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**FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY**

A.B.N. 49 110 847 399

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

Your Ref:
Our Ref:

27 April 2016

Mr James Smith
By email: foi+request-1867-0f0a470b@righttoknow.org.au

Dear Mr Smith

Freedom of Information Request

I am writing to advise you of my decision about your request under the *Freedom of Information Act 1982 (FOI Act)* for access to documents which you sent to the Federal Court of Australia (Federal Court) on 18 April 2016.

Authority

I am authorised under section 23 of the FOI Act to make decisions on behalf of the Federal Court in relation to all aspects of a Freedom of Information (FOI) request.

Scope of Request

You request access to documents of the Federal Court relating 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.

Application of the FOI Act

The FOI Act has a very limited application to the Federal Court (see paragraphs 2.6 – 2.8 of the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act). Although the Federal Court is a “prescribed authority” for the purposes of the FOI Act (Paragraph 5(1)(a)) the only request that can validly be made to it under the FOI Act is to access a “document of an administrative nature” (section 5).

The High Court of Australia in *Kline v Official Secretary to the Governor General of Australia & Anor* [2013] HCA 52 considered the meaning of the phrase “matters of an administrative nature” and held that it refers to documents that concern the “management and

administration of office resources, such as financial and human resources and information technology” (see [41] with examples at [13]).

Search

A search of the Court’s records was conducted and one document of an administrative nature that is within the scope of your request was identified, namely:

1. Federal Court of Australia Human Resource Management Policy: Information Technology Policy for Court Employees issued February 2012.

Decision

I have decided to grant you access in full to this document. You have not specified the form of access required; however, as your request was made by email, I assume you would prefer access in the form of an electronic copy of the document being emailed to you. I have therefore decided that the Court’s Information Technology Policy for Court Employees be released to you electronically in PDF format. This accompanies this advice.

I am satisfied that the availability of policy documents of this nature to members of the public interested in them is in the interest of the general public. I have therefore decided that no charge should be imposed for access to this document.

Disclosure Log

This material will also be published on the Federal Court’s disclosure log, in accordance with the requirements of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or to the Information Commissioner for 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 Federal Court 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 Australia 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/aba/oaic/foi-review-/>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about the Information Commissioner review is available on the Officer of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.

Questions about this decision

If you wish to discuss this decision, please contact me by phone or email as below.

Yours sincerely



John Mathieson

Deputy Registrar

john.mathieson@fedcourt.gov.au

Phone: 02 9230 8336