



Australian Government
Attorney-General's Department

FOI17/060; 17/3969

27 April 2017

Mr Jackson Gothe-Snape
foi+request-3297-860d2d5a@righttoknow.org.au

Dear Mr Gothe-Snape,

Freedom of Information Request FOI17/060

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* (FOI Act).

Summary

I, Alexandra Mathews, Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests made to the Attorney-General's Department (the department).

On 28 March 2017 you requested access to a list of briefing topics for the 2016-17 Additional Senate Estimates hearings.

The department acknowledged your request by email on 7 April 2017.

I have decided to release to you a list of briefing topics for the 2016-2017 Additional Senate Estimates hearings, with certain material redacted under section 33 (documents affecting national security, defence or international relations) and section 47F (personal privacy).

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 (particularly section 47F), and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Public interest conditional exemption – personal privacy (section 47F)

Section 47F of the FOI Act provides:

- (1) 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).*
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:*
 - (a) The extent to which the information is well known;*
 - (b) Whether the person to whom the information relates is known to be (or to have been) associate with the matters dealt with in the document;*
 - (c) The availability of the information from publicly available sources;*
 - (d) Any other matters the agency or Minister considers relevant.*

The redacted material on page 2 of the document would, if released, unreasonably reveal personal information about an individual. Specifically, this material would reveal a sensitive personnel matter internal to the department.

I am satisfied that this material constitutes personal information and it would be unreasonable to disclose this material. Accordingly, I am satisfied that the conditional exemption for personal privacy applies to this material.

Under the FOI Act, access to a document covered by a conditional exemption must be given unless it would be contrary to the public access. The public interest test is set out in subsection 11A(5) of the FOI Act. My weighing of public interest factors follows.

Public interest factors

Section 11B of the FOI Act lists the public interest factors favouring access. Of these factors, I consider that one is relevant to your request: promoting the objects of the FOI Act.

The FOI Act does not list any specific factors weighing against disclosure. However, I have identified the following factors as being against disclosure of the material contained on page 2.

- disclosure of the material on page 2 is likely to undermine staff confidence in human resources processes, and
- disclosure of the information on page 2 could reasonably be expected to prejudice the protection of the individual's right to privacy. In my view, there is no significant public interest in disclosing the personal information.

Accordingly, I am satisfied that the material on page 2 is exempt under section 47F and that disclosure would be contrary to the public interest.

Your review rights

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

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 letter, and be lodged in one of the following ways:

email: foi@ag.gov.au
post: Freedom of Information and Privacy Section
 Strategy and Delivery Division
 Attorney-General's Department
 3-5 National Circuit
 BARTON ACT 2600

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 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: <https://forms.business.gov.au/aba/oaic/foi-review/>
email: enquiries@oaic.gov.au
post: GPO Box 5218, SYDNEY NSW 2001
in person: Level 3, 175 Pitt Street, SYDNEY NSW 2000

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

If you wish to discuss this decision, please contact Monique, FOI case manager, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Alexandra Mathews
Assistant Secretary

Attachments

A. Document to be released