



Australian Government
Australian Public Service Commission

s 47F(1)

By email: s 47F(1)

Our reference: LEX 558

Dear s 47F(1)

Freedom of Information request

1. I am writing about your Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (FOI Act) made on 10 May 2023 for access to documents held by the Australian Public Service Commission (Commission).
2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from www.legislation.gov.au.

Documents relevant to your request

3. You requested access to documents on the following terms:

1. Please provide a copy of the APSC's current procedures for determining breaches of the APS Code of Conduct and the imposition of sanctions that is currently in force.

2. Please provide a copy of the APSC's current social media policy (which covers departmental use and/or private use by employees in an individual capacity).

3. Provide a provide a copy of the APSC's current guidance material which is available for employees to make informed decisions about their private social media use.

4. Provide a copy of guidance/information provided to your employees regarding expectations on their conduct in the lead up to the Voice Referendum.

5. Please advise:

A) In the last 6 months, have you received a complaint regarding social media post made by an employee of the APSC?

B) In the last 6 months, how many complaints have you received regarding social media post made by your employees?

6. Please advise:

A) In the last 6 months, have you received a complaint regarding social media post made by an Australian Public Service (APS) employee?

B) In the last 6 months, how many complaints have you received regarding social media post made by an APS employee?

C) Are you aware of any complaints made, in the last 6 months, to an agency regarding social media post made by an APS employee? If so, please list those agencies that you are aware a complaint has been made.

Decision on your FOI request

4. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.
5. I am satisfied that reasonable steps have been taken to locate documents relevant to your request.
6. I have identified seven (7) publicly-available documents within scope of your request.
7. These documents are:
 - Document 1: Australian Public Service Commission – Procedures for determining breaches of the Code of Conduct and for determining sanction.
 - Document 2: Social Media: Guidance for Australian Public Service Employees and Agencies.
 - Document 3: Factsheet: Personal Behaviour on Social Media.
 - Document 4: Social media: Tips for employees.
 - Document 5: Case study – APS employee engagement on social media.
 - Document 6: Frequently Asked Questions: Personal Behaviour on Social Media.
 - Document 7: Engagement in the Voice Referendum in a personal capacity: Guidance for APS employees and agencies.
8. I have decided to:
 - grant full access to Documents 1-7.
9. I have also identified an internal document relating to part 4 of your request. However, since this document post-dates your request, I have deemed it as beyond scope of your request.
10. Hyperlinks to the documents are included in the schedule set out in **Attachment A**.

Invalidity of parts 5-6 of your request

11. On 24 May 2023, the Commission acknowledged your FOI request. In doing so, the Commission offered to provide you with information in response to parts 5-6 of your request administratively outside of the FOI process. We advised you that:

In parts 5 and 6 of your request, you seek access to information by asking a series of questions. The FOI Act gives individuals a right to obtain access to documents, not

information. However, the Commission would ... be willing to answer to your questions administratively outside of the FOI process.

12. The Commission did not receive any response from you in relation to the offer to release information administratively.
13. On 2 June 2023, the Commission advised you that it considered parts 5-6 of your request were invalid as the questions listed did not provide such information as is reasonably necessary to enable the Commission to identify the documents you might be seeking.
14. The Commission invited you to either consent to the administrative release of 'answers' to parts 5-6 or to revise those parts of your request to make a valid FOI request. The Commission also informed you that if you did not consent to the administrative release or revise your request, no further action would be taken in relation to parts 5-6 of your request.
15. The Commission also did not receive a response to our correspondence dated 2 June 2023. As parts 5-6 of your request are invalid, no further action has been taken in respect of them.

Contacts

16. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3500 or by email at foi@apsc.gov.au.

Review rights

17. You are entitled to seek review of this decision. Your review rights are set out at **Attachment B**.

Yours sincerely

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

Martyn Hagan

Authorised FOI decision maker

9 June 2023

ATTACHMENT A

SCHEDULE OF DOCUMENTS

Document	Description	Hyperlink
1	Australian Public Service Commission – Procedures for determining breaches of the Code of Conduct and for determining sanction – dated 10 March 2021.	Procedures for determining breaches of the Code of Conduct and for determining sanction Australian Public Service Commission (apsc.gov.au).
2	Social Media: Guidance for Australian Public Service Employees and Agencies – dated 17 March 2021.	Social media: Guidance for Australian Public Service Employees and Agencies Australian Public Service Commission (apsc.gov.au).
3	Factsheet: Personal Behaviour on Social Media – dated 17 March 2021.	Factsheet: Personal Behaviour on Social Media Australian Public Service Commission (apsc.gov.au).
4	Social media: Tips for employees – dated 17 March 2021.	Social media: Tips for employees Australian Public Service Commission (apsc.gov.au).
5	Case study – APS employee engagement on social media – dated 17 March 2021.	Case study - APS employee engagement on social media Australian Public Service Commission (apsc.gov.au).
6	Frequently Asked Questions: Personal Behaviour on Social Media – dated 17 March 2021.	Frequently Asked Questions: Personal Behaviour on Social Media Australian Public Service Commission (apsc.gov.au).
7	Engagement in the Voice Referendum in a personal capacity: Guidance for APS employees and agencies – dated 3 April 2023.	Engagement in the Voice Referendum in a personal capacity: Guidance for APS employees and agencies Australian Public Service Commission (apsc.gov.au).

