



Our reference: FOIREQ23/00174

Attention: Stoyan

By email: foi+request-10641-69913a16@righttoknow.org.au

Freedom of Information Request – FOIREQ23/00174

Dear Stoyan,

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 30 August 2023.

I am writing to inform you of my decision.

I have identified 53 documents within the scope of your request. I have made a decision to:

- Grant access in part to 13 documents
- Grant access in full to 40 documents

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. Further, the 53 documents have been identified in the attached 3 document schedules.

Background

Scope of your request

Your FOI request sought access to the following information:

Dear Office of the Australian Information Commissioner,

This is a request for the purposes of the Freedom of Information Act 1982 (Cth).

Please provide any documents by return email.

I request any and all documents prepared for Ms Angelene Falk's use (whether or not they were actually used) in a hearing before the Senate's Legal and Constitutional Affairs Committee on 30 August 2023 in relation to the state of the Commonwealth's freedom of information system.

Yours faithfully,

Stoyan

On 31 August 2023 the OAIC acknowledged receipt of your FOI request.

On 4 September 2023, we sought clarification with you regarding the scope of your request as follows:

'Freedom of Information request

*Preliminary searches in relation to your request has identified that a briefing pack was prepared for Angelene Falk appearance before the Senate's Legal and Constitutional Affairs Committee (Senate Committee) on 29 August 2023. As such, I have interpreted your request as being for the briefing pack including additional material and supplementary folder. I consider that these consist of the documents prepared for Angelene's Falk use before the Senate Committee. Before proceeding on this basis, I am seeking confirmation of the interpretation of the scope of your request. Please confirm the scope of your request or alternatively if you do not respond by **Thursday 7 September 2023** I will proceed on this basis.*

If I do not hear from you by this date, I will assume that you do not object to this interpretation of the FOI request and will continue to process the request according to this interpretation. No further action is then required from you.

If you wish to discuss any of the above please feel free to reach out to me by way of reply email.'

On 4 September 2023, you responded to our email as follows:

'The briefing pack (including additional material and supplementary folder) that you have referred to sounds like what I am after. I am happy for you to process my FOI request on the basis that the briefing pack (including additional material and supplementary folder) is what falls within the scope of my request. '

On 7 September 2023, we sent a further email to you seeking to clarify the scope of your request as follows:

'Thank you for clarifying your request. Withing the briefing pack there is a large number of documents, including a number of publicly available documents. For your reference I have attached the index for each of the briefing, supplementary and

additional material (please note each is in a separate tab). I would like to confirm that you seek access to:

- all documents, including publicly available documents;*
- all documents, excluding publicly available documents (we would be happy to provide you links to the documents); or*
- a specific set of documents.*

If you could confirm the documents you are seeking access to by cob Monday 11 September 2023 it would be greatly appreciated. If you do not respond, we will interpret your request for all documents, including publicly available documents.'

On 7 September 2023, you responded to our email as follows:

'Thank you for sending the index to the briefing pack to me. It's very useful. I can see that the briefing pack does, indeed, contain documents that are in the public domain. For example, I can see that public submissions to the Legal and Constitutional Affairs Committee are included (highlighted in yellow under the subheading submissions).

At this stage and subject to what I have to say below, I think the most sensible approach would be to limit my request to "all documents, excluding publicly available documents".

Looking at this index, I am particularly interested in:

- a) FOI Hearing Brief - Key statistics*
- b) FOI Hearing Brief - OAIC APS Census Results*
- c) FOI Hearing Brief - Staffing Figures*
- d) FOI Hearing Brief - Legal Matters*
- e) FOI Hearing Brief - Branch Budgets*
- f) FOI IC review table -numbers, finalisation times, outcomes*
- g) Agency FOI statistics*
- h) FOI Complaints*
- i) Department of Home Affairs – Compliance with Processing*
- j) FOI Change of government and official ministerial documents of a Minister*

- k) FOI OAIC Monitoring, guidance, engagement and IPS guidelines
- l) FOI Extension of time applications
- m) National Cabinet
- n) Deemed Decisions
- o) IC Review Procedure Direction
- p) Proposed amendments to FOI Act – contact with AGD
- q) Proposed legislative amendments as at August 2023
- r) OAIC Governance Structure
- s) SES Staff Caps and attachments
- t) Corporate
- u) the totality of the "FOI Operations" documents (it appears to have 15 parts).

