



OFFICE OF THE PRIME MINISTER

FOI Reference: PM/23/038

To ST

Email: foi+request-10177-3738c3ab@righttoknow.org.au

Dear ST

Thank you for your email dated 19 April 2023 regarding a request to access documents under the *Freedom of Information Act 1982* (the Act).

Terms of FOI request

You set out your FOI request in the following terms:

I request a copy of any communication between the Prime Minister and staff in the Prime Minister's Office and representatives from Woodside Ltd from 1 December 2022 - 1 March 2023.

This includes any material relating to the Government's price intervention into the East Coast Gas Market (announced on 9 December 2022) and public comments in the media, attributed to Woodside representatives.

For the avoidance of doubt, I am seeking all written communication regardless of whether by email, letter, SMS, Signal, Whatsapp or other format (including correspondence before the announcement).

Authorised decision-maker

I am authorised to make a decision in this matter on the Prime Minister's behalf.

Material taken into account

In reaching my decision I had regard to:

- the terms of your request
- the Act
- the Guidelines issued by the Information Commissioner, under section 93A of the Act

Documents in scope

The Office has identified a document that falls within the terms of your request.

I have enclosed this document with my decision.

Decision

I have decided to grant access to the identified document except for:

- personal staff names and contact information, which has been redacted as irrelevant under section 22 of the Act; and
- personal information, including the signature of a third party, which has been found to be exempt under s 47F.

The reasons for my decision are set out below.

Reasons for decision

Personal privacy

Personal information

Section 47F(1) of the Act provides:

A document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

‘Personal information’ is defined to have the same meaning as in the *Privacy Act 1988* (Cth) and means information or opinion about an identified individual or an individual who is reasonably identifiable.

A common example of personal information, as described by the Office of the Australian Information Commissioner, is a person’s name and signature¹. In this context, I find that the document contains personal information.

Unreasonable disclosure

I have considered the matters in section 47F(2) of the Act to determine whether the disclosure of personal information would be unreasonable, including:

- *the extent to which the information is well known;*
- *whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;*
- *the availability of the information from publicly accessible sources; and*
- *any other matters that the agency considers relevant.*

In considering ‘other matters’ I have had regard to the Guidelines which discuss a need to balance the public interest in disclosure of government-held information and that of the private interest in the privacy of individuals. Other key factors include:

- release of the personal information could cause stress on a relevant third party
- the Act does not limit what an applicant may do with documents released in response to an FOI request

I am satisfied that the relevant third party would reasonably expect that their personal information would not be released without their express consent and that release could cause them stress. I also consider that the relevant personal information would have been provided in confidence, and would not be available from a public source.

¹ [Australian Privacy Principles guidelines | OAIC](#)

Taking these matters into consideration, I am satisfied the requested document concerns identified personal information that would be unreasonable to release and thus the document is conditionally exempt to this extent under section 47F of the Act.

Public Interest considerations

Section 11A(5) of the Act provides that a conditionally exempt document must nevertheless be disclosed unless its disclosure would, on balance, be contrary to the public interest.

In balancing the public interest factors, I have not taken into account the irrelevant factors of section 11B(4) of the Act. With respect to the factors that favour access I have had regard to the objects of the Act, set out in section 3, and the factors listed in section 11B(3) of the Act.

In particular I find:

- access would promote the objects of the Act
- the subject matter of the exempt material may inform debate on a matter of public importance
- the subject matter of the exempt material does not offer any insights into public expenditure.

With respect to the factors against disclosure I have had regard to the non-exhaustive list in the Guidelines, and, for reasons similar to my conclusions on unreasonableness, I find that it would be contrary to the public interest to give access to the conditionally exempt information at this time.

Review rights

If you disagree with the decision you may apply for an Information Commissioner review within 60 days from the date of this letter. The Act does not provide for internal review of a decision by Minister.

More information about review rights and how to apply is available at:
www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review

Yours sincerely



Simona Gory
Senior Legal Adviser
19 June 2023