



Australian Government
Department of Health

Department Reference: FOI 217-1617

James Smith

Via email: foi+request-3159-ff82534f@righttoknow.org.au

Dear Mr Smith,

NOTICE OF DECISION

I refer to your request of 26 February 2017 to the Department of Health (Department) seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

“All documents wherein the outcome of any enterprise bargaining ballots were communicated to the department by the entity who undertook the ballots.

This shall include the YES/NO vote amounts or percentages as well as any additional information related to the vote. For example, a breakdown of the vote by employee location, or APS level.”

I am writing to advise you of my decision.

Decision

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

I have identified two documents falling within the terms of your request. The documents are set out in the schedule at Attachment A.

I have decided to give access to all documents subject to the deletion of exempt material as indicated in the attached schedule.

My reasons for this decision are set out at Attachment B.

Charges

Given the processing of this request was not complex I have decided not to impose any fees and charges normally associated with the processing of applications under the FOI Act, in this instance.

Review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the Department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this Department within 30 days. An application for an internal review should be addressed to:

Email: FOI@health.gov.au

OR

Mail: FOI Unit (MDP 41)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>

You may also make a complaint to the Information Commissioner about action taken by the Department in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions

<https://www.legislation.gov.au/Details/C2016C01042>

Publication

You should be aware that where I have decided to release documents to you, the Department may also publish the released material on its Disclosure Log. The Department will however, not publish information (such as personal or business information) where it would be unreasonable to do so.

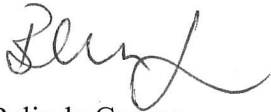
For your reference the Department's Disclosure Log can be found at:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/foi-disc-log-2016-17>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the Department's FOI Unit on 02 6289 1666 or by email foi@health.gov.au

Yours sincerely



Belinda Casson
Assistant Secretary
Capability Branch

19 April 2017

ATTACHMENT A

SCHEDULE OF DOCUMENTS - FOI 217-1617

Doc. No.	No. of Pages	Date	Author	Addressee	Description of Document	Decision ¹	Portion Exempt
1	5	11/09/2015	CORPVOTE	Department of Health	764 – Ballot Result Declaration	RE	S47F Page 1
2	5	18/12/2015	CORPVOTE	Department of Health	564 – Ballot Result Declaration	RE	S47F Page 1

¹ RE = Release with Exemptions applied

ATTACHMENT B

REASONS FOR DECISION

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

- the terms of your request;
- the content of the documents to which you sought access;
- advice from departmental officers with responsibility for matters relating to the documents to which you sought access;
- third party submissions;
- the relevant provisions of the FOI Act; and
- guidelines issued by the Australian Information Commissioner under s93A of the FOI Act.

The schedule of documents indicates exemption claims have been applied to the document. My reasons for deciding that exemption provisions apply to the documents are set out below.

Section 47F – Personal Privacy

Section 47F conditionally exempts a document if its disclosure would involve the unreasonable disclosure of personal information about any person.

The documents contain the names and signatures of Corpvote staff members. This is personal information for the purposes of section 47F. This personal information is not publicly available information. Disclosure of this information could unreasonably affect the individual's personal privacy, as a reasonable person would not expect such information to be put in the public domain.

Given the above I am satisfied that the names and signatures are conditionally exempt under section 47F of the FOI Act.

As section 47F is a conditional exemption I have considered whether release would be contrary to the public interest. There is a public interest in protecting the privacy of the individual third parties. Release of this personal information would not add any substance to the information being provided under this request and there would be no public purpose achieved through the release of the names and signatures.

Taking these matters into account I find that it would, on balance, be contrary to the public interest to release the personal information. The personal information is therefore exempt under section 47F.