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Belconnen ACT 2617
Phone 1300 135 070

Locked Bag 10
Belconnen ACT 2616
www.abs.gov.au
ABN 26 331 428 522



FOI Ref: 201617/47

Ben Fairless

Email: foi+request-2589-6b83e741@righttoknow.org.au

Dear Mr Fairless

RE: YOUR FREEDOM OF INFORMATION REQUEST

I refer to your email of 2 November 2016 ([Attachment A](#)) to the FOI officer in which you requested the following documents under the *Freedom of Information Act 1982* (FOI Act):

‘A copy of the current FOI Delegations, and any related directions issued in respect of FOI.’

Response to your request

I am an authorised decision maker under section 23 of the FOI Act.

The ABS has conducted an exhaustive search for documents relating to your request. I am now able to notify you that six documents exist pertaining to your request. Two of these have been discontinued and are thus not current directions in respect to FOI. I have decided to give you access to three documents in full and one in part. The documents being released to you are at [Attachment B](#).

In addition to the documents being released to you at [Attachment B](#), I would also like to note there are a number of documents freely available online, which are relevant to your request or referenced in the released documents:

- The *Freedom of Information Act 1982*:

<https://www.legislation.gov.au/Details/C2012C00231>

- OAIC – Freedom of Information Guidelines:

<https://oaic.gov.au/freedom-of-information/foi-guidelines/>

- The ABS’s Information Publication Scheme:

<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/information+publication+scheme>

- The ABS’s Disclosure Log:

<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Disclosure+log>

- Instructions on making an FOI Request to the ABS:

<http://www.abs.gov.au/websitedbs/D3310114.nsf/home/Making+an+FOI+request>

Statement of Reasons

I have decided to release three documents in full: the two FOI delegation instruments issued by the Australian Statistician, and the Search and Retrieval Checklist issued to ABS staff.

I have decided that the 'Policy and Legislation Chapter 03. Section 01.' FOI Policy document contains information which is exempt under section 47F of the FOI Act. Section 47F provides for documents 'which would involve the unreasonable disclosure of personal information about any person' to be exempt. This document contains information about the names and contact details of ABS staff, which after consideration of the facts I have determined it would be unreasonable to disclose.

This document also contains administrative and record-keeping details for the document, which is irrelevant to your request under section 22 of the FOI Act.

The rest of 'Policy and Legislation Chapter 03. Section 01.' FOI Policy document has been released in its entirety.

In addition, I have decided that two documents contained as links in the 'Policy and Legislation Chapter 03. Section 01.' FOI Policy document, namely 'FOI Procedures' and 'FOI Policy Training Slides', are also irrelevant under section 22 of the FOI Act, as they have been discontinued and are thus not current directions.

Charges

There is no charge for this request.

Internal Review of the Decision

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision by the ABS. Additionally, you may request a review of this decision by the Information Commissioner. Details of both procedures involved in an application to review a decision are set out at [Attachment C](#).

If you have any queries on this matter please contact the ABS FOI Contact Officer at freedomofinformation@abs.gov.au or on (02) 6252 7203.

Yours sincerely




Christine Williams
Program Manager
Governance & Parliamentary Liaison Branch
Australian Bureau of Statistics
/ December 2016

Ben Fairless

<foi+request-2589-6b83e741@righttoknow.org.au>

02/11/2016 09:01 PM

Send	To FOI requests at ABS <freedomofinformation@abs.gov.au>, cc
Subject	Freedom of Information request - FOI Delegations - 2016 
Protective Mark	DOCUMENT NOT YET CLASSIFIED
Categories	Freedom of Information\Requests

Dear Australian Bureau of Statistics,

Can I please have a copy of the current FOI Delegations, and any related directions issued in respect of FOI.

I believe this information could be considered "operational information" so I therefore request release under the IPS, or under Administrative Access.

Yours faithfully, Ben

Fairless

Please use this email address for all replies to this request:

foi+request-2589-6b83e741@righttoknow.org.au

Is freedomofinformation@abs.gov.au the wrong address for Freedom of Information requests to Australian Bureau of Statistics? If so, please contact us using this form: https://www.righttoknow.org.au/change_request/new?body=abs

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at: <https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.



Reference: 307B1

DELEGATION BY THE AUSTRALIAN STATISTICIAN

Census and Statistics Act 1905

Freedom of Information Act 1982 section 23 (1)

I, David W. Kalisch, acting pursuant to my powers under Section 17 of the *Census and Statistics Act 1905*, and section 23(1) of the *Freedom of Information Act 1982*, hereby delegate to the APS employee of the Australian Bureau of Statistics from time to time holding, occupying or performing the duties of the position specified below, the power to make any decision on behalf of the Australian Bureau of Statistics that might be made by the Australian Statistician with respect to requests made to the Australian Bureau of Statistics under provisions of the *Freedom of Information Act 1982*.

