

3 February 2016

Mark Newton

[foi+request-1504-f36e8cbd@righttoknow.org.au](mailto:foi+request-1504-f36e8cbd@righttoknow.org.au)

Dear Mr Newton

**RE: Application for documents under the Commonwealth Freedom of Information Act 1982**

I refer to your Freedom of Information request received on 19 January 2016 in which you have sought access to documents under the Freedom of Information Act 1982 ("FOI Act"). You have requested Australia Post's "Standard postcode file".

**Decision**

I have decided that the Standard Postcode File is a document which is exempt from disclosure under the Freedom of Information Act 1982, and accordingly I have decided that the document will not be provided in response to your application dated 19 January 2016.

**Reasons for Decision**

The two decisions referred to in your application, **Telstra Corporation Limited v Phone Directories Company Pty Ltd [2010] FCAFC 149** and **IceTV Pty Limited v Nine Network Australia Pty Limited [2009] HCA 14** are judgments pertaining to allegations of breach of copyright and are not material to this decision on an application for release of documents pursuant to the Freedom of Information Act 1982.

I do not therefore propose to deal with those decisions other than to indicate that the "document" to which you seek access is not a mere "assemblage of factual data".

The assemblage of factual data that is a collation of all postcodes throughout Australia is made available, **free of charge**, in the following ways:

1. In published booklet form, available at every Australia Post Retail outlet;
2. In electronic form on Australia Post's website;
3. Via a search function also available on Australia Post's website.

By contrast, the Standard Postcode file contains the postcode data in a programme-embedded file in a format which was developed to respond to external business needs. Purchasers of the Standard Postcode file can manipulate the data to achieve particular results which have a commercial benefit to them.

Accordingly the document is an exempt document under section 47 of the Act in that it is a document having a commercial value which would be, or could reasonably be expected to be destroyed or diminished if the information were disclosed. That the document has a commercial value is evidenced by the large number of customers who subscribe to and purchase the product.

Moreover, the document is a product embodying information technology. Australia Post competes in the information technology world against many national and international

private sector companies. Accordingly the document is also exempt under the provisions of section 7(2) (Part II Division 2) of the Act because it is part of the commercial activities undertaken by Australia Post.

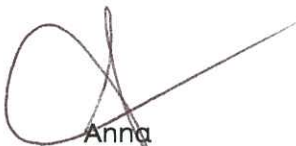
### **Rights of Review**

If you are unhappy with this decision you have the right to seek either;

- (i) An internal review by writing within 30 days of receiving this letter to Australia Post, FOI Review Officer, Legal Services Group, GPO Box 1777, Melbourne VIC 3001, [foi@auspost.com.au](mailto:foi@auspost.com.au); or
- (ii) A review of this decision by writing within 60 days of receiving this letter to the Information Commissioner, GPO Box 2999, Canberra ACT 2601, Fax: 02 9284 9666, [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

You may also complain to the Ombudsman concerning actions taken by Australia Post in the exercise of powers or performance of functions under the FOI Act. A complaint to the Ombudsman may be made orally or in writing and should be directed to the Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601, Fax: 02 6276 0123, [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au). The Ombudsman usually prefers applicants to seek a review before complaining about a decision.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Anna', written over a horizontal line.

Anna  
FOI Officer  
Australia Post

[foi@auspost.com.au](mailto:foi@auspost.com.au)