



Australian Government
Department of Social Services

Mr James Baldwin
www.righttoknow.org.au

By email: foi+request-2095-25af03d9@righttoknow.org.au

Dear Mr Baldwin

Freedom of Information (FOI) Request No. 16/17-011

1. I refer to your correspondence received by the Department of Social Services (the Department) on 4 August 2016, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:
 1. *Details of how many payment summaries for the 2015-16 financial year were issued to current or former staff after 14 July 2016*
 2. *If any payment summaries were issued after 14 July 2016, any documents that mention why the payment summaries were not issued on or before 14 July 2016.*
2. On 19 August 2016, the Department advised you of its intention to consult with a certain third party who might wish to contend that the documents should not be disclosed. The Department has now consulted with that relevant third party.
3. I am authorised to make decisions under the FOI Act and my decision regarding your request and the reasons for my decision are set out below. The Schedule of Documents at **Attachment A** summarises my decision as it applies to the documents covered by your request.

Decision on access to documents

4. I am advised that the Department has in its possession eight documents consisting of 21 pages that fall within the scope of your request.
5. Having considered these documents, I have decided to grant access, in part, to all 21 pages.
6. I have decided that pages 2-6 contain material that is irrelevant to your request and that all 21 pages contain personal information that is conditionally exempt under section 47F of the FOI Act because disclosure of this information would be unreasonable and contrary to the public interest.
7. In reaching my decision, I took the following material into account:
 - your correspondence of 4 August 2016 outlining the particulars of your request;
 - documents falling within the scope of your request;
 - the FOI Act;
 - submissions made by the relevant third party;

- factors relevant to my assessment of whether or not the disclosure of pages 1-21 would be in the public interest;
- consultations with departmental officers about:
 - the nature of the documents;
 - the Department's operating environment and functions; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Reasons for decision

Access to edited copies with exempt or irrelevant matter deleted – section 22

8. The FOI Act allows for the deletion of exempt or irrelevant material from a document so that the remainder of the document can be released.
9. I have decided that pages 2-6 contain material which is irrelevant to your request and that pages 1-21 contain material which is exempt under the FOI Act. Accordingly, I have deleted this material from the documents and am releasing the balance of the documents to you. The deletions are identified in the Schedule of Documents at **Attachment A**.

Section 47F of the FOI Act – personal privacy

10. All pages in the documents contain information about other persons.
11. Subsection 47F(1) of the FOI Act provides that:

A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

12. The term, 'personal information', is defined for the purposes of section 4 of the FOI Act to mean:

Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) *whether the information or opinion is true or not; and*
- (b) *whether the information or opinion is recorded in a material form or not.*

13. The personal privacy exemption is designed to prevent an unreasonable interference with third parties' privacy and the test of 'unreasonableness' requires that the public interest in the disclosure of government-held information be balanced against the private interest of individuals' privacy.
14. I have decided that the disclosure of this information would be unreasonable for the following reasons:
 - it relates to individuals' personal information;
 - the information is private and not available in full or in part from publicly-accessible sources
 - the identity of the individuals concerned is readily apparent or could be easily ascertained and

- the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act and this application is being made under the auspices of www.righttoknow.org.au.
15. On this basis, I have decided that the personal information referred to in the Schedule of Documents at **Attachment A** is conditionally exempt under subsection 47F(1) of the FOI Act.
16. The Department must give you access to this material unless it would, on balance, be contrary to the public interest to do so. I have balanced the public interest factor in favour of disclosure (the promotion of the objects of the FOI Act) against the public interest factor against disclosure (the protection of an individual's right to privacy) and decided that the public interest in disclosing the personal information is outweighed by the substantial public interest against disclosure.
17. I have not taken into account any of the irrelevant factors set out under subsection 11B(4) of the FOI Act in making this decision.
18. In summary, I am satisfied that the material contained in these documents is conditionally exempt under subsection 47F(1) of the FOI Act. Furthermore I have decided that on balance it would be contrary to the public interest to release this information. Accordingly, I have decided not to release these documents to you in full.

Release of documents

19. Documents for release are enclosed.

Rights of review

20. I have set out your rights to seek a review of my decision at **Attachment B**.
21. Should you have any enquiries concerning this matter, please do not hesitate to contact me via email at foi@dss.gov.au.

Yours sincerely



FOI Officer
Commercial and Corporate Law Branch
Corporate Services Group

Schedule of Documents

| Document Number | Page Number | Date | Description | Decision |
|-----------------|----------------|-------------------|---|---|
| 1. | 1-6 2-6 | 5-19 July 2016 | External emails between the Department of Social Services staff and National Mailing and Marketing Pty Ltd | Release in part. Personal information deleted under s 47F of the FOI Act. Irrelevant material deleted under s 22 of the FOI Act |
| 2. | 7-10 | 22-26 July 2016 | External emails between the Department of Social Services and National Mailing and Marketing Pty Ltd and internal emails within the Department of Social Services | Release in part. Personal information deleted under s 47F of the FOI Act. |
| 3. | 11 | 22 July 2016 | Internal emails within the Department of Social Services | Release in part. Personal information deleted under s 47F of the FOI Act. |
| 4. | 12-14 | 22-26 July 2016 | External emails between the Department of Social Services and National Mailing and Marketing Pty Ltd | Release in part. Personal information deleted under s 47F of the FOI Act. |
| 5. | 15-17 | 21 -22 July- 2016 | Internal emails within the Department of Social Services | Release in part. Personal information deleted under s 47F of the FOI Act. |
| 6. | 18-21 | 11-22 July 2016 | External email to the Department of Social Services and Internal emails within the Department of Social Services | Release in part. Personal information deleted under s 47F of the FOI Act. |

Your rights of review

Internal review

Section 54 of the FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you state clearly why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: Freedom of Information (FOI) Coordinator
Commercial and Corporate Law Branch, TOP AW2
Corporate Services Group
Department of Social Services
GPO Box 9820
Canberra ACT 2601
Email: foi@dss.gov.au

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218
Sydney NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street
Sydney NSW 2000

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.