All previous delegations made for the purposes specified in this instrument are hereby revoked.

Dated: 17 July 2015

David W. Kalisch
Australian Statistician

Classification	Section/Branch	Position number
SESB3	Statistical Service Group	29
SESB3	Statistical Business Transformation Group	30
SESB3	Chief Operating Officer	7855
SESB2	Population & Social Division	3
SESB2	Census & Statistical Network Services Division	4
SESB2	Macroeconomic Division	6
SESB2	Industry Division	7
SESB2	Technology Services Division	8
SESB2	Strategic Projects & Partnerships Division	13
SESB2	Methodology Division	89
SESB2	Infrastructure & Enterprise-wide Services Division	9912
SESB2	Governance, People & Culture Division	36037
SESB1	Governance and Parliamentary Liaison Branch	730



Reference: 307B1

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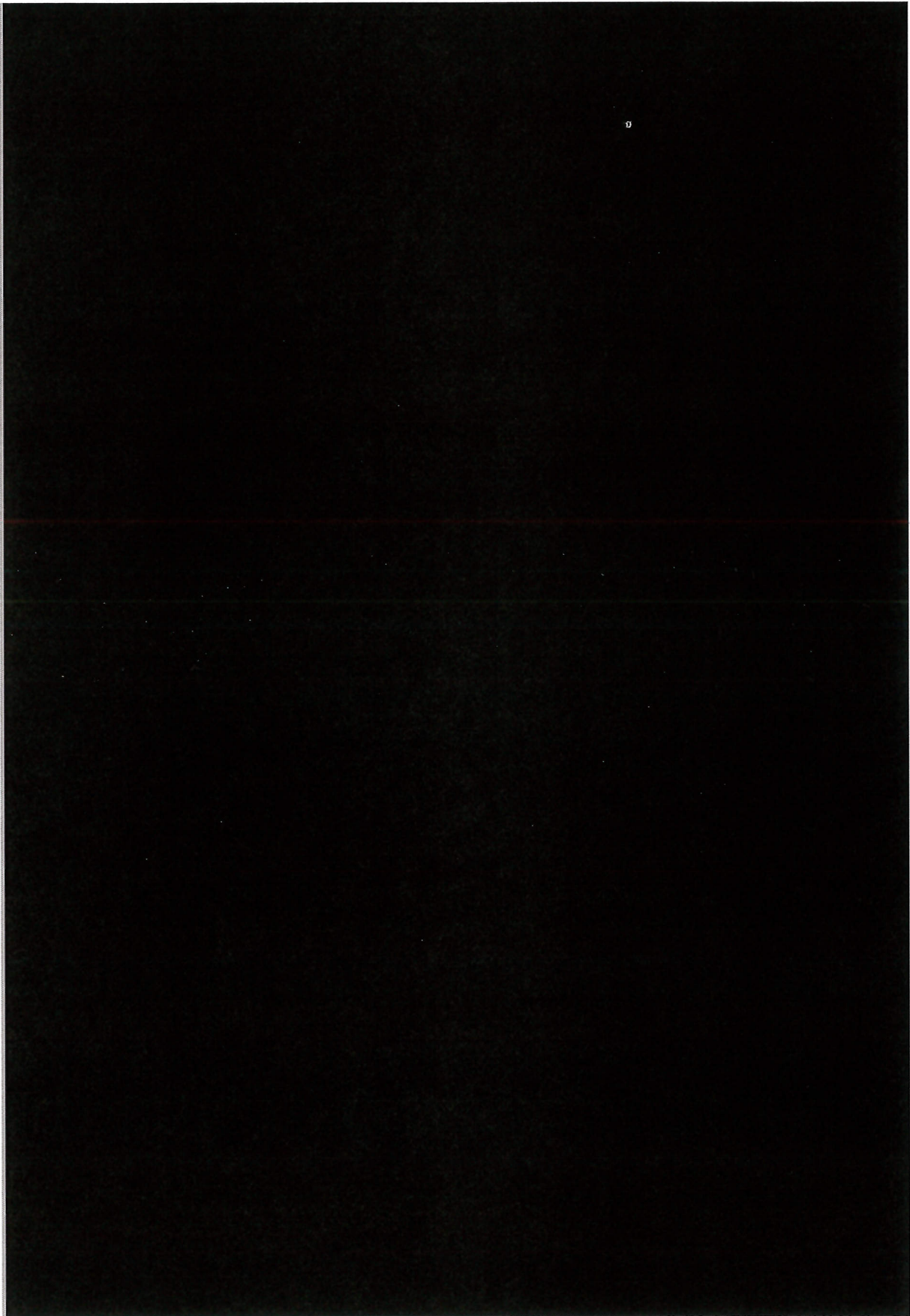
Dated: 16 August 2016

