



James Smith

By email: foi+request-3145-4d202a51@righttoknow.org.au

Our reference: C17/1092

Dear Mr Smith,

Freedom of Information Request – Internal Review Decision

1. I refer to your email correspondence, dated 20 May 2017 as received by the Australian Public Service Commission (the **Commission**), requesting an internal review of the decision made by Kerren Crosthwaite, delegate of the Commission dated 24 April 2017 (C17/708) (the **Primary Decision**) under the Freedom of Information Act 1982 (Cth) (the **FOI Act**).
2. Specifically, you have requested that I reconsider all redactions made to documents under section 47C of the FOI Act. I note that such redactions were applied to Documents 5-9 of the Primary Decision.
3. I am an officer authorised under section 23(1) of the FOI Act to make internal review decisions. I confirm that I have made a fresh decision in accordance with section 54C of the FOI Act and that I am not the original decision maker.

Summary

4. The Commission received your original FOI request on 23 February 2017 wherein you sought access to the following documents:
 1. *Any emails received from APS employees not published at the following URL: [link provided on original request]*
 2. *The latest version of any reports or summaries of the feedback received*
5. On 31 March 2017 you revised the scope of your request, as follows:

I am happy to exclude the names, email addresses, phone numbers, and job titles of all individuals from the scope of this request.

In addition, any information which might reasonably identify a particular individual can also be excluded. For example, if an employee were to write 'I am the Director of Team A in Newcastle'



6. The department considered your request, and on 24 April 2017 released to you its decision relating to your request. I note that 9 documents were identified as falling within the scope of your FOI request, with access in full granted to Document 1, access in part granted to Documents 1-3, 7 and 8, and access refused to Documents 5, 6 and 9.
7. On 20 May 2017 you requested an internal review of the department's decision. Particularly, you ask that consideration be given to the Commission's decision to redact documents, as follows:

I would like the review officer to reconsider all redactions made to documents under S47C of the Act.

Documents relevant to your request

8. As noted above, you particularly sought internal review of Ms Crosthwaite's decision to refuse access in whole or in part to Documents 5-9 under section 47C. I confirm that you have not sought review of Ms Crosthwaite's decision to redact information in Documents 1-3.
9. Further documents as previously provided to you in the Primary Decision, that are not subject to your request for internal review have been disregarded in the making of this decision.

Decision

10. During the course of the internal review process, I have carefully and seriously considered the application of the section 47C exemption to Documents 5-9 of the Primary Decision.
11. On review, I have found that no further portions of the documents are suitable for release, and accordingly I verify the Primary Decision. The reasons for my decision are set out below.
12. I can confirm that each of Documents 5-9 are documents that wholly or primarily contain deliberative matter in the nature of, or relating to, opinion, advice, consultation or recommendations prepared for the purpose of the deliberative processes involved in upholding of standards of integrity and conduct within the Australian Public Service (APS), and promoting the APS Values, the APS Employment Principles and the Code of Conduct. Such processes and functions of the Commission are as set down at section 41 of the *Public Service Act 1999* (Cth).
13. In light of the above, I am satisfied that Ms Crosthwaite appropriately applied the section 47C exemption to the whole of documents 5, 6 and 9, and the portions of Documents 7 and 8 that were withheld.
14. Further, having considered the public interest factors for and against disclosure I have determined that release of the conditionally exempt material would be inappropriate, as the public interest in preserving the efficient functioning of the Commission and the integral development of policy and procedure substantiating such functions outweighs factors favoring disclosure, such as informing the community of the operations of the Commission.

Material taken into account

15. In making my decision, I had regard to the following:

- Your application for internal review dated 20 May 2017;
- advice from APSC employees with responsibility for matters concerning the documents you have requested;
- the content of the documents to which you sought access;
- the purpose for which the documents to which you sought access were created;
- the purpose for which information contained within the documents was provided to the Commission, and any express or implied confidentiality applicable to such materials;
- the relevant provisions of the FOI Act; and
- guidelines published by the Office of the Australian Information Commissioner (OAIC) (the FOI Guidelines).

Information Commissioner review

16. If you are dissatisfied with my decision, you are entitled to seek review of this decision by way of application to the Australian Information Commissioner.

17. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this decision, and be lodged in one of the following ways:

Online: www.oaic.gov.au

Email: enquiries@oaic.gov.au

Post: GPO Box 5218 Sydney NSW 2001

In person: Level 3, 175 Pitt Street Sydney NSW

18. More information about the Information Commission review process is available on the Office of the Australian Information Commissioner website: www.oaic.gov.au.

Publication

19. The Commission must publish information relating to material that has been released in response to each FOI access request subject to certain exceptions. This publication is known as a 'disclosure log'.

20. The disclosure log requirement does not apply to personal information about any person if it would be unreasonable to publish the information or to information about the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. The Commission is not required to consult you on any decision to publish information that is released to you and the decision to publish information is not subject to review internally by the Commission or externally by the Australian Information Commissioner. Any person can however, make a complaint to the Australian Information Commissioner about how an agency handles an FOI request.

Contacts

21. If you require clarification of any of the matters discussed in this letter you should contact the Commission's FOI Officer by email at foi@apsc.gov.au.

Yours sincerely

Stephanie Foster

Stephanie Foster
Authorised FOI decision maker
19 June 2017