To the extent that any of these (or parts of them) are publicly available documents, I still would like to be provided with them as part of my FOI request. ‘

Request timeframe

Your request was made on 30 August 2023.

On 28 September 2023, we sent you an email seeking an extension for the processing of your request as follows:

‘We are well progressed in processing your request, but it is a large request (over 500 pages) and it would assist us if you would agree to a short extension until 13 October 2023.

Section 15AA of the Freedom of Information Act 1982 allows the processing time for an FOI request to be extended for no more than 30 days with the agreement of the applicant. If you could please advise by 1pm tomorrow, 29 September 2023 if you agree to the extension it would be appreciated. ‘

On 28 September 2023, you responded to our email as follows:

'I understand. Happy to agree to the proposed extension of time. I look forward to receiving the documents on Friday 13 October 2023.'

This means that a decision on your request is due to be decided by 13 October 2023.

Decision

Material taken into account

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

- your FOI request dated 30 August 2023 and subsequent clarification regarding the scope of your request on correspondence regarding on 4 September 2023 and 7 September 2023;
- the FOI Act, in particular sections, including sections 11, 11A, 47C, 47E(c), 47E(d) and 47F;
- 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:

- OAIC Corporate Services Team
- OAIC Executive

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.

Deliberative Processes (section 47C)

I have also found 3 documents conditionally exempt in part under s47C of the FOI Act. The material which I have found conditionally exempt under s47C relates to OAIC budget bid history and potential legislative reform.

Section 47C(1) of the FOI Act provides as follows:

- (1) *A document is conditionally exempt if its disclosure under this Act would disclose matter (**deliberative matter**) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of:*
- (a) an agency; or*
 - (b) a Minister; or*
 - (c) the Government of the Commonwealth.*

The FOI guidelines provide in relation to s. 47C that

Deliberative matter is content that is in the nature of, or relating to either:

- 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, a deliberative process of the government, an agency or minister (s 47C(1)).*

Information concerning potential budgetary bids and legislative reform are a deliberative process of government in which matters are considered, recommended and discussed both internally and externally with other government agencies.

Although none of these deliberations are the subject of a current budget bid or cabinet submission (and as such the cabinet exemption is not relevant), they are deliberations that are closely connected to the cabinet process.

The FOI guidelines also provide:

In some cases, a document may contain deliberative matter that relates to Cabinet in some way but is not exempt under the Cabinet exemption in s 34. An example would be a document containing deliberative matter that is marked 'Cabinet-in-Confidence' but nonetheless does not satisfy any of the exemption criteria in s 34. Disclosing a document of this kind would not necessarily be contrary to the public interest only because of the connection to Cabinet deliberations. For example, disclosure is less likely to be contrary to the public interest if:

- *the document contains deliberative but otherwise non-sensitive matter about a policy development process that has been finalised, and*
- *the Government has announced its decision on the issue.*

Even if Government has not announced a decision on the issue, disclosure of such a document is less likely to be contrary to the public interest if it is public knowledge that the Government considered or is considering the issue. The key public interest consideration in both situations is to assess whether disclosure would inhibit the Government's future deliberation of the issue.

I note that information that has been considered exempt is not in the public domain and may inhibit the Government's future deliberation of issues relating to budgetary funding of the OAIC and legislative reform. I therefore find that the relevant material is conditionally exempt under section 47C of the FOI Act.

Management and assessment of personnel (s47E(c))

I have found 1 document to be conditionally exempt in part under section 47E(c) of the FOI Act. Based on my examination of the relevant document, the exempt material can be described as the first names, first initial of the surnames, and full names of all non-SES OAIC staff members in the FOI Branch organisational chart.

Under s 47E(c) of the FOI Act, a document is conditionally exempt if its disclosure could reasonably be expected to have a substantial adverse effect on the management or assessment of personnel by an agency.

Section 47E(c) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency.

The FOI Guidelines explain at [6.114]:

For this exemption to apply, the document must relate to either:

- the management of personnel – including the broader human resources policies and activities, recruitment, promotion, compensation, discipline, harassment and occupational health and safety
- the assessment of personnel – including the broader performance management policies and activities concerning competency, in-house training requirements, appraisals and underperformance, counselling, feedback and assessment for bonus or eligibility for progression.

Having considered the material within the document, I consider the relevant material relates to the management of personnel, including the broader human resources policies and activities, recruitment and occupational health and safety.