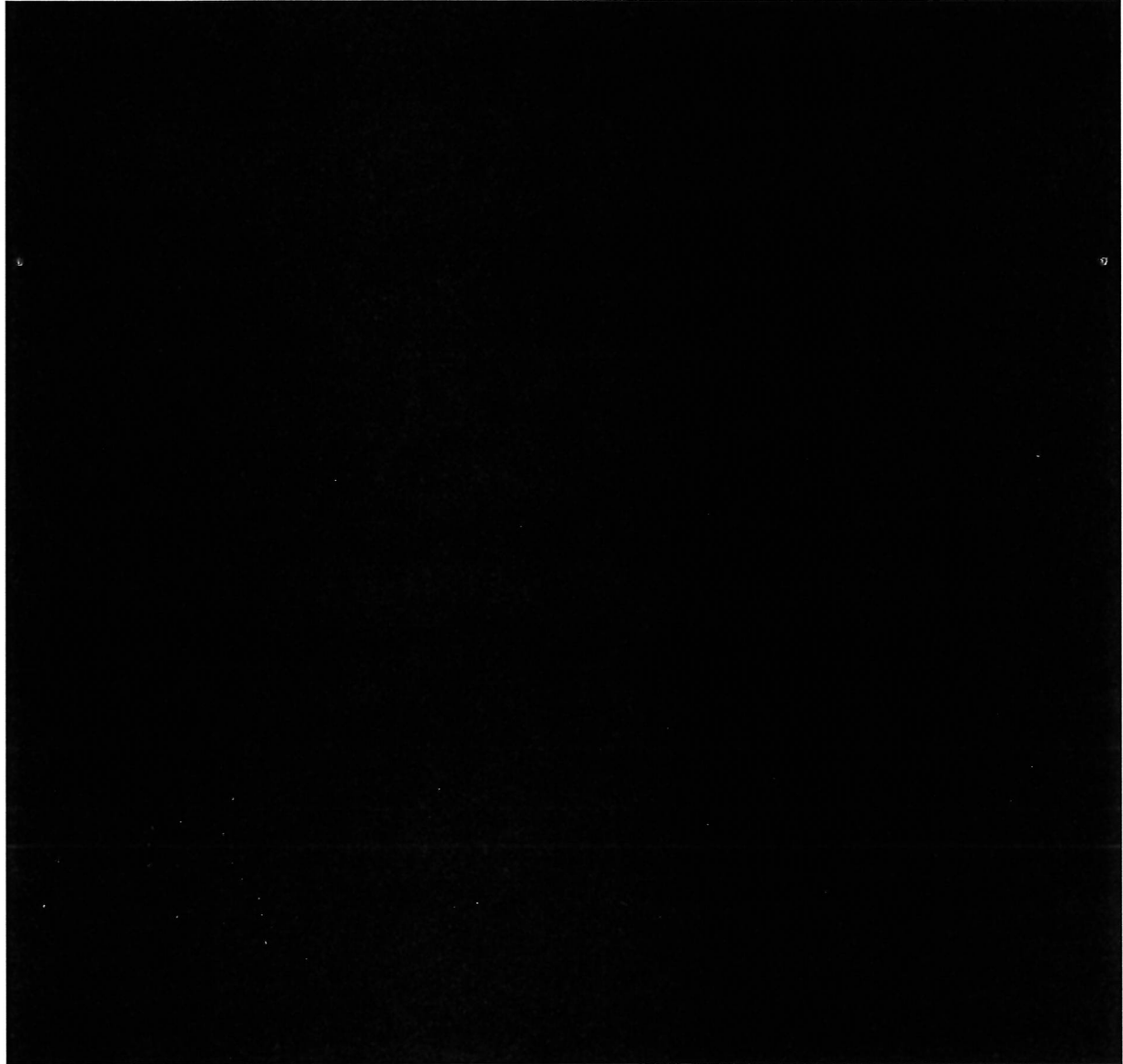
A handwritten signature in blue ink, appearing to read "David W. Kalisch".

