



5 June 2023

Our ref: 2023/5106

Watson Norwood

**BY EMAIL ONLY:** [foi+request-10243-2a3bd4ac@righttoknow.org.au](mailto:foi+request-10243-2a3bd4ac@righttoknow.org.au)

Dear Mr Norwood,

**RE: FREEDOM OF INFORMATION ACT 1982 APPLICATION – Watson Norwood**

I refer to your request in which you sought access to documents under the *Freedom of Information Act 1982* (the FOI Act). The request sought documents in relation to AMSA's FOI logs. Specifically, your request sought:

*“...a complete copy of the departments' Freedom of Information (FOI) logs for the period 2013-2023, including any secondary departments controlled by the agency...”*

This letter sets out my decision on your request for access. I am an authorised decision-maker under section 23 of the FOI Act.

**Timeframe for processing your request**

Your request was received by AMSA on 6 May 2023. The statutory period for processing your request is 30 days. The timeframe for processing your request therefore expires on 5 June 2023.

Following the search and examination of the documents related to your request, I can advise AMSA do not hold any logs of requests received by the agency for the period 2013 to 2016.

I have identified 6 documents being a list of FOI requests received by AMSA the financial years 2017-2018, 2018-2019, 2019-2020, 2020-2021, 2021-2022 and 2022-2023 relevant to your request.

I have decided to release the documents in part. As set out in **Attachment A**, parts of the documents are exempt from disclosure on the basis of sections 47F of the FOI Act. Deletions have also been made under s 22(1)(a)(ii).

## Disclosure Log

AMSA's disclosure log reflects all FOI requests received by the agency that are not exempt. The disclosure log excludes documents that are:

- exempt from the FOI Act or where access has been refused
- of a commercially valuable or personal nature released under the FOI Act
- released to members of the public or the media outside of the FOI framework.

The disclosure log requirement does not apply to:

- personal information about any person, if it would be unreasonable to publish the information (s 11C(1)(a))
- information about the business, commercial, financial or professional affairs of any person, if publication of that information would be unreasonable (s 11C(1)(b))
- other information of a kind determined by the Information Commissioner if publication of that information would be unreasonable (ss 11C(1)(c) and 11C(2))
- any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete information listed in one of the above dot points (s 11C(1)(d)).

Therefore, not all requests received by AMSA during the period 2013 – 2023 have been published on the disclosure log as specific requests are exempt from being published.

## Relevant material

In reaching my decision I referred to the following:

- the terms of your request;
- the FOI Act;
- guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act;
- advice from AMSA officers with responsibility for matters relating to the documents to which you sought access; and
- advice from AMSA's in-house legal team.

## Review rights

You are entitled to seek review of this decision. **Attachment B** sets out your rights to apply for review if you are dissatisfied with my decision.

## Contacts

If you have any queries about this notice, please do not hesitate to contact AMSA's FOI team at [freedomofinformation@amsa.gov.au](mailto:freedomofinformation@amsa.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thea Robotis', written in a cursive style.

**Thea Robotis**  
**MANAGER COMMUNICATION**  
**CORPORATE SERVICES DIVISION**

## **Attachment A – Reasons for decision**

For the reasons set out below I have made deletions under s 22(1)(a)(ii) and exemptions have been applied under sections 47F of the FOI Act to parts of the documents falling within scope of the request.

### **Section 22(1)(a)(ii) – documents irrelevant to the request**

Under s 22(1)(a)(ii) if an agency decides that to give access to a document would disclose information that would reasonably be regarded as irrelevant to a request, and it is possible and reasonably practicable for the agency to prepare an edited document, which would not disclose any information reasonably regarded as irrelevant to the request, the agency must do so.

I am satisfied that the parts of the documents which deletions have been made under s 22(1)(a)(ii) contains irrelevant material such as AMSA's internal identifier used to explicitly identify requests. I am also satisfied the deletions do not impede on the ability to satisfy the objectives of the request to reflect how many requests AMSA has received the in the specified time period.

### **Section 47F – Documents affecting personal privacy**

Section 47F conditionally exempts a document to the extent that its disclosure would involve the unreasonable disclosure of personal information about any person. Parts of documents are exempt on the basis of s 47F.

#### ***Personal information***

The FOI Act shares the same definition of 'personal information' as the *Privacy Act 1988* (Privacy Act), which regulates the handling of personal information about individuals.

Personal information is defined in s 6 of the Privacy Act as:

Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.

Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.

I am satisfied that parts of the documents over which an exemption under section 47F is claimed contain personal information such as individual names and financial payments.

### ***Disclosure unreasonable***

If information is personal information, it will be conditionally exempt if disclosure would be 'unreasonable'. In considering whether disclosure would be unreasonable, section 47F(2) of the FOI Act requires me to take into account:

- i) the extent to which the information is well known
- ii) 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
- iii) the availability of the information from publicly accessible sources
- iv) any other matter I consider relevant.

I am satisfied from the nature of the information that the information in question is not well known or publicly available.

I have taken into account the circumstances in which the information was obtained, and the reasonable expectation of confidentiality that the individual had in the provision of this information to AMSA. Further, such disclosure would disproportionately interfere with the privacy of the individuals concerned.

Ultimately, in the circumstances, I have concluded that disclosure of the information would be unreasonable.

I therefore find that parts of the documents are conditionally exempt under section 47F of the FOI Act. Nonetheless as section 47F is a conditional exemption, I must give access to the document unless, in the circumstances, access at this time would on balance be contrary to the public interest.

### ***The public interest***

I have considered the factors favouring access and factors that are irrelevant in subsections 11B(3) and (4) of the FOI Act. In balancing the public interest in this case, I have considered the following factors for and against disclosure.

#### ***Factors in favour of disclosure:***

I have considered whether granting access to the documents would promote the objects of the Act, particularly in increasing scrutiny, discussion, comment and review of the Government's activities (section 3(2)(b) of the FOI Act).

#### ***Factors against disclosure:***

I have considered the following factors against disclosure:

- i) the importance of preserving reasonably held expectations of confidentiality in respect of personal information;
- ii) that persons who are the subject of the personal information in the document have not provided their consent to the release of their personal information
- iii) the potential prejudice to AMSA's ability to receive assistance in its operations in the future
- iv) the need for those involved in regulatory activities to be able to communicate freely and honestly with AMSA.

I take into account that the relevant persons have not provided their consent to the release of their personal information and that they are likely to have an expectation that AMSA will treat their personal information as being in confidence. I also consider that the release of the personal information would have a negligible effect in promoting scrutiny of Government activities but would have a significant impact on the privacy of those whose personal details are contained within the documents. In coming to this view, I take into account that disclosure of this information is to the 'world at large' whereby personal information may be disseminated widely without restraint.

Taking into account the above matters, on balance, I consider that disclosure of some information in the documents is contrary to the public interest. Accordingly, I have decided that parts of documents are exempt under section 47F of the FOI Act.

## **Attachment B - Review rights**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

### **Internal review**

Under section 54 of the FOI Act, you may apply in writing to AMSA for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

An internal review application should be addressed to:

The Freedom of Information Officer  
Email: [FreedomOfInformation@amsa.gov.au](mailto:FreedomOfInformation@amsa.gov.au)

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

### **Information commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR\\_10](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: GPO Box 5218 Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/freedom-of-information-reviews/summary-of-the-freedom-of-information-review-process>

### **FOI complaints**

If you are unhappy with the way AMSA has handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing.

Complaints can be lodged in one of the following ways:

Online:

[https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA\\_1](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1)

Email to [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

Post: GPO Box 5218, Sydney 2001, NSW

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>