



Australian Government
Australian Public Service Commission

Mr James Smith

By email only: foi+request-1830-f6c11bf7@righttoknow.org.au

Dear Mr Smith

Your Freedom of Information Request No. C16/846

I refer to your email of 15 April 2016 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

1. Current social media policy of the department, which covers departmental use and/or private use by employees in an individual capacity.
2. Any current guidance material which is available for employees to make informed decisions about their private social media use.
3. Any current policies, manuals, guidance material, etc, which APSC rely upon to provide advice to APS agencies in the development and/or implementation of social media policies within individual agencies.

This letter sets out my decision on your request for access. I am an authorised decision-maker under section 23 of the FOI Act.

Timeframe for processing your request

Your request was received by the Australian Public Service Commission (the Commission) on 15 April 2016. The statutory period for processing your request is 30 days.

Summary of Decision

Following extensive searches, I have identified 5 documents relevant to your request. I have decided to release the documents in full.

However, section 22(1)(a)(ii) of the FOI Act allows an agency to delete irrelevant material from a document which is only partially relevant to an FOI request. I find that some of the documents relevant to your request contain material which is irrelevant to your FOI request. The irrelevant material is either guidance or policy on matters other than the use of social media. I have withheld or deleted that material accordingly. These deletions are detailed in the document schedule at **Attachment A**.

Document 1 is titled 'APS Values and Code of Conduct in Practice'. Only section 6 of this document addresses social media and is relevant to your request. However, a complete version of this document is

also available from the Commission's website at <http://www.apsc.gov.au/publications-and-media/current-publications/values-and-conduct>.

I also draw your attention to Document 4, a series of slides titled 'APS Graduate Development Program'. In particular slide 5 (headed 'Case Study: Another Life') contains an embedded video file. I have not separately included a copy of this video in the documents sent to you with this decision letter. However, a copy of this video is also available at <http://www.apsc.gov.au/managing-in-the-aps/your-rights-and-responsibilities-as-an-aps-employee/multimedia-resources/another-life>. Please do not hesitate to contact the Commission's FOI team if you have any difficulties in accessing this video.

Finally, I refer to document 5, titled 'Foundation skills: Compelling communication – Participant Workbook'. Under the heading 'Topic 5.1 Appropriate use of social media,' there is reference to an APSC circular on making comment and participating online. This circular (2012/1) was the Commission's first piece of guidance material dealing with social media. However, it has been superseded by the advice contained in Document 1 of your request (titled 'APS Values and Code of Conduct in Practice'). The Commission's Centre for Leadership and Learning intends to shortly update document 5 to correct this dated reference. As circular 2012/1 was archived with the launch of 'APS Values and Code of Conduct In Practice' earlier this year, it is no longer current policy. As your request was for current material, I have decided it does not fall within scope. However, if you wish to view this out-of-date circular, a copy of it remains available on the Commission's website at <http://www.apsc.gov.au/publications-and-media/archive/circulars-archive/circular-20121>.

Relevant material

In reaching my decision I referred to the following: the terms of your request

- the documents¹ relevant to the request;
- the FOI Act;
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act;
- advice from Commission officers with responsibility for matters relating to the documents to which you sought access; and
- advice from the Commission's FOI area.

A copy of the provisions of the FOI Act relevant to your request are at **Attachment B**.

Charges

No charges have been imposed for the processing of this request.

Review Rights

You are entitled to seek review of this decision. **Attachment C** sets out your rights to apply for review if you are dissatisfied with my decision.

¹ The term 'document' in this notice refers to both full documents and relevant parts of documents

Since my decision is to release all relevant documents to you in full, an application for review would be limited to a situation where you consider that I have not identified all the documents in the Commission's possession that are relevant to your request.

Contacts

If you have any queries about this notice, please do not hesitate to contact the Commission's FOI team on telephone 02 6202 3571 or email foi@apsc.gov.au.

Yours sincerely



Clare Page
Group Manager, Corporate Group
Australian Public Service Commission

16 May 2016

ATTACHMENT A – SCHEDULE OF DOCUMENTS

Doc No.	Date	Description	Decision	Comments
1.	Feb 2016	APS Values and Code of Conduct in Practice	Release in full	Extract of relevant material only. Irrelevant material on pages 1-36 and 43-51 has been deleted under s 22(1)(a)(ii). However, a complete copy of this document is available to download from the following address: http://www.apsc.gov.au/publications-and-media/current-publications/values-and-conduct
2.	Jan 2015	Making public comment and participating online	Release in full	
3.	June 2011	Australian Public Service Commission Information Technology (IT) Users' Policy	Release in full	
4.		APS Graduate Development Program – Social Media slides	Release in full	The video embedded on slide 5 of this document is available to download at the following address: http://www.apsc.gov.au/managing-in-the-aps/your-rights-and-responsibilities-as-an-aps-employee/multimedia-resources/another-life
5.		Foundation skills: Compelling communication – Participant Workbook		Extract of relevant material only. Irrelevant material on pages 1-64 and 68-79 has been deleted under s 22(1)(a)(ii).

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

(1) This section applies if:

(a) an agency or Minister decides:

(i) to refuse to give access to an exempt document; or

(ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and

(b) it is possible for the agency or Minister to prepare a copy (an ***edited copy***) of the document, modified by deletions, ensuring that:

(i) access to the edited copy would be required to be given under section 11A (access to documents on request); and

(ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and

(c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:

(i) the nature and extent of the modification; and

(ii) the resources available to modify the document; and

(d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

(2) The agency or Minister must:

(a) prepare the edited copy as mentioned in paragraph (1)(b); and

(b) give the applicant access to the edited copy.

Notice to applicant

(3) The agency or Minister must give the applicant notice in writing:

(a) that the edited copy has been prepared; and

(b) of the grounds for the deletions; and

(c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.

(4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.

ATTACHMENT C – REVIEW RIGHTS

If you are dissatisfied with this decision, you have certain rights of review available to you.

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

By post: FOI Contact Officer
Australian Public Service Commission
16 Furzer Street
WODEN ACT 2606

By email: foi@apsc.gov.au

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

Review by the Australian Information Commissioner

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Australian Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website www.oaic.gov.au.

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commission at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Australian Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by the Australian Public Service Commission in relation to your request. The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Your enquiries to the Australian Information Commissioner can be directed to:

- Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Australian Public Service Commission as the relevant agency.

*** Please note:** On 13 May 2014, the Australian Government announced a decision to disband the Office of the Australian Information Commissioner (OAIC). However, the OAIC remains operational until further notice. Information on the OAIC public website advises that Information Commissioner reviews will continue to be handled by the OAIC and FOI complaints will be referred to the Commonwealth Ombudsman. Please contact the OAIC on the details above if you require further information.