

14 September 2023

Andrew Pentland

By email only: foi+request-10579-2f2a6813@righttoknow.org.au

RE: FREEDOM OF INFORMATION REQUEST 2024-00165

Dear Mr Pentland,

The purpose of this letter is to give you a formal decision about access to documents that you requested under the *Freedom of Information Act 1982 (Cth)* (“**FOI Act**”).

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

We received your request on 17 August 2023, in which you are seeking “access to the style guides and branding guides used by the Australian Postal Corporation (“**Request**”)”.

I have considered documents containing the style and brand guidelines you seek access to. It is my view that the documents sought should not be released under the FOI Act.

My formal decision and information about that decision are set out below.

Decision and reasons for decision

Your request is formally refused under **section 47** of the FOI Act – Trade secrets or commercially valuable information.

The following material was taken into account in making my decision:

- the documents;
- the FOI Act (specifically section 47); and
- the FOI guidelines issued by the Australian Information Commissioner (“**Guidelines**”).

Under **section 47(1)** of the FOI Act, a document is an exempt document if its disclosure under the FOI Act would disclose:

- a) trade secrets; or
- b) any other information having a commercial value that would be, or could reasonably be expected to be destroyed or diminished if the information were disclosed.

I believe that the documents you seek fall within the scope of section 47(1)(b) as they have commercial value to an agency.

To be exempt under section 47, two criteria must apply:

- the document must contain information that has commercial value either to an agency or to another person or body, and
- the commercial value of the information would be, or could reasonably be expected to be, destroyed or diminished if it were disclosed.

Commercial value to an agency

I have had regard to the factors outlined in the FOI Guidelines, Part 5 paragraph 5.205 to determine whether the documents sought are commercially valuable.

Australia Post created and utilises style and brand guidelines to build a strong, positive perception of Australia Post, its products and services, its reason for existing and the things it stands for. Combining elements such as Australia Post's logo, design, and a consistent theme throughout the presentation of its products, services and communications is an important factor in influencing people's perception of the Australia Post brand and in building and maintaining Australia Post's respected reputation and subsequent loyalty with customers. For the above reasons, Australia Post's brand is commercially valuable to the agency and as part of that Australia Post has taken measures to ensure that its style and branding guidelines are used only by authorised persons involved in such activities.

Access to Australia Post's Brand Hub, which houses the branding and style guidelines, is provided only to Australia Post team members as well as third parties who may be required or entitled to use Australia Post's brand, such as agencies creating content or communications on behalf of Australia Post, merchants granted permission to use the Australia Post logo, manufacturers producing branded assets such as signage and partner organisations. These persons or organisations must adhere to strict Terms and Conditions associated with the access to the Brand Hub as well as the use of Australia Post's Brand and the relevant branding and style guidelines.

It is my view that the information contained within these guidelines would be valuable to competitors seeking an advantage over Australia Post, as well as unscrupulous parties wishing to impersonate or otherwise damage the Australia Post identity. As such, it has commercial value potentially impacting the profitability or viability of continuing the commercial activity of Australia Post.

Disclosure would, or could reasonably destroy or diminish commercial value

Australia Post's brand and style guidelines contain specific rules, approaches and methodologies used by Australia Post and selected third parties on a day to day basis, so have relevance in commercial activities and remain valuable. These brand and style guidelines are not otherwise available, so my view is that a competitor or other party may be prepared to pay for the brand and style guidelines to obtain the advantage they provide. Accordingly, the commercial value of the documents would be destroyed or diminished if they were disclosed.

In summary, I believe that the documents you seek access to are exempt documents and their disclosure is not required.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision.

Internal Review

Under section 54 of the FOI Act, you may apply in writing to Australia Post 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 the FOI Review officer within 30 days.

Please send your review request in writing or email to:

FOI Review Officer or to foi@auspost.com.au
Australia Post
GPO Box 1777
MELBOURNE VIC 3001

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

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney NSW 2001

More information about an Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

FOI Complaints

If you are unhappy with the way we have 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

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney 2001

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

If you are sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the Office of the Australian Information Commissioner has more information at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Yours sincerely

Anna Oliver
Freedom of Information Officer
Australia Post