



## Administrative Appeals Tribunal

Our ref: 2016-7/25

17 November 2016

Mr Ben Fairless

Email: [foi+request-2559-5a011fe3@righttoknow.org.au](mailto:foi+request-2559-5a011fe3@righttoknow.org.au)

Dear Mr Fairless

### **Re: Your Freedom of Information Request**

I am writing to acknowledge and to supply you with a decision to your request of 2 November 2016 for access to documents under the *Freedom of Information Act 1982* (FOI Act).

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have taken your request to be for the Administrative Appeals Tribunal (AAT) FOI Delegations and any related directions issued in respect of FOI.

### ***Material taken into account***

I have taken the following material into account in making my decision:

- your email received on 2 November 2016
- the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

### ***Decision and reasons for decision***

I identified a two page document that falls within the scope of your request titled Authorisation Pursuant to Paragraph 10A(1)(b), Subsection 23(1) and Paragraph 54B(3)(b) Freedom of Information Act 1982. I have decided to grant access in part to the documents as I found information in these documents to be exempt under section 47F of the FOI act.

### ***Reason for decision***

The AAT's FOI Delegations Authorisation contains the signature of Sian Leathem, the Registrar of the AAT. This information in this format is, to my knowledge, neither well known nor available from publicly accessible sources.

### **Section 47F – Public interest conditional exemption – personal privacy**

Under subsection 47F(1) of the FOI Act, 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). In considering whether it would be unreasonable to disclose personal information, I am required to consider:

- the extent to which the information is well known
- whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document
- the availability of the information from publicly accessible sources, and
- any other relevant matters.

Having regard to all of these matters, I am satisfied that it would be unreasonable to release Sian Leathem's personal information under the FOI Act. Accordingly, I am satisfied that the information in the document falls within the scope of the conditional exemption for personal privacy under s.47F of the FOI Act.

### **Public Interest Test**

Under the FOI Act, access to a document covered by a conditional exemption must be given unless it would be contrary to the public interest. My weighting of public interest factors follows.

I have considered factors favouring access as set out in s.11B(3) of the FOI Act and the Guidelines issued by the Australian Information Commissioner (paragraph 6.25). None of those factors, other than that 'promoting the objects of the FOI Act', appear to be relevant to the release of the signature. I accept that disclosure of the entire document would promote the objects of the FOI Act however, I find that the information, if released to you, would not be of particular interest or benefit to a substantial section of the public.

I have also considered non-exhaustive list of factors against disclosure as set out the Guidelines (paragraph 6.29). I consider a relevant factor to be that disclosure could reasonably be expected to prejudice the protection of an individual's right to privacy.

In balancing the public interest factors, I believe the factors against disclosure must be given greater weight and I consider the interests of protecting the privacy of an individual are more persuasive.

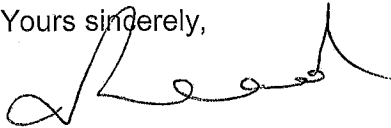
Accordingly, I am satisfied that Sian Leathem's signature is exempt under subsection 47F(1) of the FOI Act and that disclosure would be contrary to the public interest.

### **Your review rights**

Information about how you can apply for a review of this decision or complain about how we have dealt with this matter is set out in the attached fact sheet, FOI 2.

If you have any questions about this decision, please contact me on (02) 9276 5423 or at [foi@aat.gov.au](mailto:foi@aat.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Read', with a stylized flourish at the end.

**David Read**  
**FOI Officer**

## **Information about reviews and complaints under the Freedom of Information Act**

### **What should I do prior to applying for internal review or contacting the Office of the Australian Information Commissioner?**

Before you apply for an internal review or contact the Office of the Australian Information Commissioner, we recommend that you telephone the officer who made the FOI decision. It is often possible to resolve concerns or answer your questions using this approach and, if not, the officer will be able to assist you in applying for review.

### **How do I apply for internal review to the AAT?**

You can apply to us for an internal review of the FOI decision. The application for internal review must be made within 30 days or such further period as we allow, after the day the decision is notified to you. To apply for an internal review you must do so in writing. You may also wish to explain why you are not satisfied with the decision. A different and more senior officer authorised under the *Freedom of Information Act 1982* (the FOI Act) will conduct the internal review and make a new decision within 30 days after receipt of your application.

If you have already applied for internal review and want to seek a further review of that decision, you will need to apply to the Australian Information Commissioner.

### **How do I apply for review to the Australian Information Commissioner?**

You may also apply directly to the Australian Information Commissioner for review of the FOI decision. The application for review must be made within 60 days after the day notice of the decision was given. An application for review must be in writing, include details of how notices in relation to the review are to be sent to you and include a copy of the decision. You may also wish to explain why you are not satisfied with the decision. An online application form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

### **What if I want to make a complaint about the handling of a Freedom of Information request?**

If you have a complaint about the way in which we have processed your request for access under the FOI Act you can ask the Australian Information Commissioner to investigate. An online complaint form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

### **Where can I find further information or contact details for the Office of the Australian Information Commissioner?**

Further information is available on the Office of the Australian Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au) and you can contact the office on 1300 363 992 or by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).