



Australian Government
Australian Radiation Protection
and Nuclear Safety Agency



15/12/2023

Alex Pentland

By email: foi+request-10878-223ffac2@righttoknow.org.au

Dear Alex Pentland,

Freedom of Information Request no. 20231117

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 request (FOI request) was received by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) on 17 November 2023.

I am writing to inform you of my decision.

Scope of your request

Your FOI request sought access to the following documents:

'Dear Australian Radiation Protection and Nuclear Safety Agency,

This is a Freedom of Information Request for the purposes of the Freedom of Information Act 1982.

I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Australian Radiation Protection and Nuclear Safety Agency,,

In making this request, I note a prior request similar to this which lapsed

(<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Fstyle%20guide%20for%20the%20australian%20radiation%20protection%20and%20nuclear%20safety%20agency%20-%20incoming-31604&data=05%7C01%7Cfoi%40arpansa.gov.au%7C647bfbb43d8c472f830b08dbe70e12df%7Ce23b734400e149cb94682759cc63a844%7C0%7C0%7C638357819870460758%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEkaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=mpgOd01AYOd8H8YcYFegoZpZZG2b17f2knHYgfhXwDQ%3D&reserved=0>), and note the agency use of Commonwealth Branding Guidelines.

To clarify this request, I note that various other commonwealth authorities and agencies operate with documents outlining branding, logos and related styles, visual guides, and writing guides. I have attached a similar request to the AEC which turned out some of the documents that are like this for another authority

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Fstyle%20and%20branding%20guide%20for%20the%20incoming-31604&data=05%7C01%7Cfoi%40arpansa.gov.au%7C647bfbb43d8c472f830b08dbe70e12df%7Ce23b734400e149cb94682759cc63a844%7C0%7C0%7C638357819870460758%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEkaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=mpgOd01AYOd8H8YcYFegoZpZZG2b17f2knHYgfhXwDQ%3D&reserved=0>

[32002&data=05%7C01%7Cfoi%40arpansa.gov.au%7C647bfb43d8c472f830b08dbe70e12df%7Ce23b734400e149cb94682759cc63a844%7C0%7C0%7C638357819870460758%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEkaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=JHWAvFJIjPP0ZyDQa9IFtQxGOTPPGBXKV1f%2F4xR3Fn8%3D&reserved=0](https://www.arpansa.gov.au/foi/32002&data=05%7C01%7Cfoi%40arpansa.gov.au%7C647bfb43d8c472f830b08dbe70e12df%7Ce23b734400e149cb94682759cc63a844%7C0%7C0%7C638357819870460758%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEkaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=JHWAvFJIjPP0ZyDQa9IFtQxGOTPPGBXKV1f%2F4xR3Fn8%3D&reserved=0)

I must apologise for the unceremonial conclusion to the last request, and hope this one is easier to process.

Yours faithfully,

Alex Pentland'

On 23 November 2023, ARPANSA acknowledged receipt of your FOI request.

On 24 November 2023, ARPANSA clarified the scope of your request and whether it excluded the personal information of non-Senior Executive Service (SES) staff at ARPANSA.

On 24 November 2023, you advised as follows:

'Dear ARPANSA FOI,

I confirm the scope of my request excludes the personal information of non-SES staff at ARPANSA.

Yours sincerely,

Alex Pentland'

Request timeframe

Your request was made on 17 November 2023.

This means that a decision on your request is due to be decided on 17 December 2023.

I am an authorised decision maker under section 23(1) of the FOI Act to make decisions in relation to FOI requests. The reasons for my decision are provided below.

Decision

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

- your FOI request dated 17 November 2023 and subsequent clarification regarding the scope of your request on 24 November 2023
- the documents that fall within the scope of your request
- the FOI Act
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act
- consultation with relevant branch and office areas of ARPANSA in relation to your request.

Searches undertaken

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

Relevant ARPANSA operational areas were consulted and thorough records searches were undertaken. This included consultation with the Office of the CEO and the Communications Team. Searches were conducted across ARPANSA's various document storage systems including ARPANSA's record management system, ARPANSA's email system and general computer files. I am satisfied that all reasonable steps have been taken to locate documents within the scope of your FOI request.

Release of documents

I have identified 6 documents within the scope of your request. I have made a decision to grant access in part to 5 documents and access in full to 1 document.

The documents are identified in the attached schedule of documents (Attachment A).

Access to edited copies with exempt/irrelevant material deleted

I have provided access to documents with exempt or irrelevant material deleted under section 22 of the FOI Act.

I have found 5 documents which comprise information which is irrelevant to your request and prepared an edited copy of the documents for release with relevant deletions made under section 22(1)(a)(ii) of the FOI Act.

