



Ms Margot Kingston
foi+request-102-d7c01c91@righttoknow.org.au

Dear Ms Kingston

I refer to your email dated 1 May 2013, in which you made the following request under the Freedom of Information Act:

'I recently published an article on the press gallery
(<http://australiansforhonestpolitics.wordpress.com/2013/04/30/your-guide-to-the-press-gallery-and-its-gatekeeper/>),
and several readers have asked for a list of present members and who they work for.

I understand you have that list because you are responsible for maintaining the security pass database. I request a copy.'

I am an authorised decision-maker under section 23 of the FOI Act.

Consultation with third parties

You seek access to the list of present members of the Press Gallery and who they work for.

The FOI guidelines provide:

3.96 An agency or minister may need to consult a third party where documents subject to a request affect Commonwealth–State relations (s 26A) or Norfolk Island intergovernmental relations (s 26AA), are business documents (s 27) or are documents affecting another person's privacy (s 27A).

3.97 Where an agency or minister is required to consult with a third party:

- the timeframe for making a decision is extended by 30 days
- any submissions by the third party must be considered
- the third party must be given notice of the decision and their review rights, and
- the applicant will only be given access to a document when the third party's opportunities for review have run out.

I am satisfied that, for the purposes of section 27A (2) of the FOI Act, the names and organisation details contained in the list are personal information. I have also determined that the people listed in the document, as third parties to your request, might reasonably wish to make an exemption contention.

Extension period

I am notifying you under section 15 (6) of the Act that I have determined that the requirements of section 27A make it appropriate to extend the period for dealing with this request by a further period of 30 days. The extension period ends on 30 June 2013.

Consideration of third party submissions and decision

The following FOI guidelines refer to the Act's requirements relating to the consideration of third party submissions in making a decision and the requirement that access to the document cannot be given until third party review opportunities have run out.

6.150 An agency or minister must have regard for any submissions made before deciding whether to give access to the document (ss 27A(3) and 27A(4)). The third party does not, however, have the right to veto access and agencies should take care that the third party is not under such a misapprehension.

6.151 Where an agency or minister decides to give the applicant access to documents, after a third party has provided a submission, they must give the third party written notice (s 27A(5)). Access to a document must not be given to the applicant until the third party's opportunities for review have run out, or if review did occur, the decision still stands (s 27A(6)).

If you wish to discuss the matter further, I may be contacted on dianne.heriot@aph.gov.au

Yours sincerely



D. M. Heriot
Parliamentary Librarian

29 May 2013