Rights of Review

Asking for a full explanation of a Freedom of Information decision

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

Seeking review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) may give you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

Applying for a review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

Email: foi@apsc.gov.au

Post: The FOI Officer
Australian Public Service Commission
B Block, Treasury Building
GPO Box 3176
Parkes Place West
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply

in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

Complaints to the Information Commissioner and Commonwealth Ombudsman

Information Commissioner

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: www.oaic.gov.au

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: www.ombudsman.gov.au



Australian Government
Australian Public Service Commission

s 47F(1)

[REDACTED]

Our reference: LEX 564

Dear s 47F(1)

Freedom of Information request

1. I am writing about your Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (FOI Act) made on 12 May 2023 for access to documents held by the Australian Public Service Commission (Commission).
2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from www.legislation.gov.au.

Documents relevant to your request

3. You requested access to documents in the following terms:

I seek access to any briefing or background papers relating to the APSC or the overall state of the Australian Public Service (including public sector reform and issues arising from the Royal Commission into the Robodebt Scheme) provided by the APSC to the new Australian Public Service Commissioner, Dr Gordon de Brouwer PSM.

Decision on your FOI request

4. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.
5. I am satisfied that all reasonable steps have been taken to locate documents relevant to your request.
6. I have identified one (1) document within scope of your request.
7. This document is:
 - Document 1: Incoming Commissioner Brief.
8. I have decided to:
 - grant partial access to Document 1 with irrelevant material removed under section 22 of the FOI Act.
9. **Attachment A** sets out the grounds on which Document 1 is partially exempt.

10. My reasons are set out in **Attachment B**.

11. I have also identified a second document relating to your request. However, since this document was not provided to the Commissioner by the Commission, but by the Merit Protection Commissioner (MPC), I have deemed it as beyond the scope of your request.

Deletion of exempt matter or irrelevant matter

12. Section 22 of the FOI Act requires an agency to provide access to an edited version of a document where it is reasonably practicable to edit the document to remove exempt material or material that is irrelevant to the scope of the request.

13. Document 1 contains material that is irrelevant to this request as the material does not relate to the Commission, but to the Parliamentary Workplace Support Service (PWSS). I note that the PWSS is not subject to the FOI Act as a result of section 68A of the *Parliamentary Service Act 1999*.

14. To the extent that Document 1 contains this irrelevant material, I have chosen to edit it out accordingly.

Contacts

15. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3500 or by email at foi@apsc.gov.au.

Review rights

16. You are entitled to seek review of this decision. Your review rights are set out at **Attachment C**.

Yours sincerely

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

Martyn Hagan

Authorised FOI decision maker

14 June 2023

ATTACHMENT A

SCHEDULE OF DOCUMENTS

Document	Description	Exemptions
1	Incoming Commissioner Brief – dated 18 May 2023.	Section 47C (deliberative processes), 47E (certain operations of agencies and 47F (personal privacy) apply. Partial release with irrelevant material removed under section 22.

Reasons for decision

1. In making my decision I have had regard to:
 - the terms of your request;
 - the content of the documents;
 - the *Public Service Act 1999* (PS Act);
 - the FOI Act; and
 - the FOI Guidelines issued by the Australian Information Commissioner.

Conditional exemptions

Section 47C – Documents subject to deliberative processes

2. Section 47C of the FOI Act conditionally exempts documents containing deliberative matter. Deliberative matter generally consists of matter in the nature of, or relating to:
 - an opinion, advice or recommendation that has been obtained, prepared or recorded;
 - or
 - a consultation or deliberation that has taken place

in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency, Minister or the Commonwealth Government.

3. A deliberative process includes the recording or exchange of opinions, advice, recommendations, a collection of facts (including the pattern of facts or opinions considered) and interim decisions or deliberations.
4. I am satisfied that Document 1 contains material which records the deliberative processes of the Commission; specifically consultations and negotiations undertaken by the Commission with respect to maternity leave entitlements, Australian Public Service (APS) bargaining negotiations and the funding of the APS Academy. These matters fundamentally relate to the Commission's responsibilities under the PS Act, including the ongoing commitment to help build the APS into being a model employer.
5. For this reason, I am of the view that Document 1 contains deliberative matter and those parts are therefore conditionally exempt under section 47C of the FOI Act.

