

9 November 2016



Mr B Fairless

By email to: [foi+request-2232-5f195095@righttoknow.org.au](mailto:foi+request-2232-5f195095@righttoknow.org.au)

Dear Mr Fairless

**RE: REQUEST FOR REVIEW OF DECISION DATED 7 OCTOBER 2016 PURSUANT TO THE FOI ACT 1982 – VARIATION UNDER SECTION 55G**

I refer to your email dated 9 October 2016 requesting a review of the decision of the Australia Post Information Officer dated 7 October 2016.

I note that your request pursuant to the Freedom of Information Act 1982 ("the Act") was for:

*A copy of any complaints recorded against staff currently working at Australia Post Office 66 St George's Tce, Perth; the details of any investigations into those complaints; the outcomes provided to the complainant"*

In her decision dated 7 October last, the Information Officer advised you that her enquiries disclosed only one (1) complaint relevant to your request, being Case 7127266, which comprises the electronic records relating to your personal complaint.

The Information Officer decided to provide you with a copy of the case notes, including the one (1) attachment, but redacted personal information pertaining to Australia Post staff.

In your request for internal review, you raise the following objections to the Information Officer's decision:

1. Insufficient searches were conducted and no advice as to the nature of the searches was provided;
2. The scope of the request was exceeded;
3. Your privacy was breached in that Australia Post released your personal information to you without first confirming your identity or seeking your approval;
4. Your relative's privacy was breached by the release of that relative's address, and
5. The redaction of the personal information of Australia Post employees contravenes the FOI Guidelines at 6.140.

Addressing your objections in seriatim:

**1. Insufficient searches were conducted:**

Persons wishing to make complaints about Australia Post employees are referred to the Customer Contact Centre ("CCC"). As soon as contact is made with the staff dedicated to consult with members of the public regarding such matters, an electronic record (a "Case") is opened and all subsequent contact is recorded under a unique case number.

Upon receipt of your FOI request, by email dated 13 September 2016, the Information Officer contacted the CCC requesting copies of "all customer service complaints for St George's Tce Post Office". CCC then contacted the Area Manager who sought clarification of the period of time subject to your request. This Information was provided by email dated 22 September 2016, the same day as the request for clarification was received. Advice and documents were received by the Information Officer by email dated 29 September 2016.

The documents comprised two (2) "cases": your case (7127266), and one relating to the use of photographs in a passport application which the Information Officer considered was not within the scope of your FOI request.

**2. The scope of the request was exceeded:**

You contend:

*"Australia Post has breached [your] privacy and has failed to stick to the scope of my request."*

The scope of your request was for "any complaints recorded against staff currently working at Australia Post Office 66 St George's Tce.

The Information Officer provided you with the documents pertaining to one (1) complaint against staff at that Post Office, which comprised the complaint that you had lodged.

**3. Breach of your privacy:**

In your email dated 9 October 2016, you allege that

*"Australia Post has breached [your] privacy and has failed to stick to the scope of my request. Australia Post has released substantially more personally identifiable information about me, without confirming my identity or seeking my approval."*

My enquiries confirm that the Information Officer made no contact with you to establish your identity. The personal information released in the complaint document comprises:

- (a) Your contact email address: [ben@fairless.id.au](mailto:ben@fairless.id.au);
- (b) Your name: Benjamin Fairless
- (c) Your mobile telephone number: 0428774179
- (d) A mailing address in Wattle Grove
- (e) A residential address in Northern Territory.

**4. Breach of a relative's privacy by release of that relative's address without consultation**

As noted above, the case notes disclose two (2) addresses said to be a mailing address and a residential address.

**5. Redaction of employee information in breach of FOI Guidelines 6.140**

The Information Officer redacted the names and personal contact particulars of Australia Post employees.

**Internal Review Decision – Considerations:**

1.	Insufficient Searches	<p>The Information Officer followed the correct procedure to ascertain whether any documents were within the scope of your request by making a request of the proper area of Australia Post. The Information Officer responded promptly and properly to a request for clarification of your request and correctly identified the document relating to Case 07127266 as being within the scope of your request.</p> <p>During the course of my review, I have made further enquiries with the relevant Area Manager and Operations Manager and confirm that there are no other documents that fall within the scope of your request for "complaints against staff currently working at 66 St George's Tce"</p>
2.	Exceeded scope of request	<p>You have not explained or provided evidence to support your allegation that by providing you with a document that clearly records a complaint against staff at 66 St</p>