As per the above, you confirmed that the scope of your request excluded the personal information of SES staff at ARPANSA. Consistent with your request, the personal information (including photographs) of individuals below SES have been redacted as this material was out of the scope of your request under section 22(1)(a)(ii) of the FOI Act.

I have decided to remove irrelevant material from some documents including photographs of adults and children, PDF download information, the name of a former intranet service provider and the names of apparel/badge suppliers.

I am satisfied that it is reasonably practicable to remove the exempt and irrelevant material and release the documents to you in an edited form.

Agency operations

I have found 1 document 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 the email used by ARPANSA's Communications Team. Under section 47E(d) of the FOI Act, a document is conditionally exempt 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.

I consider parts of document 1 would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of ARPANSA.

The subject email which appears in document 1 is one of two email addresses used by the Communications Team and is used for transferring messages internally and externally but only with relevant stakeholders and only in relation to the Team's functions. This email address is not publicly available so that the Team's inbox is only filled with relevant emails that relate to the functions of the Team. Staff monitoring the subject inbox have no capacity to deal with an increase in communications that are potentially unrelated to their business area. There is another email address used by the Communications Team specifically for media enquiries which is publicly available on ARPANSA's website, where public enquiries in relation to media can be sent. The subject email in document 1 was created with the intention that it was not publicly available and primarily used for internal communications. I consider it would substantially reduce the efficiency of these arrangements if correspondence other than from internal staff and relevant stakeholders were to be received through this email address and not the email address which is available to the public for unsolicited external correspondence and media enquiries.

I have decided that parts of the document are conditionally exempt under section 47E(d) of the FOI Act. Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have turned my mind to whether disclosure of the document would be contrary to the public interest and have included my reasoning in that regard below.

Public interest test

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 instance, I must consider whether disclosure of the document identified as conditionally exempt pursuant to section 47E(d) at this time would be contrary to the public interest.

Pursuant to section 11B(3) of the FOI Act, factors favouring access to the document in the public interest include whether access to the document would do any of the following:

- promote the objects of this Act (including all the matters set out in sections 3 and 3A)
- inform debate on a matter of public importance
- promote effective oversight of public expenditure
- allow a person to access his or her own personal information.

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 at paragraph 6.22.

I recognise that disclosure would promote the objects of the FOI Act. I do not consider disclosure would inform debate on a matter of public importance, promote effective oversight of public expenditure or comprises your own personal information.

The public interest factors favouring disclosure must be balanced against any public interest factors against disclosure. With respect to the public interest factors weighing against disclosure, I consider the disclosure could reasonably be expected to prejudice the management function of ARPANSA by having unsolicited and external emails fill the subject inbox of the Communications Team, when a publicly facing email to contact

the Communications Team is available on ARPANSA's website. I consider weight should be given to the reasonable expectation that disclosure of the subject email address would prejudice the Communication Team's ability to undertake its functions due to a diversion of resources away from the performance of usual duties.

I consider that the public interest factors against disclosure outweigh the public interest factors favouring disclosure. I have decided it would be contrary to the public interest to give access to the document I have found to be conditionally exempt under section 47E(d) of the FOI Act. On this basis, I find that document 1 is exempt under section 47E(d).

Disclosure log decision

Section 11C of the FOI Act requires agencies to publish online documents 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 the disclosure log.

Your review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to ARPANSA for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

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 5288 Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/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 5288 Sydney NSW 2001

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

If you are not 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/>.

Kind regards,



Laura Antoniazzi

Legal Counsel

Office of the General Counsel

Australian Radiation Protection and Nuclear Safety Agency

Attachment

1. Attachment A – Schedule of Documents



ATTACHMENT A – Schedule of Documents

Document No.	Document	Pages	Decision in 20231117	Exemption
1	ARPANSA Intranet Branding and Graphic Design	5	Released in part	s 22(1)(a)(ii) (irrelevant) s 47E(d) (Public interest conditional exemptions – certain operations of agencies)
2	ARPANSA-GDE-1057 ARPANSA Brand Identity Guidelines	15	Released in part	s 22(1)(a)(ii) (irrelevant)
3	ARPANSA-GDE-1931 ARPANSA Style Manual	11	Released in part	s 22(1)(a)(ii) (irrelevant)
4	ARPANSA-GDE-1056 ARPANSA Logo and Brandmark Guidance for External	2	Released in full	
5	ARPANSA Intranet Uniforms and Name Badges	2	Released in part	s 22(1)(a)(ii) (irrelevant)
6	ARPANSA-GDE-0191 Uniform Branding Guidelines	7	Released in part	s 22(1)(a)(ii) (irrelevant)