As a Commonwealth employer the OAIC has duties and obligations under the *Work Health and Safety Act 2011*. This includes a duty to manage workplace health and safety by eliminating and minimising risks as much as is reasonably practicable. Psychosocial hazards are any occupational hazard that affects the psychological and physical wellbeing of employees and includes workplace violence and customer aggression including verbal threats. When engaging with members of the public OAIC staff members can encounter aggression including verbal threats. These threats are not publicly reported. The OAIC has an obligation under the *Work Health and Safety Act 2011* to eliminate the risks associated with psychosocial hazards as much as reasonably practical.

I note that although OAIC non-SES staff members generally do provide their full name in correspondence to members of the public, I would distinguish this scenario with this request, in that you are not seeking access to a limited number of staff names associated with a specific matter related to you. You are seeking the release of all OAIC staff members' names in the FOI Branch in response to a general request for '*all documents prepared for Ms Angelene Falk's use (whether or not they were actually used) in hearing before the Senate's Legal and Constitutional Affairs Committee on 30 August 2023 in relation to the state of the Commonwealth's freedom of information system.*' The decision concerning your request will also be publicly available via the Right to Know website. Therefore, it is my opinion that the release of this information could be reasonably expected to have a substantial adverse impact on the OAIC's ability to manage risks associated with aggression towards staff. I consider both first names, and the first initial of surnames, as well as full names of all non-SES OAIC staff members conditionally exempt under s47E(c) of the FOI Act.

Proper and efficient conduct of the OAIC's operations (s47E(d))

I have found 7 documents identified within the scope of your request as conditionally exempt in part under section 47E(d) of the FOI Act.

The type of material I have found to be exempt in part is:

- Names of non-SES staff at the Department of Home Affairs ('The Department')
- Direct mobile phone contact details of OAIC executive staff
- Information concerning open Information Commissioner (IC) review matters

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

Section 47E(d) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

The FOI Guidelines at [6.101] provides:

For the grounds in ss 47E(a)–(d) to apply, the predicted effect needs to be reasonably expected to occur. The term 'could reasonably be expected' is explained in greater detail in Part 5. There must be more than merely an assumption or allegation that damage may occur if the document were to be released.

Additionally, at [6.103] the FOI Guidelines further explain:

An agency cannot merely assert that an effect would occur following disclosure. The particulars of the predicted effect should be identified during the decision-making process, including whether the effect could reasonably be expected to occur. Where the conditional exemption is relied upon, the relevant particulars and reasons should form part of the decision maker's statement of reasons, if they can be included without disclosing exempt material (s 26, see Part 3).

The term ‘substantial adverse effect’ explained in the Guidelines [at 5.20] and it broadly means ‘an adverse effect which is sufficiently serious or significant to cause concern to a properly concerned reasonable person’.

The word ‘substantial’, taken in the context of substantial loss or damage, has been interpreted as ‘loss or damage that is, in the circumstances, real or of substance and not insubstantial or nominal’.

Names of non-SES Staff at the Department of Home Affairs (‘The Department’)

I have found 2 documents conditionally exempt in part under s47E(d) as they contain the names of non-senior executive staff (‘non-SES’ staff) members at the Department.

The recent decision of *Chief Executive Officer, Services Australia v Justin Warren* [2020] AATA 4557 discussed the issue of the disclosure of public servants’ names and contact details. This issue has also been discussed in the FOI Guidelines and the Information Commissioner’s 2020 Policy Paper Disclosure of public servants’ names and contact details in response to FOI requests. It is accepted that the assessment of the redaction of staff names should be assessed on a case-by-case basis.

I have had regard to the submissions of the Department provided to the OAIC about non-SES staff. The Department has submitted that it maintains a policy of not publicly disclosing non-SES staff names and contact details. This is to ensure the efficient operations of the Department by ensuring contact through dedicated channels and protecting the identity of non-SES in the wider community.

Noting the above, I am satisfied that the release of the names and contact details of Department non-SES staff would have a substantial adverse effect on the proper and efficient conduct of the Departments operations. I therefore find that the relevant material is conditionally exempt under section 47E(d) of the FOIA Act.

Mobile phone numbers of OAIC executive staff

I have found 4 documents conditionally exempt under section 47E(d) as they contain the direct mobile phone contact numbers of OAIC executive staff.

