

Mr James Smith
c/- RightToKnow website

Our reference: 1-7Y60J39
Contact officer: Elizabeth Li

Date: 13 May 2016

Dear Mr Smith

Freedom of Information Request dated 18 April 2016

I refer to your request made under the *Freedom of Information Act 1982* (FOI Act) for the following documents:

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.'*

Authority

This letter sets out my decision on your request for access to documents.

I am an authorised decision-maker under section 23 of the FOI Act.

Summary of Decision

Following extensive searches by the relevant areas within the ATO, I have identified 17 documents, comprising of 61 pages, relevant to the FOI Request. My decision is that of those documents:

- 9 documents are to be released in full
- 8 documents are to be released in part

Detailed reasons for my decision are set out at **Attachment A**.

Attachment B is a Schedule which describes each of the relevant documents and my decision about each of them.

Relevant material

In reaching my decision I referred to the following:

- a) the terms of the request
- b) the documents relevant to the requests
- c) the FOI Act

- d) Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (**the FOI Guidelines**)
- e) advice from ATO officers with responsibility for matters relating to the documents to which you sought access
- f) the ATO's guidance material on the FOI Act

Other information

The relevant documents are the current Social Media Policy of the ATO. Please note that section 6.2 of the APS Values and Code of Conduct in practice has replaced the previous Australian Public Service Commission guidance on these matters. As a result of this change to APSC policy, all current social media policy will be reviewed and updated by the ATO in the near future if required.

Charges

I have decided not to impose charges to your request.

Your review rights

If you are dissatisfied with my decision, 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 the ATO for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, quoting our reference number at the top of this letter, and be lodged in one of the following ways:

email: **FOI@ato.gov.au**
 post: Australian Taxation Office, General Counsel, GPO Box 4889, Sydney NSW 2001.

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. If you have not been informed of the outcome of the review within that time, you may apply to the Australian Information Commissioner under section 54L of the FOI Act.

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://www.oaic.gov.au/freedom-of-information/foi-review-process>
 email: enquiries@oaic.gov.au
 post: GPO Box 5218, Sydney NSW 2001
 in person: Level 3, 175 Pitt Street, Sydney NSW

Your application must include a copy of this letter (and any attachments), an address where notices can be sent to you (eg your email address) and particulars of the basis on which you dispute the decision.

Visit the Australian Information Commissioner website, **www.oaic.gov.au/freedom-of-information/foi-reviews**, for more information about Information Commissioner review.

Complaints

Any complaint about the processing of your FOI request can be directed to the Commonwealth Ombudsman. The complaint should set out the action you consider should be investigated. Complaints may be lodged in one of the following ways:

| | |
|-------------------------------|---|
| Phone: | 1300 362 072 |
| Indigenous Line phone number: | 1800 060 789 |
| In writing: | GPO Box 442 Canberra ACT 2601 or by fax (02) 6276 0123 |
| Online: | www.ombudsman.gov.au/pages/making-a-complaint/ |

Visit **www.ombudsman.gov.au** for further details.

Contacts

If you have any queries about this notice, please phone 13 28 69 during business hours and ask for Elizabeth Li on ext 48951.

ATTACHMENT A - REASONS FOR DECISION

Any reference to 'documents' should be read as including parts of documents relevant to the particular exemption which is discussed.

For the reasons set out below I have exempted certain documents in part or in full under section 22 of the FOI Act.

Details of the precise parts of the documents exempted are set out in the Schedule at **Attachment B**.

Findings of fact and reasons for decision

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that document or part of document are set out below.

Section 22(1)(a)(ii) - Deletion of exempt or irrelevant information

Section 22(1)(a)(ii) allows an agency to delete information that would reasonably be regarded as irrelevant to an FOI request. I have found some documents containing names of ATO officer, images of individuals and indexes of ATO intranet. In my opinion, the redacted information is not relevant to the scope of your application.

Yours sincerely



Elizabeth Li
Senior Legal Officer
General Counsel

Attachments

Schedule of exemptions and deletions