



Statement of reasons made under the *Freedom of Information Act 1982*

Decision and reason for decision of Rachel Bourke, Information Access Officer,
Information Law, Legal Services, Assurance & Deregulation

Applicant: Mr Jackson Gothe-Snape

Decision date: 24 August 2015

FOI reference number: FOI 4691

Requested documents: Can you please provide a list of the web addresses accessed by computers in the Department of Veterans' Affairs on Saturday, 25 April, 2015.

Please provide it in a machine readable format such as xls or csv.

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Summary

1. I have made a decision to grant access to the document falling within the scope of your request in full.

Authority to make this decision

2. I, Rachel Bourke, Information Access Officer, Information Law, Legal Services, Assurance & Deregulation, am an officer authorised by the Secretary of the Department of Veterans' Affairs (the Department) to make decisions about access to documents in the possession of the Department in accordance with section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

Background

3. On 23 July 2015 you made a request for access to a document in the possession of the Department. Your request sought access to:

***Can you please provide a list of the web addresses accessed by computers in the Department of Veterans' Affairs on Saturday, 25 April, 2015.
Please provide it in a machine readable format such as xls or csv.***

4. When accessing the internet, Departmental staff members must comply with the Department's standards of conduct and the APS Values and Code of Conduct. Appropriate use includes:
 - For business purposes – for education and building expertise in using resources, developing professional contacts, researching best practice and innovative business solutions, and monitoring news and special interest groups that may have an impact on DVA. Also for subscription services to mailing lists, online conferences, discussion groups and other like services.
 - For personal use – provided this does not interfere with the business operations of DVA, is reasonable and is not of material cost to DVA.

Charges for providing access

5. I have decided not to impose a charge in relation to this request, in accordance with regulation 3(1) of the *Freedom of Information (Charges) Regulations 1982*.

Relevant documents

6. The Department has undertaken a reasonable search of its records and has identified one (1) document that meets the scope of your request, as set out above. The document relevant to your request is listed at Schedule 1.
7. I have provided access to a single list of web addresses accessed by computers in the Department of Veterans' Affairs on Saturday 25 April 2015. The Department has created this document in response to this request, in accordance with section 17 of the FOI Act.

Decision

8. I have made a decision to grant access to the document that falls within the scope of your request in full. The document that I have chosen to release under the FOI Act is set out in Schedule 1.

9. I have taken the following material into account in making my decision:
- the content of the document that falls within the scope of your request;
 - Sections 3, 11 and 11A of the FOI Act which give the Australian community a legally enforceable right to obtain access to information held by the Government of the Commonwealth; and
 - the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).
10. A full extract of all FOI Act provisions used to make my decision are provided in Schedule 2.

Access to documents

11. The document released to you in accordance with the FOI Act is enclosed.

Your rights of review

12. If you are dissatisfied with the searches the Department 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

13. Under section 54 of the FOI Act, you may apply in writing to the Department 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.
14. You can make your application for internal review in one of the following ways:

Post: Legal Services, Assurance & Deregulation, Department of Veterans' Affairs
GPO Box 9998 CANBERRA ACT 2601
Facsimile: (02) 6289 6316
Email: foi@dva.gov.au

Information Commissioner Review

15. 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: www.oaic.gov.au
Post: Office of the Australian Information Commissioner
GPO Box 5218, Sydney NSW 2001
Facsimile: (02) 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street, Sydney NSW.

16. More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the Office of the Australian Information Commissioner: <http://oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights>

Contact us

17. If you wish to discuss this decision, please do not hesitate to contact me using the following details:

Post: Legal Services, Assurance & Deregulation, Department of Veterans' Affairs

GPO Box 9998 CANBERRA ACT 2601

Facsimile: (02) 6289 6316

Email: foi@dva.gov.au



Rachel Bourke
Information Access Officer
Information Law
Legal Services, Assurance & Deregulation

24 August 2015



Schedule of documents

Applicant: Mr Jackson Gothe-Snape

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Documents: *Can you please provide a list of the web addresses accessed by computers in the Department of Veterans' Affairs on Saturday, 25 April, 2015.*

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Doc ref	Date of document	Document description	Pages	Decision	Exemption provision
1	3 August 2015	FOI 4691 Documents to be released	5	Full Access	N/A



Schedule of relevant provisions in the FOI Act

3 Objects—general

- (1) The objects of this Act are to give the Australian community access to information held by the Government of the Commonwealth or the Government of Norfolk Island, by:
 - (a) requiring agencies to publish the information; and
 - (b) providing for a right of access to documents.
- (2) The Parliament intends, by these objects, to promote Australia's representative democracy by contributing towards the following:
 - (a) increasing public participation in Government processes, with a view to promoting better informed decision-making;
 - (b) increasing scrutiny, discussion, comment and review of the Government's activities.
- (3) The Parliament also intends, by these objects, to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource.
- (4) The Parliament also intends that functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

11 Right of access

- (1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:
 - (a) a document of an agency, other than an exempt document; or
 - (b) an official document of a Minister, other than an exempt document.
- (2) Subject to this Act, a person's right of access is not affected by:
 - (a) any reasons the person gives for seeking access; or
 - (b) the agency's or Minister's belief as to what are his or her reasons for seeking access.

11A Access to documents on request

Scope

- (1) This section applies if:
 - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
 - (i) a document of the agency; or
 - (ii) an official document of the Minister; and
 - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.
- (2) This section applies subject to this Act.

Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:

- (a) section 12 (documents otherwise available);
- (b) section 13 (documents in national institutions);
- (c) section 15A (personnel records);

- (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

Mandatory access—general rule

- (3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

Exemptions and conditional exemptions

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
- (a) a conditionally exempt document; and
 - (b) an exempt document:
 - (i) under Division 2 of Part IV (exemptions); or
 - (ii) within the meaning of paragraph (b) or (c) of the definition of exempt document in subsection 4(1).

17 Requests involving use of computers

(1) Where:

- (a) a request (including a request in relation to which a practical refusal reason exists) is made in accordance with the requirements of subsection 15(2) to an agency;
 - (b) it appears from the request that the desire of the applicant is for information that is not available in discrete form in written documents of the agency; and
 - (ba) it does not appear from the request that the applicant wishes to be provided with a computer tape or computer disk on which the information is recorded; and
 - (c) the agency could produce a written document containing the information in discrete form by:
 - (i) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or
 - (ii) the making of a transcript from a sound recording held in the agency; the agency shall deal with the request as if it were a request for access to a written document so produced and containing that information and, for that purpose, this Act applies as if the agency had such a document in its possession.
- (2) An agency is not required to comply with subsection (1) if compliance would substantially and unreasonably divert the resources of the agency from its other operations.