In *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557, the Tribunal found at [130] that :

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

I note that the mobile phone contact details of OAIC executive staff are not published on the OAIC's website and are not publicly available. I consider that the release of the direct mobile number contact details of OAIC SES staff may provide members of the public a way to circumvent established channels of communication with the OAIC and allow direct contact with SES staff, diverting them from their usual duties. I therefore find that the relevant material is conditionally exempt under s47E(d).

Information concerning open IC review matters

I have also found 1 document as conditionally exempt under s47E(d) as it relates to open IC review matters with the OAIC.

The document contains information that is not publicly known, regarding IC reviews that are currently open and are still being determined by the OAIC. The release of this information at this time to a third party who is not a party to these reviews would or could reasonably be expected to adversely impact on both the ability of the OAIC to manage the specific matters referred to and future matters if parties cannot be confident that their information will be kept confidential while their reviews are still being investigated.

The AAT has recognised in *Telstra Australian Limited and Australian Competition and Consumer Commission* [2000] AATA 71 (7 February 2000) [24] that the conduct of an agency's regulatory functions can be adversely affected in a substantial way when there is a lack of confidence in the confidentiality of the investigation process. In my view, the OAIC's ability to carry out its regulatory functions in conducting IC reviews would be substantially and adversely affected if there was a lack of confidence in the confidentiality of the review process while the IC reviews are still open. I therefore find that the relevant material is conditionally exempt under s47E(d).

Personal Privacy (s47F)

I have also found 2 documents as conditionally exempt in part under s47F as they contain personal signatures of SES staff at the Department.

Personal Information

A document is conditionally exempt under section 47F(1) of the FOI Act where disclosure would involve the unreasonable disclosure of personal information of any person, including a deceased person. This exemption is intended to protect the personal privacy of individuals.

Section 4 of the FOI Act provides that the definition of personal information in the *Privacy Act 1988* (Cth) also applies to the FOI Act. The term personal information is defined in section 6 of the Privacy Act to be:

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

I am satisfied that this material meets the definition of personal information because a signature is a unique identifier for an individual.

Unreasonable disclosure of personal information

In relation to whether disclosure of the material under the FOI Act would involve an unreasonable disclosure of the third party individuals' personal information, s 47F(2) provides a decision maker must have regard to:

- The extent to which the information is well-known
- 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
- The availability of the information from publicly accessible sources, and
- Any other matters the agency or minister considers relevant.

The FOI Guidelines further describes the key factors for determining whether disclosure is unreasonable at paragraph 6.143:

- the author of the document is identifiable
- the documents contain third party personal information
- release of the documents would cause stress on the third party
- no public purpose would be achieved through release.

Consistent with *FG and National Archives of Australia [2015] AICmr 26*, the FOI Guidelines at paragraph 6.143 explain that other relevant factors include:

- *the nature, age and current relevance of the information*
- *any detriment that disclosure may cause to the person to whom the information relates*
- *any opposition to disclosure expressed or likely to be held by that person*
- *the circumstances of an agency's collection and use of the information*
- *the fact that the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act*
- *any submission an FOI applicant chooses to make in support of their application as to their reasons for seeking access and their intended or likely use or dissemination of the information, and*
- *whether disclosure of the information might advance the public interest in government transparency and integrity*

I note that the Department objected in the disclosure of these signatures. In addition, I am satisfied that the release of this personal information would be unreasonable because the information is not publicly available, would not further any public purpose and would cause undue stress to the SES staff of the Department. I therefore find that the relevant material is conditionally exempt under s47F of the FOI Act.

My consideration of the public interest test, in respect of all the material subject to conditional exemption in this document is discussed below.

The public interest test (section 11A and 11B)

An agency cannot refuse access to conditionally exempt documents unless giving access would, on balance, be contrary to the public interest (s 11A(5)). The FOI Guidelines explain that disclosure of conditionally exempt documents is required unless the particular circumstances at the time of the decision reveal countervailing harm which overrides the public interest in giving access. In this case, I must consider whether disclosure of the documents identified as conditionally exempt pursuant to s47C, s47E(c), s47E(d) and s47F at this time would be contrary to the public interest.