David W. Kalisch
Australian Statistician

Classification	Section/Branch	Position number
SESB1	Functional and Efficiency Review Secretariat	38145

Policy and Legislation : Section 03-01





FREEDOM OF INFORMATION ACT 1982

Owner: AS OOTSEE

Responsible Director: Audit, Policy and Parliamentary Liaison

Review Date: June 2015

KEY POINTS

- 1 The ABS adheres to all aspects of the *Freedom of information Act 1982* (FOI Act).
- 2 The FOI Act requires agencies to publish information about their structure, functions, appointments, annual reports, consultation arrangements, and details of the agency's FOI officer. In addition, the Act facilitates access to documents from Government Departments.
- 3 The FOI Act does not weaken the confidentiality of respondents who have provided data under the *Census and Statistics Act 1905* (C&S Act). No identifiable data collected under the C&S Act can be released under the FOI Act.

Definitions:

- *May – application of policy is discretionary*
- *Should – application of policy is compulsory unless approved by your AS.*
- *Must – application of policy is compulsory unless approved by Policy Owner.*

4 It is ABS policy that all staff must comply with the FOI Act by maintaining appropriate records of decisions, identifying information which helps the public understand the operations of the ABS, and disclosing documents when required.

5 It is ABS policy that all FOI requests must be sent to, and coordinated by, the ABS FOI Contact Officer in the Audit, Policy and Parliamentary Liaison section. Any request should be acknowledged by the FOI Contact Officer in writing within 5 working days of the request being received.

6 It is ABS policy that a responsible officer, nominated by the First Assistant Statistician, must be assigned to each FOI request for the search and discovery of documents. The responsible officer must undertake an extensive search for all documents in scope of the request. All other staff must comply with the directions given by the responsible officer in regards to the search and discovery of documents.

7 It is ABS policy that the ABS should apply charges for processing FOI requests, consistent with the provisions of the FOI Act. The Director, Audit, Policy and Parliamentary Liaison, in consultation with the relevant Assistant Statistician, is authorised to determine whether charging is appropriate for an individual request.

8 It is ABS policy that highly disaggregated information collected under the C&S Act must not be released under FOI. Any aggregated information collected under the C&S Act must comply with the Releasing Aggregate Statistics policy before being released through FOI.

9 It is ABS policy that the FOI applicant must be notified, in writing, of the decision regarding the request, within 30 days of the request being received by the ABS. All FOI documents, not of a personal nature, must be released on the FOI disclosure log on the ABS Website within 10 days of the FOI applicant being notified of the decision.

10 It is ABS policy that FASs and AS OOTSEE are delegated decision makers under the FOI Act. The Delegate must ensure that an extensive search for documents has been undertaken and that all appropriate documents are released. Any appeals of FOI decisions will be reviewed by the Statistician.

11 There are two Acts which guide ABS's FOI implementation:
Freedom of Information Act 1982 (FOI Act)
Freedom of Information (charges) Regulations 1982

Under Schedule II, Part II, Division 2 of the FOI Act, the Australian Statistician is exempt from the provision of documents containing information collected under the *Census and Statistics Act 1905*.

FREQUENTLY ASKED QUESTIONS

12 There are a range of documents held by the ABS which relate to individual employees. While the provisions in the FOI Act may be used to access the information, it is generally quicker to directly approach the relevant area.

In the first instance, access to:

- personnel files should be sought through Services@ABS.
- recruitment processes should be sought through the chair of the panel.

13 If this process is unsatisfactory, or if no response is received within 30 days, you may request this information under the FOI Act.

14 You are required to undertake a 'reasonable search' for documents in scope of the FOI request. Under the FOI Act a reasonable search requires a flexible and common sense interpretation of the request, while having regard to the following:

- the subject matter of the documents;
- the current and past file management systems and the practice of destruction or removal of documents;
- the record management systems in place;
- the individuals within an agency who may be able to assist with the location of documents; and
- the age of the documents.

15 It is your responsibility to ensure that a reasonable search for documents has been undertaken, at a minimum this requires an electronic search for documents using existing technology and infrastructure be undertaken, as well as making enquiries of those who may be able to help locate documents.

16 At the end of the discovery process, you will be required to complete a checklist to demonstrate to the Delegate that an extensive search has been undertaken. This checklist will provide evidence to the delegate when making their decision and if the decision is appealed, it will assist you to provide evidence to the Office of the Australian Information Commissioner or the Administrative Appeals Tribunal that the approach that you took met your legislative obligations.

17 The FOI Act defines a document, including copies, reproductions and duplicates, as including any of the following things:

- any paper or other material on which there is writing;
- a map, plan, drawing or photograph;
- any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
- any article on which information has been stored or recorded, either mechanically or electronically; or
- any other record of information.