		George's Tce, the Information Officer exceeded the scope of the request.
3.	<b>Breach of your privacy</b>	<p>The FOI Act does not require an applicant to disclose or provide proof of his or her identity yet places an obligation upon agencies to nonetheless comply with a request.</p> <p>You disclosed your name in your initial application dated 8 September last, and the email address you provided is preceded by your name.</p> <p>Prior to forwarding her decision, the Information Officer searched the Right to Know website and ascertained that you are a member of that organisation and indeed fulfil a "Mr Fixit" volunteer role and accordingly was confident that the decision and annexure were properly forwarded to the applicant.</p> <p>Whilst I acknowledge that the document released to you does disclose your personal information, in so far as the Information Officer satisfied herself as to your identity, I do not agree with your contention that your privacy has been breached. The Act does not require consultation or redaction of the applicant's personal information when that personal information is released only to the applicant.</p>
4.	<b>Breach of a relative's privacy</b>	<p>You allege that the Information Officer has breached the privacy of a relative by disclosing the address of that relative. You provide no substantiation of that allegation.</p> <p>The document released to you discloses two (2) addresses, one said to be a mailing address and the other, a residential address.</p> <p>Australia Post's records show that on or about 9 August 2015, you lodged an application to redirect mail from 9/18 Carnoustie Circuit, Marrara 0812 to 123 Kelang Road, Wattle Grove 6107. The contact mobile telephone number on the mail redirection record is identical to the contact number you provided the Customer Call Centre.</p> <p>Accordingly the only information disclosed in the document relate to addresses you notified Australia Post.</p> <p>Whilst the redirection order has now lapsed, the only name and contact number associated with the Northern Territory address are your personal information.</p> <p>In these circumstances, I do not agree that any third party personal information has been disclosed to you.</p>
5.	<b>Redaction of employee personal information</b>	<p>You contend that the redaction of this information contravene 6.140 of the FOI Guidelines.</p> <p>Australia Post employees are employed either under award or on contract but are not employed under the Public Service Act and are not public servants.</p>

		As a matter of policy, Australia Post does not provide names and personal contact numbers of employees other than senior executive level employees, whose personal contact details may appear in various Australia Post documents, such as annual reports.
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## Decision

Pursuant to Part VI of the Freedom of Information Act 1982, I confirm the decision of the Information Officer dated 8 October 2016.

1-4: In releasing the document to you, the Information Officer did not unreasonably disclose personal information of a third party pursuant to section 47F of the FOI Act. The only personal information disclosed was your personal information which was well-known to you and was associated with the matter dealt with in the document. In these circumstances I determine that there was no breach of your privacy.

5: The information redacted in the document released to you contains the names and personal contact details of Australia Post officers. I consider this information is conditionally exempt under section 47F and more particularly section 47E of the Act.

Section 47F conditionally exempts an entire document if its disclosure would involve *the unreasonable disclosure of personal information about any person*. Section 47E conditionally exempts an entire document if its disclosure would:

- (a) ...
- (b) ...
- (c) ...
- (d) *Have a substantial adverse effect on the proper and efficient conduct of the operations of [Australia Post].*

## Reasons for Decision:

It is my contention that the release of the names and direct contact details of any of Australia Post's officers employed in the Customer Call Centre and National Disputes Resolution Centre would substantially adversely affect the ability of those individual employees to manage contact with the public. Australia Post has devised and implemented procedures for dealing with public enquiries and complaints which best supports the efficient and effective discharge of its responsibilities and which enhance and support its commercial and reserved activities and operations.

## Public Interest Test:

Because sections 47E and 47F only conditionally exempt material from the documents, I must consider the public interest in unredacted disclosure of the documents – the free flow of information to the public – balanced with the public interest in the protection of personal information and the efficient functioning of a government business enterprise.

Having considered the objects of the FOI Act 1982 as set out in Section 3 and 3A and the public interest factors set out in section 11B, it is my view that there is no public interest in the disclosure of the personal information pertaining to employees of Australia Post. In making this decision, I am cognisant that the release of the personal information of the Australia Post employees would not promote or inform debate of issues of public importance or expenditure nor better promote the objects of the FOI Act and accordingly consideration of the other factors in section 11B do not suggest that the decision to deny access to an unredacted copy of the document is inappropriate and contrary to the principles underlying the Act.

Further, Australia Post has in place well-tested, efficient and reliable means for members of the public to contact the Customer Call Centre, including dedicated telephone number and email address.

These details are easily discerned from the Australia Post public website or from telephone directories.

However I also decide that there is no public interest consideration which mitigates against the disclosure in redacted form of the document, as provided for in section 22 of the Act.

Accordingly I consider the Information Officer correctly released a redacted form of the only document which falls within the scope of your request.

### **Right of Review**

If you are unhappy with this decision you have the right to seek a review of this decision by writing within 60 days to the Information Commissioner, GPO Box 2999, Canberra ACT 2601 (Fax: 02 9284 9666).

Yours faithfully



**Jan Robinson**  
**Corporate Lawyer**  
FOI Review Officer  
Australia Post  
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