



**Australian Government**  
**Attorney-General's Department**

13/10252

31 July 2013

Mr Brendan Molloy  
Secretary  
Pirate Party

By e-mail only: [foi+request-272-89b071c3@righttoknow.org.au](mailto:foi+request-272-89b071c3@righttoknow.org.au)

Dear Mr Molloy

**Freedom of Information Request No: FOI 13/088**

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (the FOI Act).

**SUMMARY**

I, Jane Fitzgerald, Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests. On 1 July 2013, you made the following request:

*(a) All documents, invoices/quotes and emails pertaining to the determination of scope and cost relating to Part A of the completed freedom of information request entitled "Classification Database and RC classified documents" first submitted on 17 September 2012, and all subsequent variations of that request;*

*(b) Documents pertaining to the process used by freedom of information request personnel at the AGD for:*

*(i) determining scope of a request*

*(ii) quantifying cost of completing a request*

In relation to Part A of your request, I have identified 22 documents which fell within the scope of your request. I did this by requesting searches of the Department's electronic records.

The attached schedule of documents (**Attachment A**) provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant partial access to 22 documents (subject to deletions). More information, including the reasons for my decision, is set out below.

In relation to Part B of your request, I have identified that the material referred to by FOI personnel in making a determination on the scope and cost of a request is all publically available. That material, which you are welcome to peruse, is as follows:

- *Freedom of Information Act 1982*  
(<http://www.comlaw.gov.au/Details/C2012C00904>),
- *Guidelines issued under section 93A of the Freedom of Information Act 1982 by the Office of the Australian Information Commissioner*  
(<http://www.oaic.gov.au/freedom-of-information/applying-the-foi-act/foi-guidelines/>); and
- *Freedom of Information – Agency Resource Series*  
(<http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-agency-resources/>).

## **DECISION AND REASONS FOR DECISION**

I have decided to grant access in part to all the documents in question.

### **Material taken into account**

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

- the content of the documents that fall within the scope of your request;
- the FOI Act (specifically sections 11A, 22 and 47F); and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

### **Public interest conditional exemption – personal privacy (s47F)**

Some material within the documents is conditionally exempt under subsection 47F(1) of the FOI Act. Subsection 47(1) states 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).*

The material which I have decided to exempt is personal information (names, mobile telephone numbers and private e-mail addresses) of Departmental officers. In my view, releasing this material would involve the unreasonable disclosure of the individuals' personal information and I am satisfied that this material falls within the scope of the conditional exemption for personal information. I have not exempted the names of senior Departmental officers, as I am satisfied that this is not an unreasonable disclosure of the individuals' personal information.

Under section 11A(5) of the FOI Act, access to a conditionally exempt document must be given unless it would be contrary to the public interest. Under the Australian Information Commissioner's Guidelines (Part 6), I have identified the following factors as relevant in determining whether the disclosure of this personal information would cause specific harm.



In favour of disclosure is the requirement to provide *the Australian community [with] access to information held by the Commonwealth Government*. A factor against disclosure is the requirement not to release information which could *reasonably be expected to prejudice the protection of an individual's right to privacy*.

As required by subsection 11B(4) of the FOI Act, I have ensured that no irrelevant factors have been considered in reaching this decision. In my view, the factors against disclosure, in particular the importance of maintaining an individual's right to privacy, outweigh any factors in favour of disclosure (such as the right to access Government-held information). I am therefore satisfied that the material noted is conditionally exempt under subsection 47F(1) of the Act and that disclosure would be contrary to the public interest.

#### **Access to edited copies with irrelevant matter deleted (s22)**

Some material within the documents has been deleted pursuant to section 22 of the Act, on the basis that the material deleted is irrelevant to the request. The material deleted referred to Part B of your request of 17 September 2012 and was therefore outside the scope of your request.

#### **Your review rights**

If you are dissatisfied with my decision, you may apply for an internal review of my decision or a review by the Information Commissioner. We encourage you to first seek an internal review as it may provide a more rapid resolution of your concerns.

##### *Internal review*

Under section 54 of the Act, you may apply in writing to the Freedom of Information and Privacy Section of the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter. Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

##### *Information Commissioner review*

Under section 54L of the Act, you may apply to the Australian Information Commissioner for a review of my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter and be lodged in one of the following ways:

Online: <https://forms.australia.gov.au/forms/oaic/foi-review/>

E-mail: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Post: GPO Box 2999, Canberra ACT 2601

In person: Level 3, 175 Pitt Street, Sydney NSW

More information about reviews by the Information Commissioner is available on the Office of the Australian Information Commissioner website at [http://www.oaic.gov.au/foi-portal/review\\_complaints.html#foi\\_merit\\_reviews](http://www.oaic.gov.au/foi-portal/review_complaints.html#foi_merit_reviews).

**Questions about this decision**

If you wish to discuss this decision, please contact Samantha Fuz on (02) 6141 4105 or e-mail [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Jane Fitzgerald  
Assistant Secretary

**Attachments**

- A. Schedule of documents
- B. Part A of document release
- C. Part B of document release
- D. Part C of document release
- E. Part D of document release