Section 47E(d) – Certain operations of agencies – substantial adverse effect on the proper and efficient conduct of the operations of an agency

6. Subsection 47E(d) of the FOI Act provides that a document is conditionally exempt from disclosure if its disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

7. For this exemption to apply, it is necessary that the predicted effect 'would, or could reasonably be expected to' occur.
8. The term 'could' in this instance, as the FOI Guidelines state at paragraph 5.17, requires an analysis of whether there exists a reasonable expectation that an event, effect or damage could occur. This 'reasonable expectation' cannot be a mere risk, possibility or chance of prejudice. It must be, based on reasonable grounds, a real, significant or material possibility of prejudice; as the FOI Guidelines at paragraph 5.18 state.
9. One of the Commissioner's (and by extension, the Commission's) critical functions under the *Public Service Act 1999* (PS Act) is to uphold the integrity of the APS. Additionally, the Commissioner is also responsible under subsection 41(2)(b)

to lead the thinking about, provide advice on and drive reforms to workforce management policies so that the APS is ready for future demands;

10. I am satisfied the disclosure of certain information in Document 1 would have a substantial adverse effect on the proper and efficient conduct of Commission's operations in relation to its role in:

- maintaining APS integrity;
- consultations and negotiations with respect to ongoing APS pay bargaining; including liaising with the Cabinet Expenditure Review Committee;
- consultations and negotiations with respect to ongoing APS maternity leave entitlements; and
- funding regarding the APS Academy.

11. I consider that there is a reasonable expectation of prejudice if this information were disclosed. The Commission's role in supporting APS integrity, pay bargaining, maternity leave entitlements and APS Academy funding hinges considerably on negotiations currently underway as well as potential future negotiations. Disclosure of such information at this time could impede the ability of the new Commissioner to develop his own approach and conclude such negotiations in a timely fashion and in accordance with Government policy.

12. Thus, the test of assessing the likelihood of a predicted or forecast event, effect or damage following the release of the document, as outlined in paragraph 5.16 of the FOI Guidelines, is broadly satisfied in this instance.

13. Additionally, the exemption requires that the predicted effect be of a 'substantial adverse' nature. Broadly, the term means, according to *Re Thies and Department of Aviation* [1986] AATA 141 at [24], that the predicted effect must be adverse and:

Sufficiently serious or significant to cause concern to a properly informed reasonable person.

14. I consider that the prejudicing of the Commission's statutory functions, as well as its overall confidence in the eyes of other agencies and stakeholders at the time of a change in Commissioner, constitute such a 'substantial, adverse nature'. In order to perform its

statutory functions effectively, the Commission must be a trusted body; able to act appropriately, and efficiently, on crucial matters of integrity, maternity leave entitlements, APS Academy funding and APS pay bargaining. A potential diminishing of trust in the Commission as a body, and the new Commissioner as an agency head, able to perform these functions effectively, as a result of prematurely revealing planned activities and strategies, would qualify, in my estimation, as being a ‘substantial, adverse’ impact on the agency’s functions.

15. In light of my findings, I have therefore decided that Document 1 contains conditionally exempt matter under subsection 47E(d) of the FOI Act.

Section 47F – Personal privacy

16. Section 47F of the FOI Act provides that a document is conditionally exempt if it would involve the unreasonable disclosure of personal information about any person.

17. Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether:

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

18. I consider that Document 1 contains such matter; specifically, the names and contact information of non-SES APS employees as well as the contact information of SES APS employees.

19. I have had regard to the matters I must consider under subsection 47F(2) of the FOI Act in determining whether the disclosure of the personal information would involve the unreasonable disclosure of personal information.

20. In considering what is unreasonable, the Administrative Appeals Tribunal in *Re Chandra and Minister for Immigration and Ethnic Affairs* [1984] AATA 437 at [51] stated:

...whether a disclosure is ‘unreasonable’ requires... a consideration of all the circumstances, including the nature of the information that would be disclosed, the circumstances in which the information was obtained, the likelihood of the information being information that the person concerned would not wish to have disclosed without consent, and whether the information has any current relevance... and to weigh that interest in the balance against the public interest in protecting the personal privacy of a third party...

21. Other factors to be considered include the nature, age and current relevance of the information, any opposition to disclosure held by the person that the personal information relates to, and the circumstances of an agency’s collection and use of the information (*‘FG’ and National Archives of Australia* [2015] AICmr 26 at [47]).

22. I note that in *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557 (9 November 2020), Deputy President S A Forgie found (at [130]):

An individual may include his or her direct telephone number in correspondence directed to other persons. Unless published on an agency's website or made public in some other way, such as on a pamphlet or report available to the public, I consider that disclosure of an individual's telephone number in his or her place of employment is unreasonable. Its disclosure will provide an avenue by which others may choose to express their displeasure with the individual or with that for which he or she is responsible but its disclosure does not make any positive contribution to increasing public participation in Government processes or in increasing scrutiny, discussion, comment and review of the Government's activities.

23. In relation to the question of whether disclosure would be unreasonable, the FOI Guidelines provide, at paragraph 6.144:

For example, in Colakovski v Australian Telecommunications Corp, Heerey J considered that '... if the information disclosure were of no demonstrable relevance to the affairs of government and was likely to do no more than excite or satisfy the curiosity of people about the person whose personal affairs were disclosed ... disclosure would be unreasonable'. This illustrates how the object of the FOI Act of promoting transparency in government processes and activities needs to be balanced with the purpose of s 47F to protect personal privacy, although care is needed to ensure that an FOI applicant is not expected to explain their reason for access to contrary to s 11(2).