Subsection 11B(3) of the FOI Act provides a list of public interest factors favouring disclosure. The FOI Guidelines at paragraph [6.19] also provide a non-exhaustive list of public interest factors favouring disclosure, as well as public interest factors against disclosure. The relevant public interest factor in favour of disclosure in this case is that disclosure would:

- promote the objects of the FOI Act;

- inform debate on a matter of public importance
- promote effective oversight of public expenditure

The public interest factors favouring disclosure must be balanced against any public interest factors against disclosure. The FOI Guidelines at paragraph [6.22] contain a non-exhaustive list of factors against disclosure. In my view, the public interest factors against disclosure in this case is that disclosure:

- could reasonably be expected to prejudice the management function of an agency by:
 - adversely impacting the deliberation of budgetary funding and legislative reform;
 - adversely impacting on the management of OAIC staff by publicly disclosing all FOI Branch staff names via the right to know website;
 - adversely impacting the operations of an agency by providing direct contact details of staff outside established communication channels;
- could reasonably be expected to prejudice an agency's ability to obtain confidential information by disclosing confidential information about open IC review matters; and
- could reasonably be expected to prejudice the protection of an individual's right to privacy by disclosing unique individual signatures.
- promote effective oversight of public expenditure.

I note that many of the documents have been released in full and only limited exemptions have been applied. I am satisfied that the public interest factors against disclosure outweigh the public interest factor in favour of disclosure. I recognise that disclosure would inform the public on a matter of public importance and promote the objects of the FOI Act. But I have given significant weight to the fact that the management function of the OAIC would be adversely prejudiced by the release of this information at this time particularly in relation to budgetary and legislative information that is not currently in the public domain. As such, the documents which I have found to be conditionally exempt under s47E(d), s47F and s47C of the FOI Act would, on balance, be contrary to the public interest.

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 have decided that the documents will be published on our disclosure log.

Conclusion

Please find attached schedule and documents in relation to your request. A number of documents contain the proposed budget for 2023/2024. As the budget has now been finalised please see Attachment A for an updated version of this table. In addition, a small number of corrections to the documents have been provided.

Please see Attachment B for information about your review rights.

Yours sincerely,

Emily Elliott

Senior Lawyer

13 October 2023

Attachment A

Main documents

The table on page 17, 253 includes the proposed budget for 2023-24. The budget has now been approved and below is an updated table with the approved budget figures for 2023-24:

	Budget 2022-23 ASL	Actual 2022-23 ASL*	Budget 2023-24 ASL	2022-23 Actual Total Branch	2023-24 Budget Total Branch
R&S	36.8	30.8	41.8	\$4,501,388	\$5,995,000
FOI (+ extra funds)	22.4	20.3	22.4 (+8.9)	\$3,060,272	\$3,212,200 (+\$1,234,000)
DR	47.5	43.5	54.8	\$6,184,987	\$6,182,400
MI	5.6	2.9	7.5	\$529,950	\$1,735,700
Corporate	23.6	20.0	29.1	\$4,108,906	\$4,503,700
Legal Services	12.9	10.4	18.2	\$7,416,107	\$9,695,000
Executive	9.5	9.2	13.8	\$3,406,583	\$5,254,500

Page 17 last dot point has been corrected:

- 2023-24: FOI approved additional \$650,000 ~~as risk based approach~~ based on stronger liquidity for additional staff and the remaining \$534K from the prior was carried over into FY24. Total proposed budget is \$4,441,000.

Page 250 last dot point has been corrected:

- The funding structure of the OAIC has had a high proportion of terminating measures. In FY2018-19 ~~55.9%~~ 9.6% and FY2023-24 ~~34.2%~~ 49.5% of operational funding were terminating measures. This has required the OAIC to staff up quickly on short- and medium-term funding.

Page 255 at the last point has been corrected:

- Following the transition of shared services, the net cost ~~increase~~/saving is ~~\$170,000~~ \$220,000 assuming a full year with fully implemented finance and people and culture teams. Per the proposed FY2023-24 budget. Further, the costs assume 183 APS staff and 7 labour hire staff.

Supplementary documents

Page 27 first row the reference to 24 May 15 should be 28 May 15

Page 32 in relation to:

- Financial year 2017-18, reason 4)
- Financial year 2018-19, reason 3)
- Financial year 2019-20, reason 4)
- Financial year 2020-21, reason 2)
- Financial year 2021-22, reason 2)

It is noted that the above reasons do not consider the operating loss application and approval processes. Operating loss applications must seek approval from the Finance Minister to operate at loss for non-technical losses. Generally, the operating loss applications should demonstrate the loss is unavoidable and the mitigation strategies taken to prevent future losses. The OAIC understands that approved losses should only be used for approved activities.

Attachment B

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.