



LS5930

Simon

By email to:

[foi+request-3031-a53a80bf@righttoknow.org.au](mailto:foi+request-3031-a53a80bf@righttoknow.org.au)

Dear Simon

**Your Request for internal review of the decision about your FOI Request No. LS5925**

1. I refer to your email of 7 February 2017, to the Australian Electoral Commission ('AEC') in which you requested (your 'FOI Request') access under the *Freedom of Information Act 1982* (the 'FOI Act') to "a complete copy of the periodic disclosures database which stores the data displayed on <http://periodicdisclosures.aec.gov.au> including all tables and columns that make up the database provided in an appropriate machine readable format, for example, SQL or CSV."
2. I also refer to your email of 9 February 2017, to the AEC in which you request (your 'Internal Review Request') an internal review of the decision that no documents were identified that fell within the scope of the second part of your FOI request no. LS5827, made by Owen Jones, Senior Lawyer of the AEC, which was notified to you on 9 February 2017 (the 'FOI decision').
3. I am writing to give you a decision about your Internal Review Request as required under subsection 54C(4) of the FOI Act.

**Summary**

4. I, Paul Pirani, Chief Legal Officer of the AEC, am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to the internal review of a decision about an FOI request.
5. Specifically you sought a review of the FOI decision that the document you requested has been published for reference, and consequently, is not included in the scope of that which may be requested as a document under subsection 15(2) of the FOI Act in an FOI Request.
6. Your Internal Review Request was 'to discover what other parts of the database are not made available via the mentioned URL', specifically the unique identifiers in which you claim are not viewable via <http://periodicdisclosures.aec.gov.au>.

7. Accordingly, I have found 1 document which falls within the scope of your Internal Review Request, namely the AEC's database called the Annual Returns Locator Service, which is material maintained for reference and publicly available at <http://periodicdisclosures.aec.gov.au>.
8. The schedule of relevant documents at **Attachment A** provides a description of the document that falls within the scope of your request and the access decision for that document.
9. I have decided that only part of the document falls within the scope of your request. Accordingly, I have decided to grant access to the fields of the Document you have requested that is not publicly available at <http://periodicdisclosures.aec.gov.au>. I affirm the decision at paragraph 11 of the Primary Decision that the remainder of the database is material maintained for reference and publicly available, therefore is not included in the scope of that which may be requested as a document under subsection 15(2) of the FOI Act in an FOI Request.
10. This therefore substantially affirms the Primary Decision made by Mr Jones on 7 February 2017.
11. More information, including my reasons for my decision, is set out below.

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

#### **Decision**

12. With regard to your Internal Review Request, I have decided that only part of the document falls within the scope of your request and as such am granting partial access in answer to your Internal Review Request under section 54A of the FOI Act.

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

13. I have taken the following material into account in making my decision:
  - (a) your original FOI Request dated 7 February 2017;
  - (b) your Internal Review Request dated 9 February 2017;
  - (c) the documents and FOI decision letter in relation to your original FOI Request;
  - (d) information provided by business areas in the AEC in relation to your FOI Request and your Internal Review Request and relevant searches undertaken;
  - (e) the FOI Act, specifically sections 4, 15, 26 and Part VI; and
  - (f) the guidelines ('[FOI Guidelines](#)') issued by the Australian Information Commissioner under section 93A of the FOI Act.

#### **Reasons**

14. Under sections 53A and 54 of the FOI Act, an FOI applicant may apply for internal review of an access refusal decision. In the original FOI decision, at paragraph 11, Mr Jones refused access to your FOI Request on the basis that the document "has been published for reference."



15. Paragraph 4(1)(d) of the FOI Act excludes material maintained for reference purposes that is otherwise publicly available from the definition of a 'document' for the purposes of the FOI Act. Such material is outside the scope of that which may be requested as a document under subsection 15(2) of the FOI Act in an FOI Request.
16. I have identified one document that falls within the scope of your Internal Review Request that being material published for reference and publicly available at <http://periodicdisclosures.aec.gov.au>. The data you seek can be obtained through the 'Export' and "Analyse" functions at <http://periodicdisclosures.aec.gov.au/AnalysisParty.aspx>. Some of this data may not be obviously available on the face of the database. To assist you navigate the database, I direct you to the URL, which contains the unique identifiers for party's and donors, being the "SubmissionID" and "ClientID".
17. However, there are historical, redundant data fields dating back to 1998 when the database was first created, which are no longer used by the AEC and, therefore, not visible on the website. I grant access to this data in pipe delimited format at **Attachment B**.
18. This substantially affirms Mr Jones' original FOI decision.

## YOUR REVIEW RIGHTS

19. If you are dissatisfied with my decision, you may apply for Information Commissioner review of the decision.
20. Under section 54N of the FOI Act, you may apply to the Australian Information Commissioner to review 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:

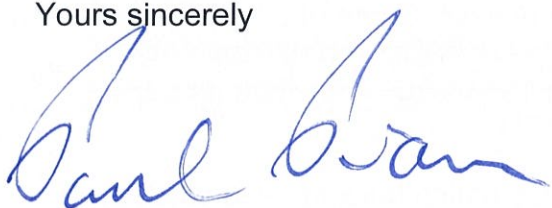
online:	<a href="https://forms.business.gov.au/aba/oaic/foi-review/">https://forms.business.gov.au/aba/oaic/foi-review/</a>
email:	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
post:	GPO Box 52189, Sydney NSW 2001
in person:	Level 3, 175 Pitt Street, Sydney NSW
21. More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

## QUESTIONS ABOUT THIS DECISION

22. If you wish to discuss this decision, please contact me at:

email:	<a href="mailto:paul.pirani@aec.gov.au">paul.pirani@aec.gov.au</a>
fax:	02 6293 7657
post:	Locked bag 4007, Canberra ACT 2601
telephone:	02 6271 4474

Yours sincerely



Paul Pirani  
Chief Legal Officer

10 March 2017