24. Relevant to personal information of certain public servants, under the FOI Act there is no presumption that agencies and ministers should start from the position that the inclusion of the full names of staff in documents increases transparency and the objects of the FOI Act: *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557 at [83].

25. I have identified the following factors that, in my view, do not support the release of this personal information under section 47F of the FOI Act:

- the individuals' personal information, in particular their name, will identify them;
- the personal information is unique and relates specifically to the individuals, and is generally not well known or publicly available; the FOI Act does not control or restrict the subsequent use or dissemination of information released under the FOI Act;
- the disclosure of this information will not advance scrutiny of any decisions falling within scope of your FOI request;
- the disclosure of this information could expose concerned individuals to unsolicited and inappropriate approaches by external parties;
- release of the individuals' personal information may cause stress for them or other detriment; and
- disclosure would prejudice the individuals' right to privacy.

26. I have therefore decided to the extent that Document 1 includes personal information of non-SES level staff members, as well as contact information of SES level staff members, those parts are conditionally exempt from disclosure under section 47F of the

FOI Act because disclosure would involve the unreasonable disclosure of their personal information.

Section 11A – Public interest test

27. Subsection 11A(5) of the FOI Act provides that an agency must give access to a document if it is conditionally exempt unless access to the document would, on balance, be contrary to the public interest.
28. I have considered the public interest exemption factors in favour of disclosure at subsection 11B(3) of the FOI Act, including the extent to which access to the documents would promote the objects of the FOI Act and inform debate on a matter of public importance.
29. I have identified the following factors as weighing against disclosure:
 - disclosure of individuals' personal information will not advance any scrutiny of any decisions falling within the scope of your FOI request;
 - disclosure would prejudice individuals' right to privacy;
 - disclosure could lead to unwarranted approaches to the individual which would adversely impact their ability to perform their role and functions, noting that general enquiry phone numbers and email addresses are available;
 - disclosure could reasonably be expected to harm the Commission's involvement in ongoing APS pay bargaining, maternity leave consultations and APS Academy funding;
 - disclosure could interfere with the Commission's ongoing commitment to help build the APS into being a model employer; and
 - disclosure could reasonably be expected to harm the overall operational capacities of the Commission to support the broader APS in vital matters of integrity and accountability.
30. Subsection 11B(4) of the FOI Act lists factors that are irrelevant to determining whether access would be in the public interest. I have not considered these factors.
31. On balance, I find disclosure of some parts of Document 1 would be contrary to the public interest. To the extent that the material contained in Document 1 is conditionally exempt under sections 47C, 47E and 47F, those parts are exempt from disclosure.

Rights of Review

Asking for a full explanation of a Freedom of Information decision

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

Seeking review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) may give you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

Applying for a review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

Email: foi@apsc.gov.au

Post: The FOI Officer
Australian Public Service Commission
B Block, Treasury Building
GPO Box 3176
Parkes Place West
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply

in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

Complaints to the Information Commissioner and Commonwealth Ombudsman

Information Commissioner

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: www.oaic.gov.au

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: www.ombudsman.gov.au



Australian Government
Australian Public Service Commission

s 47F(1)

By email: s 47F(1)

Our reference: LEX 571

Dear s 47F(1)

Freedom of Information request

1. I am writing about your Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (FOI Act) made on Saturday 27 May 2023 for access to documents held by the Australian Public Service Commission (the Commission).
2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from www.legislation.gov.au.

Documents relevant to your request

3. You requested access to documents on the following terms:

All documentation (inc correspondence, emails, invitation and briefing post-dinner correspondence/minutes/meeting notes) held by the APSC associated with Peter Woolcott's (then APSC Commissioner) attendance at the Royal Patronages Dinner held on 10 April 2022 at the Royal Sydney Yacht Squadron.

Decision

4. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.
5. I am satisfied that all reasonable steps have been taken to locate documents relevant to your request.
6. I have identified twelve (12) documents in scope of your request.
7. These documents are:
 - Document 1: Email invitation to Australian Public Service Commissioner Woolcott.
 - Document 2: Attachment A to email invitation sent to Australian Public Service Commissioner Woolcott.
 - Document 3: Attachment B to email invitation sent to Australian Public Service Commissioner Woolcott.

- Document 4: Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to Patrick Hetherington.
- Document 5: Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to other party.
- Document 6: Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to other party.
- Document 7: Email invitation to Australian Public Service Commissioner Woolcott - Forwarding by Commissioner Executive Assistant to other party.
- Document 8: Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to other party.
- Document 9: Patronages Dinner – Document detailing appropriate code of conduct.
- Document 10: Email reminder.
- Document 11: Email reminder – Forwarding by Commissioner Woolcott to other party.
- Document 12: Email to Australian Public Service Commissioner Woolcott.

8. I have decided to:

- grant full access to Documents 2 and 3; and
- grant partial access to Document 1, as well as Documents 4–12.

9. **Attachment A** sets out the grounds on which Documents 1 and 4-12 are partially exempt.

10. My reasons are set out in **Attachment B**.

Deletion of exempt matter or irrelevant material

11. Section 22 of the FOI Act requires an agency to provide access to an edited version of a document where it is reasonably practicable to edit the document to remove exempt material or material that is irrelevant to the scope of a request.

