



Our reference: FOIREQ23/00196

Attention: CR

By email: foi+request-10573-fae48088@righttoknow.org.au

Freedom of Information Request – FOIREQ23/00196

Dear CR,

I refer to your request for access to documents made under the *Freedom of Information Act 1982* (Cth) (the FOI Act). Your Freedom of Information (FOI request) was received by the Office of the Australian Information Commissioner (OAIC) on 18 September 2023.

I am writing to inform you of my decision.

Background

Scope of your request

Your FOI request sought access to the following information:

Dear OAIC - FOI,

I apologize for the lack of clarity in my previous email. Please accept this letter as a new FOI request. I seek access to specific documents under the FOI Act.

For context, please refer to OAIC Reference FOIREQ23/000156 or visit https://www.righttoknow.org.au/request/internal_oaic_documents_relati#gincoming-32045.

I am seeking access to the following documents:

- 1. Document 17 - "making and assessing FOI Complaints worksheet"*
- 2. Document 18 - "worksheet on deemed access refusal matters"*
- 3. Document 19 - "worksheet on registration and triage"*
- 4. Document 20 - "worksheet on extension of time matters"*
- 5. Document 44 - "Direction as to certain procedures to be followed in IC reviews: for agencies/ministers"*
- 6. Document 45 - "Direction as to certain procedures to be followed in IC reviews: for applicants"*

I kindly request that these documents be provided in their final version without any changes highlighted. This can be accomplished by temporarily turning off the "track changes" feature in Microsoft Word. For more information on how to do this, please refer to the following link:

<https://support.microsoft.com/en-au/office/video-track-changes-and-show-markup-3faf8a07-26ed-4b76-b6a0-43cca013e6d3>.

As I am specifically requesting versions of documents with less information than what has already been released in full, I hope that you can administratively release these documents to me. To clarify, I am requesting access to documents on which you have already made a decision for full access, but in a version without changes, highlighting, comments, or other markups. It would be redundant to spend additional time making a decision on documents that have already been released in their entirety.

If my request requires further clarification, please do not hesitate to contact me. Alternatively, kindly provide me with a phone number where I can reach you to discuss the scope of this request.

Yours sincerely,

CR

On 19 September 2023 you sent the following correspondence in relation to your request:

'Dear OAIC - FOI,

Alternatively, you could release the documents in their native Microsoft Word .docx format. Whichever option is more convenient for you.

*Kind regards,
CR'*

On 21 September 2023 the OAIC acknowledged receipt of your FOI request.

Request timeframe

Your request was made on 18 September 2023.

This means that a decision on your request is due to be decided by 18 October 2023.

In accordance with section 26(1)(a) of the FOI Act, the reasons for my decision and findings on material questions of fact are provided below.

Decision

Material taken into account

In making my decision, I have had regard to the following:

- your FOI request dated 18 September 2023 and subsequent correspondence on 19 September 2023;
- the FOI Act;
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act to which regard must be had in performing a function or exercising a power under the FOI Act (FOI Guidelines);
- consultation with line areas of the OAIC in relation to your request

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests on behalf of the OAIC.

Searches Undertaken

The FOI Act requires that all reasonable steps have been taken to locate documents within scope of an FOI request.

The following line areas of the OAIC conducted reasonable searches for documents relevant to your request:

- FOI Dispute Resolution Group

Searches were conducted across the OAIC's various document storage systems including:

- the OAIC's case management system - Resolve
- the OAIC's document holding system - Content Manager
- OAIC's email system
- general computer files

Having consulted with the relevant line areas and undertaken a review of the records of the various search and retrieval efforts, I am satisfied that a reasonable search has been undertaken in response to your request.

Decision

I have identified 6 documents within the scope of your request. I have made a decision to grant access in full to all documents.

Release of documents

The documents are identified in the attached schedule of documents and attached.

I note that as part of your request, you have requested draft documents which are '*provided in their final version without any changes highlighted*'. I can advise that all marked-up changes have been removed from the documents and provided to you. However, this does not mean that the documents are in their final form. The documents have simply had the marked-up changes removed and the documents are still not in their final form.

Disclosure log decision

Section 11C of the FOI Act requires agencies to publish online document released to members of the public within 10 days of release, except if they contain personal or business information that would be unreasonable to publish.

I am of the view that the documents identified within the scope of your request do not contain personal or business information that would be unreasonable to publish. Accordingly, the documents will be published on the disclosure log.

Please see the following page for information about your review rights.

Yours sincerely,

Emily Elliott

Senior Lawyer

18 October 2023

If you disagree with my decision

Internal review

You have the right to apply for an internal review of my decision under Part VI of the FOI Act. An internal review will be conducted, to the extent possible, by an officer of the OAIC who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please mark your application for the attention of the FOI Coordinator and state the grounds on which you consider that my decision should be reviewed.

Applications for internal reviews can be submitted to:

Office of the Australian Information Commissioner
GPO Box 5288
SYDNEY NSW 2001

Alternatively, you can submit your application by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Further review

You have the right to seek review of this decision by the Information Commissioner and the Administrative Appeals Tribunal (AAT).

You may apply to the Information Commissioner for a review of my decision (IC review). If you wish to apply for IC review, you must do so in writing within 60 days. Your application must provide an address (which can be an email address or fax number) that we can send notices to, and include a copy of this letter. A request for IC review can be made in relation to my decision, or an internal review decision.

It is the Information Commissioner's view that it will usually not be in the interests of the administration of the FOI Act to conduct an IC review of a decision, or an internal review decision, made by the agency that the Information Commissioner heads: the OAIC. For this reason, if you make an application for IC review of my decision, and the Information Commissioner is satisfied that in the interests of administration of the Act it is desirable that my decision be considered by the AAT, the Information Commissioner may decide not to undertake an IC review.

Section 57A of the FOI Act provides that, before you can apply to the AAT for review of an FOI decision, you must first have applied for IC review.

Applications for IC review can be submitted online at:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

Alternatively, you can submit your application to:

Office of the Australian Information Commissioner
GPO Box 5288
SYDNEY NSW 2001

Or by email to foidr@oaic.gov.au, or by fax on 02 9284 9666.

Accessing your information

If you would like access to the information that we hold about you, please contact foi@oaic.gov.au. More information is available on the Access our information page on our website.