18 Therefore, to make sure all documents related to an FOI request are found, the responsible officer for the search and discovery of documents should, consider searching the following:

- all relevant documents or entries on any relevant database;
- documents stored on all relevant section drives;
- documents stored on any other relevant drive, including any personal drives;
- all paper files;
- all relevant personal email holdings;
- all personal note books that may contain relevant entries; and
- any post-it notes or desk memos.

Note: Publically available documents are not considered documents for the purpose of the FOI Act.

19 You should ensure that appropriate records are kept of the business decisions and processes under your control.

20 Record keeping entails the identification and capture of records as evidence of business activity. You should have plans in place to properly manage records you create in the future.

21 The ABS has a number of policies which help staff manage records, such as the [Knowledge Management](#) policy and the [Data Retention and Record Keeping](#) policies.

22 If you receive an FOI request you must immediately forward it to the ABS FOI Contact Officer. You can find the FOI Contact Officer's details on the ABS website on the [Making an FOI Request Webpage](#).

23 [Freedom of Information Act 1982](#)

24 [ABS's Information Publication Scheme](#)

25 [ABS's Disclosure log](#)

26 [Making an FOI request](#)

27 [FOI Search and Retrieval Checklist](#)

28 [FOI Procedures](#)

29 [FOI Policy Training Slides](#)

**For further information, contact:
Head, Audit, Policy and Parliamentary Liaison**

Search and Retrieval Checklist

As the officer responsible for search and retrieval, you are must:

- understand your obligations and authorities, as articulated in the 'Freedom of Information policy' (PLM 03-01), prior to completing the checklist.
- complete this checklist and return it to the FOI Contact Officer, along with all relevant documents located.

If you have any questions or concerns you should discuss these with your line management, or where required with the FOI Contact Officer on 32 7203.

FOI request parameters: (provide details of the FOI request)

Search and retrieval checklist:

As the officer responsible for search and retrieval, I have:

- searched relevant databases, including: (provide details)
- searched relevant paper files, including: (provide details)
- searched relevant section drives, including: (provide details)
- searched my personal email holdings, drives, post-it notes, memos and notebooks.
- directed other ABS officers to search personal email holdings, drives post-it notes, memos and notebooks, including: (provide details)
- searched other relevant locations, including: (provide details)
- consulted with other ABS officers in locating documents, including: (provide details)
- undertaken any additional, including: (provide details)

I, (insert name of search and retrieval officer), certify that I have discussed with all relevant ABS officers and searched all relevant locations, in order to find all documents for the above named FOI request.

Signature of Search and Retrieval Officer

Dated

Approximate time spent undertaking search and retrieval tasks: (note if the time taken to undertake these activities is likely to be greater than 10 hours, please notify the FOI Contact Officer)

Information for Responsible Officers

What are my obligations as a responsible officer for the search and discovery?

You are required to undertake a 'reasonable search' for documents in scope of the FOI request. Under the FOI Act a reasonable search requires a flexible and common sense interpretation of the request, while having regard to the following:

- the subject matter of the documents;
- the current and past file management systems and the practice of destruction or removal of documents;
- the record management systems in place;
- the individuals within an agency who may be able to assist with the location of documents; and
- the age of the documents.

It is your responsibility to ensure that a reasonable search for documents has been undertaken, at a minimum this requires an electronic search for documents using existing technology and infrastructure be undertaken, as well as making enquiries of those who may be able to help locate documents.

At the end of the discovery process, you will be required to complete a checklist to demonstrate to the Delegate that an extensive search has been undertaken. This checklist will provide evidence to the delegate when making their decision and if the decision is appealed, it will assist you to provide evidence to the Office of the Australian Information Commissioner or the Administrative Appeals Tribunal that the approach that you took met your legislative obligations.

What searches do I need to do to make sure all documents are located?

The FOI Act defines a document, including copies, reproductions and duplicates, as including any of the following things:

- any paper or other material on which there is writing;
- a map, plan, drawing or photograph;
- any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
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- all personal note books that may contain relevant entries; and
- any post-it notes or desk memos.

Note: Publically available documents are not considered documents for the purpose of the FOI Act.

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

If you disagree with our decision you have the right to apply for an internal review under section 54 of the FOI Act.

Application for a review of the decision must be made within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker were you to set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

ABS FOI Contact Officer
Policy, Legislation and Assurance Section
Australian Bureau of Statistics
Locked Bag 10
BELCONNEN ACT 2617

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.