12. Documents 1, 4-8 and 10-12 contain material that is irrelevant to this request. In particular I have removed the name of the Commission officer who printed out the documents falling within the scope of your FOI request, which appears at the top of the email chains.

13. To the extent that these documents contain irrelevant material, I have chosen to edit it out accordingly.

Contacts

14. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3720 or by email at foi@apsc.gov.au.

Review rights

15. You are entitled to seek review of this decision. Your review rights are set out at **Attachment C**.

Yours sincerely

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

Martyn Hagan

Authorised FOI decision maker

27 June 2023

SCHEDULE OF DOCUMENTS

Document	Description	Exemption grounds
1	Email invitation to Australian Public Service Commissioner Woolcott – Dated 28 March 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.
2	Attachment A to email invitation sent to Australian Public Service Commissioner Woolcott – Dated 28 March 2022.	Release in full.
3	Attachment B to email invitation sent to Australian Public Service Commissioner Woolcott – Dated 28 March 2022.	Release in full.
4	Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to Patrick Hetherington - Dated 28 March 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.
5	Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to other party - Dated 28 March 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.
6	Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to other party - Dated 29 March 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.
7	Email invitation to Australian Public Service Commissioner Woolcott - Forwarding by Commissioner Executive Assistant to other party – Dated 29 March 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.
8	Email invitation to Australian Public Service Commissioner Woolcott– Forwarding by Commissioner Woolcott to other party – Dated 04 April 2022.	Section 47F (personal privacy) applies.

		Partial release with irrelevant material removed under section 22.
9	Patronages Dinner – Document detailing appropriate code of conduct.	Section 47F (personal privacy) applies.
10	Email reminder – Dated 05 April 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.
11	Email reminder – Forwarding by Commissioner Woolcott to other party - Dated 05 April 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.
12	Email to Australian Public Service Commissioner Woolcott – Dated 16 April 2022.	Section 47F (personal privacy) applies. Partial release with irrelevant material removed under section 22.

Reasons for decision

1. In making my decision I have had regard to:
 - the terms of your request;
 - the content of the documents;
 - the *Public Service Act 1999* (PS Act);
 - the FOI Act; and
 - the FOI Guidelines issued by the Australian Information Commissioner.

Conditional exemptions

Section 47F – personal privacy

2. Section 47F of the FOI Act provides that a document is conditionally exempt if it would involve the unreasonable disclosure of personal information about any person.
3. Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether:
 - the information or opinion is true or not; and
 - the information or opinion is recorded in a material form or not.
4. I consider that Document 1, as well as Documents 4-12, contain such matter; specifically, the names, contact information and signature blocks of third parties and the names and contact information of public servants. The information constitutes ‘personal information’ within the meaning of section 4 of the FOI Act.

Disclosure is unreasonable

5. Section 47F(2) of the FOI Act sets out matters to which a decision maker must have regard in determining whether disclosure of a document would involve the unreasonable disclosure of personal information. It states:

In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:

- (a) the extent to which the information is well known;*
- (b) 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;*
- (c) the availability of the information from publicly accessible sources;*
- (d) any other matters that the agency or Minister considers relevant.*

6. In considering what is unreasonable, the Administrative Appeals Tribunal in *Re Chandra and Minister for Immigration and Ethnic Affairs* [1984] AATA 437 at [51] stated:

...whether a disclosure is 'unreasonable' requires... a consideration of all the circumstances, including the nature of the information that would be disclosed, the circumstances in which the information was obtained, the likelihood of the information being information that the person concerned would not wish to have disclosed without consent, and whether the information has any current relevance... and to weigh that interest in the balance against the public interest in protecting the personal privacy of a third party...

7. Other factors to be considered include the nature, age and current relevance of the information, any opposition to disclosure held by the person that the personal information relates to, and the circumstances of an agency's collection and use of the information ('FG' and *National Archives of Australia* [2015] AICmr 26 at [47]).
8. I note that in *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557 (9 November 2020), Deputy President S A Forgie found (at [130]):

An individual may include his or her direct telephone number in correspondence directed to other persons. Unless published on an agency's website or made public in some other way, such as on a pamphlet or report available to the public, I consider that disclosure of an individual's telephone number in his or her place of employment is unreasonable. Its disclosure will provide an avenue by which others may choose to express their displeasure with the individual or with that for which he or she is responsible but its disclosure does not make any positive contribution to increasing public participation in Government processes or in increasing scrutiny, discussion, comment and review of the Government's activities.

