



Our reference: FOIREQ17/00025

Ms Verity Pane

By email to: foi+request-3433-1d43e779@righttoknow.org.au

Dear Ms Pane

Your Freedom of Information request

I refer to your request for access to documents under the *Freedom of Information Act 1982* (Cth) (the FOI Act), received by the Office of the Australian Information Commissioner (OAIC) on 21 April 2017.

You sought access to the following:

... I therefore seek for all privacy complaints and IC reviews currently open for 360 days or greater, the following specific data (for each case):

- * The case number (the case number, while a record locator, is still de-identified data, as it does not by itself identify the parties, nor the contents of a case - it is simply an administrative record reference, akin to metadata which the AAT held was not PI)
- * The number of days the privacy complaint/IC review has been open

I also seek the number of cases currently awaiting Determination decision (both awaiting for approval to proceed to Determination, and those pending Determination decision) currently.

Decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have decided to you grant access to the documents you have requested in relation to privacy complaints and IC reviews currently open for 360 days or longer.

It is important to note that 2090 of the privacy complaints open for longer than 360 days relate to two specific alleged privacy breaches with multiple complainants in relation to each alleged breach.

You also requested access to a document 'containing the number of cases currently awaiting Determination decision (both awaiting for approval to proceed to Determination and those pending Determination decision)'. The OAIC does not hold a document containing this information but is able to produce one in response to your request.

Approximately 30 privacy complaints are currently proceeding towards a possible determination, however it should be noted that these matters can still be resolved or finalised in some other way prior to being determined.

If you disagree with my decision

Internal review

You have the right to apply for an internal review of my decision under Part VI of the FOI Act. An internal review will be conducted, to the extent possible, by an officer of the OAIC who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please mark your application for the attention of the FOI Coordinator and state the grounds on which you consider that my decision should be reviewed.

Further Review

You have the right to seek review of this decision by the Information Commissioner and the Administrative Appeals Tribunal (AAT).

You may apply to the Information Commissioner for a review of my decision (IC review). If you wish to apply for IC review, you must do so in writing within 60 days. Your application must provide an address (which can be an email address or fax number) that we can send notices to, and include a copy of this letter. A request for IC review can be made in relation to my decision, or an internal review decision.

It is the Information Commissioner's view that it will usually not be in the interests of the administration of the FOI Act to conduct an IC review of a decision, or an internal review decision, made by the agency that the Information Commissioner heads: the OAIC. For this reason, if you make an application for IC review of my decision, it is likely that the Information Commissioner will decide (under s 54W(b) of the FOI Act) not to undertake an IC review on the basis that it is desirable that my decision be considered by the AAT.

Section 57A of the FOI Act provides that, before you can apply to the AAT for review of an FOI decision, you must first have applied for IC review.

Applications for internal review or IC review can be submitted to:

Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Alternatively, you may submit your application by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Raewyn Harlock', with a long horizontal flourish extending to the right.

Raewyn Harlock
Assistant Director
Dispute Resolution Branch

18 May 2017