1981	1960, 1961 or 1962	1 January 2011
1982 or 1983	1963, 1964 or 1965	1 January 2012
1984 or 1985	1966, 1967 or 1968	1 January 2013
1986 or 1987	1969, 1970 or 1971	1 January 2014
1988 or 1989	1972, 1973 or 1974	1 January 2015
1990 or 1991	1975, 1976 or 1977	1 January 2016
1992 or 1993	1978, 1979 or 1980	1 January 2017
1994 or 1995	1981, 1982 or 1983	1 January 2018
1996 or 1997	1984, 1985 or 1986	1 January 2019
1998 or 1999	1987, 1988 or 1989	1 January 2020
2000	1990	1 January 2021

## Does the Archives Act apply to all records in the open access period?

The Act applies to all records except those of the Courts, some records of the Parliament some records of governors-general (eg correspondence with the monarch) and some records held by other national collecting institutions, such as the Australian War Memorial and the National Library of Australia. You have a right of access to all other records in the open access period, including those held by government agencies.

## Are all records available when they reach the open access period?

Under the Archives Act, all records are available for public access when they reach the open access period unless they contain information that falls into certain [exemption categories](#) defined in section 33 of the Act. There are 16 exemption categories and information that falls within them is said to be *exempt information*. Before the Archives releases records for public access they are examined to ensure they do not contain information requiring exemption.

The Archives' [Access Examination Policy](#) on the personal, business and professional affairs of a person, provides additional information about the framework the Archives uses to manage the release of information in records.

## How often is exempt information withheld?

Most records (98 per cent) are wholly released for public access while 1.75 per cent are released with some exempt information deleted. Only 0.25 per cent of records are wholly withheld because they consist entirely of exempt information.

## Who decides if records should be withheld?

Certain Archives' staff are delegated under the Act to examine records and make decisions about whether they can be released. Sometimes this is done in consultation with departments and agencies.

Under the Archives Act we are required to release as much information as possible. If you have concerns about information that has been released, contact Director, Reference and Information Services, National Archives of Australia, PO Box 4924, KINGSTON ACT 2604.

## How long does the examination of records take?

While most examination is completed within a month, it may take up to 90 days and sometimes longer to examine some files. We will let you know if there are delays. If we have not given you a decision within 90 days we are deemed to have [refused you access](#) and you may appeal.

## How do I know if information has been withheld?

If the records that you have applied to see are exempted from public access, either in part or in whole, we will send you a written statement of reasons which tells you what information has been exempted, the exemption category that applies and why it applies. Details of all records containing exempt information are listed on RecordSearch. The Access status will show **Closed** or **Open with exception** and the Reason for restriction will give the exemption category or categories under which we have exempted the information.

## What can I do if information has been withheld?

You can apply to have the [decision reviewed by the Archives](#). This process is known as internal reconsideration. If we confirm the decision you may appeal to the independent Administrative Appeals Tribunal (AAT) to have our decision reviewed.

## How much do I have to pay?

There is no charge for obtaining access or for applying to the Archives to review our decision. If you appeal to the AAT, an application fee will apply. Payment is required if you want [copies of records](#).

## Why is information withheld?

The information we [exempt from public access](#) falls into two broad areas:

**Personal information** – Some personal information may require exemption for at least the lifetime of the individual (eg medical histories, or details of personal relationships).

**Information about the security of the Commonwealth and its residents** – If its disclosure could adversely affect Australia's defence, security or international relations (eg details of the design and construction of weapons, or records about intelligence-gathering, or information passed to the Australian government in confidence by a foreign entity) it will be withheld.