9. The FOI Guidelines further provide, at paragraph 6.144:

*For example, in *Colakovski v Australian Telecommunications Corp*, Heerey J considered that '... if the information disclosure were of no demonstrable relevance to the affairs of government and was likely to do no more than excite or satisfy the curiosity of people about the person whose personal affairs were disclosed ... disclosure would be unreasonable'. This illustrates how the object of the FOI Act of promoting transparency in government processes and activities needs to be balanced with the purpose of s 47F to protect personal privacy, although care is needed to ensure that an FOI applicant is not expected to explain their reason for access to contrary to s 11(2).*

9. I acknowledge there is no presumption that agencies and ministers should start from the position that the inclusion of the full names of staff in documents increases transparency and the objects of the FOI Act: *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557 at [83]. However, I have identified the following factors which, in my view, do not support the release of this personal information under section 47F of the FOI Act:

- the individuals' personal information, in particular their names, will identify them;
- there is no legitimate reason why you, or other members of the public would need to contact the public servants named in these documents – they were not performing any decision making functions in the context they appeared in the documents;
- the personal information is unique and relates specifically to the individuals, and is generally not well known or publicly available; the FOI Act does not control or restrict the subsequent use or dissemination of information released under the FOI Act;
- the disclosure of this information will not advance scrutiny of any decisions falling within scope of your FOI request;
- the disclosure of this information could expose concerned individuals to unsolicited and inappropriate approaches by external parties;
- release of the individuals' personal information may cause stress for them or other detriment; and
- disclosure would prejudice the individuals' right to privacy.

10. I have therefore decided to the extent that Document 1, as well as Documents 4 - 12 include personal information of third parties as well as a number of public servants. I am satisfied that those parts are conditionally exempt from disclosure under section 47F of the FOI Act because disclosure would involve the unreasonable disclosure of their personal information.

Section 11A – public interest test

11. Subsection 11A(5) of the FOI Act provides that an agency must give access to a document if it is conditionally exempt unless access to the document would, on balance, be contrary to the public interest.
12. At paragraphs [6.17] and [6.22] the FOI Guidelines set out non-exhaustive lists of factors favouring and against disclosure. At paragraph [6.138] it is recognised that some factors considered in the context of determining whether disclosure would be unreasonable may also need to be considered again in assessing whether disclosure would on balance be contrary to the public interest.
13. To the extent that the documents contain information about individual third parties, I cannot see that there are any public interest factors in favour of disclosure.
14. For Commission staff, I accept the general public interest in access to documents as expressed in sections 3 and 11 of the FOI Act indicates there is at least some element of

the public interest, including in transparency and accountability, which can be said to favour disclosure. Namely:

- inform the community of the Government's operations, including, in particular, the policies, rules, guidelines, practices and codes of conduct followed by the Government in its dealings with members of the community;
- reveal the reason for a government decision and any background or contextual information that informed the decision; and
- enhance the scrutiny of government decision making.

15. However, that public interest in those objects would be furthered only in the most marginal and technical way in the present case by the release of the information. The release of third party applicant names or public servant names would not raise or answer crucial questions about the operation of the Commission. As the FOI Guidelines make clear at [6.5], the public interest test is *'not something of interest to the public, but in the interest of the public'*.

16. In the present case, I have taken into account that the FOI Act does not limit or restrain further dissemination of any information disclosed to the applicant. I have identified the following factors as weighing against disclosure:

- disclosure of individuals' personal information will not advance any scrutiny of any decisions falling within the scope of your FOI request;
- disclosure would prejudice individuals' right to privacy;
- disclosure could lead to unwarranted approaches to the individual which would adversely impact their ability to perform their role and functions; and
- disclosure could reasonably be expected to cause anxiety to the individuals that their information is publicly available indefinitely. The anxiety may be heightened by the recent data breaches, including the Optus and Medicare data breaches and the misuse of information about them.

17. Subsection 11B(4) of the FOI Act lists factors that are irrelevant to determining whether access would be in the public interest. I have not considered these factors.

18. On balance, I find disclosure of some parts of Document 1, as well as Documents 4-12, would be contrary to the public interest. To the extent that the material contained in these documents are conditionally exempt under section 47F, those parts are exempt from disclosure.

Rights of Review

Asking for a full explanation of a Freedom of Information decision

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

Seeking review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) may give you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

Applying for a review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

Email: foi@apsc.gov.au
Post: The FOI Officer
Australian Public Service Commission
B Block, Treasury Building
GPO Box 3176
Parkes Place West
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

Complaints to the Information Commissioner and Commonwealth Ombudsman

Information Commissioner

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: www.oaic.gov.au

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: www.ombudsman.gov.au



Australian Government
Australian Public Service Commission

s 47F(1)

By email: s 47F(1)

Our reference: LEX 559

Dear s 47F(1)

Freedom of Information request

1. I am writing about your Freedom of Information (FOI) request under the *Freedom of Information Act 1982* (FOI Act) made on Saturday 06 May 2023 for access to documents held by the Australian Public Service Commission (the Commission).
2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from www.legislation.gov.au.

Documents relevant to your request

3. You requested access to documents on the following terms:

I am writing to make a request under the Freedom of Information Act for a complete copy of the departments' Freedom of Information (FOI) logs for the period 2013-2023, including any secondary departments controlled by the agency.

I request that this is provided as a document and not a simple redirect to the agency website as I am of the view that your online disclosure logs do not actively reflect your FOI requests that you have received in this period.

I would appreciate it if you could provide me with this information in an electronic format, such as a PDF or spreadsheet, if possible.

