



Reference: FOI 16-003

Mr James Smith
Right to Know

Dear Mr Smith,

Section 26 Decision

I refer to your email of 18 April 2016 in which you requested, in accordance with the *Freedom of Information Act 1982* (the FOI Act), access to:

- Safe Work Australia's current social media policy, which covers departmental use and/or private use by employees in an individual capacity, and
- any guidance material which is available for employees to make informed decisions about their private social media use.

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

Summary of Decision

I have identified 3 documents relevant to your request. I have decided to release the documents in full. I note that the personal information of the Safe Work Australia employees who authored these documents has been redacted.

Relevant Material

In reaching my decision I referred to the following:

- the terms of your request
- the documents relevant to the request
- the FOI Act
- guidelines published by the Office of the Australian Information Commissioner.

Please find **enclosed** copies of the documents I have decided to release to you.

Review Rights

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

If you have any queries about this notice, please do not hesitate to contact Indira Prickett on 02 6240 2530.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amanda Johnston', written over a circular stamp or seal.

Amanda Johnston
General Counsel
Legal and Strategic Policy

19 May 2016



Attachment A - Review Rights

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

Internal Review

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:

FOI Officer
GPO Box 641
CANBERRA ACT 2601

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

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:

Information Commissioner
GPO Box 2999
Canberra ACT 2601

Administrative Appeals Tribunal Review

If you disagree with the Information Commissioner's decision in your IC review, you can appeal to the Administrative Appeals Tribunal (AAT).



You have 28 days after receiving the IC review decision to apply for AAT review. The AAT will reconsider the agency or minister's decision, and can make a new decision. The Information Commissioner will not be a party to the proceedings.

In normal circumstances, you cannot appeal directly to the AAT for review of a decision made under the FOI Act without first applying for Information Commissioner review. The exception is if the Information Commissioner decides that it would be in the interests of the administration of the FOI Act for the AAT to consider the matter. You also cannot apply for AAT review if the Information Commissioner has decided not to undertake or continue a review.

A fee is required to apply to the AAT, although it can be waived in some circumstances. More information about the AAT review process and applicable fees is available at www.aat.gov.au.

Complaints to Ombudsman or Australian Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by Safe Work Australia 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 Safe Work Australia as the relevant agency.

Please note

Pursuant to the OAIC public website, from 1 November 2014 the Commonwealth Ombudsman have been handing complaints about the processing of FOI requests. Therefore any complaints received by the OAIC are currently being referred to the Commonwealth Ombudsman.

This change was implemented after the Australian Government's budget decision to abolish the OAIC and the introduction of the Freedom of Information Amendment (New Arrangements) Bill 2014.