Timeframe for processing your request

4. Your request was received by the Commission on Saturday 06 May 2023. The statutory period for processing your request is 30 days. On Monday 05 June 2023, the Commission applied to the Australian Information Commissioner (**Information Commissioner**) under section 15AB of the FOI Act for an extension of 25 days to 30 June 2023 to process your request. On Wednesday 14 June 2023, the Information Commissioner decided to extend the processing period to Friday 30 June 2023.

Decision

5. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.
6. I am satisfied that all reasonable steps have been taken to locate documents relevant to your request.
7. I have identified three (3) documents in scope of your request.
8. These documents are:
 - Document 1: Remuneration Tribunal FOI log
 - Document 2: Commission active matters spreadsheet
 - Document 3: Collection of screenshots regarding FOI matters
9. I have decided to:
 - grant full access to Document 1 and
 - grant partial access to Documents 2 and 3.
10. **Attachment A** sets out the grounds on which Documents 2 and 3 are partially exempt.
11. My reasons are set out in **Attachment B**.

Deletion of exempt matter or irrelevant material

12. Section 22 of the FOI Act requires an agency to provide access to an edited version of a document where it is reasonably practicable to edit the document to remove exempt material or material that is irrelevant to the scope of the request.
13. Relevant to deleting exempt or irrelevant content from a document, the Guidelines provide:

3.98 Applying those considerations, an agency or minister should take a common sense approach in considering whether the number of deletions would be so many that the remaining document would be of little or no value to the applicant. Similarly, the purpose of providing access to government information under the FOI Act may not be served if extensive editing is required that leaves only a skeleton of the former document that conveys little of its content or substance.
14. I consider the objects of the FOI Act will not be served by providing access to edited versions of the documents because extensive editing is required that would leave only a skeleton of the former documents, conveying little content or substance.
15. I also consider it is not reasonably practicable to prepare edited versions of the documents, having regard to the nature and extent of the modification required, and the resources available to modify the documents.

Contacts

16. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3720 or by email at foi@apsc.gov.au.

Review rights

17. You are entitled to seek review of this decision. Your review rights are set out at **Attachment C**.

Yours sincerely

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

Martyn Hagan

Authorised FOI decision maker

30 June 2023

SCHEDULE OF DOCUMENTS

Document	Description	Exemption grounds
1	Remuneration Tribunal FOI disclosure log – Dated 19 January 2022.	No exemptions apply.
2	Commission active matters spreadsheet – Dated 21 May 2023.	Section 47F (personal information) applies.
3	Collection of screenshots regarding FOI matters - Dated 22 May 2023.	Section 47F (personal information) applies.

Reasons for decision

1. In making my decision I have had regard to:
 - the terms of your request;
 - the content of the documents;
 - the *Public Service Act 1999* (PS Act);
 - the FOI Act;
 - the FOI Guidelines issued by the Australian Information Commissioner; and
 - advice from relevant officers within the Commission.

Conditional exemptions

Section 47F – personal privacy

2. Section 47F of the FOI Act provides that a document is conditionally exempt if it would involve the unreasonable disclosure of personal information about any person.
3. Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether:
 - the information or opinion is true or not; and
 - the information or opinion is recorded in a material form or not.
4. I consider that Documents 2 and 3 contain such matter; specifically the names of non-SES Commission staff and the names of third parties. The information constitutes ‘personal information’ within the meaning of section 4 of the FOI Act.

Disclosure is unreasonable

5. Section 47F(2) of the FOI Act sets out matters to which a decision maker must have regard in determining whether disclosure of a document would involve the unreasonable disclosure of personal information. It states:

In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:

- (a) the extent to which the information is well known;*
- (b) 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;*
- (c) the availability of the information from publicly accessible sources;*
- (d) any other matters that the agency or Minister considers relevant.*

6. In considering what is unreasonable, the Administrative Appeals Tribunal in *Re Chandra and Minister for Immigration and Ethnic Affairs* [1984] AATA 437 at [51] stated:

...whether a disclosure is 'unreasonable' requires... a consideration of all the circumstances, including the nature of the information that would be disclosed, the circumstances in which the information was obtained, the likelihood of the information being information that the person concerned would not wish to have disclosed without consent, and whether the information has any current relevance... and to weigh that interest in the balance against the public interest in protecting the personal privacy of a third party...

7. Other factors to be considered include the nature, age and current relevance of the information, any opposition to disclosure held by the person that the personal information relates to, and the circumstances of an agency's collection and use of the information ('FG' and *National Archives of Australia* [2015] AICmr 26 at [47]).
8. I note that in *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557 (9 November 2020), Deputy President S A Forgie found (at [130]):

An individual may include his or her direct telephone number in correspondence directed to other persons. Unless published on an agency's website or made public in some other way, such as on a pamphlet or report available to the public, I consider that disclosure of an individual's telephone number in his or her place of employment is unreasonable. Its disclosure will provide an avenue by which others may choose to express their displeasure with the individual or with that for which he or she is responsible but its disclosure does not make any positive contribution to increasing public participation in Government processes or in increasing scrutiny, discussion, comment and review of the Government's activities.

9. The FOI Guidelines further provide, at paragraph 6.144:

For example, in Colakovski v Australian Telecommunications Corp, Heerey J considered that '... if the information disclosure were of no demonstrable relevance to the affairs of government and was likely to do no more than excite or satisfy the curiosity of people about the person whose personal affairs were disclosed ... disclosure would be unreasonable'. This illustrates how the object of the FOI Act of promoting transparency in government processes and activities needs to be balanced with the purpose of s 47F to protect personal privacy, although care is needed to ensure that an FOI applicant is not expected to explain their reason for access to contrary to s 11(2).

9. Finally, in *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557, Deputy President Forgie observed at [83] that:

The whole of the FOI Act is a finely tuned balance between two interests. In one side of the balance is the facilitation and promotion of access to a national resource that is information held by Government, which enables increased public participation in Government processes and increased scrutiny, discussion, comment and review of the Government's activities. In the other is the protection of the national interest, the essential operation of government and the privacy of those who deal with government. It is most important, therefore, that its provisions be read very carefully and that presumptions should not be introduced that are not expressed, or necessarily implicit, in the words Parliament has chosen to achieve the balance that it wants. Those words should be the starting point of any consideration rather than any presumption that agencies and ministers should start from the position that the inclusion of the full names of staff in documents increases transparency and increases the objects of the FOI Act.

10. I have identified the following factors which, in my view, do not support the release of this personal information under section 47F of the FOI Act:

- the documents contain the names of third parties and non-SES staff members;
- the parties' personal information will identify them;
- there is no legitimate reason why you, or other members of the public would need to contact the public servants or third parties named in these documents;
- the personal information is generally not well known or publicly available;
- the FOI Act does not control or restrict the subsequent use or dissemination of information released under the FOI Act;
- the disclosure of third party information could expose those concerned parties to unsolicited and inappropriate approaches by external parties;
- release of third party personal information may cause stress for them or other detriment; and
- disclosure would prejudice the third parties' right to privacy.

11. I have therefore decided to the extent that Documents 2 and 3 include personal information of third parties as well as a number of public servants. I am satisfied that those parts are conditionally exempt from disclosure under section 47F of the FOI Act because disclosure would involve the unreasonable disclosure of their personal information.

Section 11A – public interest test

12. Subsection 11A(5) of the FOI Act provides that an agency must give access to a document if it is conditionally exempt unless access to the document would, on balance, be contrary to the public interest.
13. At paragraphs [6.17] and [6.22] the FOI Guidelines set out non-exhaustive lists of factors favouring and against disclosure. At paragraph [6.138] it is recognised that some factors considered in the context of determining whether disclosure would be unreasonable may also need to be considered again in assessing whether disclosure would on balance be contrary to the public interest.
14. To the extent that the documents contain information about individual third parties, I cannot see that there are any public interest factors in favour of disclosure.
15. For Commission staff, I accept the general public interest in access to documents as expressed in sections 3 and 11 of the FOI Act indicates there is at least some element of the public interest, including in transparency and accountability, which can be said to favour disclosure. Namely:
 - inform the community of the Government's operations, including, in particular, the policies, rules, guidelines, practices and codes of conduct followed by the Government in its dealings with members of the community;
 - reveal the reason for a government decision and any background or contextual information that informed the decision; and
 - enhance the scrutiny of government decision making.
16. However, that public interest in those objects would be furthered only in the most marginal and technical way in the present case by the release of the information. The release of third party applicant names or public servant names would not raise or answer crucial questions about the operation of the Commission. As the FOI Guidelines make clear at [6.5], the public interest test is

not something of interest to the public, but in the interest of the public

17. In the present case, I have taken into account that the FOI Act does not limit or restrain further dissemination of any information disclosed to the applicant. I have identified the following factors as weighing against disclosure:
 - disclosure of the concerned parties' personal information will not advance any meaningful scrutiny of the matters falling within the scope of your FOI request;
 - disclosure would prejudice the parties' right to privacy;
 - disclosure could lead to unwarranted approaches to the parties which would adversely impact their ability to perform their role and functions; and
 - disclosure could reasonably be expected to cause anxiety to the parties that their information is publicly available indefinitely. The anxiety may be heightened by the recent data breaches, including the Optus and Medicare data breaches and the misuse of information about them.

18. Subsection 11B(4) of the FOI Act lists factors that are irrelevant to determining whether access would be in the public interest. I have not considered these factors.
19. On balance, I find disclosure of some parts of Documents 2 and 3 would be contrary to the public interest. To the extent that the material contained in these documents are conditionally exempt under section 47F, those parts are exempt from disclosure.

Rights of Review

Asking for a full explanation of a Freedom of Information decision

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

Seeking review of a Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) may give you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

Applying for a review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

Email: foi@apsc.gov.au
Post: The FOI Officer
Australian Public Service Commission
B Block, Treasury Building
GPO Box 3176
Parkes Place West
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

Complaints to the Information Commissioner and Commonwealth Ombudsman

Information Commissioner

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: www.oaic.gov.au

Commonwealth Ombudsman

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: www.ombudsman.gov.au