



Our reference: REQFOI17/00064

Ms Verity Pane

By email: [foi+request-4120-d484d9ea@righttoknow.org.au](mailto:foi+request-4120-d484d9ea@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 5 October 2017.

You sought access to:

... I request under the Freedom of Information Act the following documents (including discrete documents complied *[sic]* under s 17, using RESOLVE):

1. A discrete document complied *[sic]* from RESOLVE, identifying the three top agencies by volume for s 15AB applications to the OAIC in FY16/17, giving (by agency) the number of s 15AB applications received in FY16/17, the number of s 15AB applications decided IN FY16/17 by the OAIC, the number of s 15AB applications approved by the OAIC in FY16/17, and a breakdown of any other decision outcome for those remaining s 15AB applications dealt with in FY16/17.
2. A copy of the last ten s 15AB applications approved by the OAIC (personal information redacted) (as per <https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.oaic.gov.au%2Fresources%2Fabout-us%2Faccess-our-information%2Ffoi-disclosure-log%2Fnotifications%2Ffoireq17-00059.pdf&data=01%7C01%7Cenquiries%40oaic.gov.au%7Cc11a8a0863d84d790e0008d50b933842%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=olnElabaJPc68udGL29P1zpM4YGs2L%2BCFzRfQ4DKu1M%3D&reserved=0> provided in the OAIC FOI disclosure log) for each of the top three s 15 AB requesting agencies, for FY16/17.

I note that the OAIC's case management system, RESOLVE, is a well organised and efficient information management system and that the OAIC has compiled and located

information and documents in the past, of a similar nature, with relative ease, and that this FOI application should therefore be straightforward.

The information provided will go towards improving understanding of how the Freedom of Information Act is being managed and will eventually be part of a research publication.

On 5 October 2017, you clarified the first item in your FOI application is a reference to:

Just the top three agencies (by volume of s 15AB applications in FY16/17), not s 15AB statistics on all agencies (I assume that makes it easier, which is why I limited scope). I'm looking to get some data on the most common s 15AB applications, so it seemed best to limit to a small subset of the most frequent appliers for s 15AB for just one FY, so as to limit work involved. I'm conscious of making it easier to compile.

On the same day you also clarified that the second item in your FOI application is a reference to:

I was seeking de-identified copies of the s 15AB application made by the top 3 agencies in question (listing their grounds for the s 15AB application to be approved), for the last ten approved by the OAIC in FY16/17 for those agencies, and not the emails from the OAIC approving the s 15AB applications (which would be of little use)

....

On 6 October 2017, you clarified that you did not seek access to personal information or third party information (including information identifying the business or organisation that made the FOI request) and provided consent to redact this information from the documents found to be within the scope of your FOI request. You stated that you are only interested in the reasons given by the agency in its s 15AB application to the OAIC as to why a s 15AB application should be granted, in terms of the application itself.

## **Decision**

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

I have identified 31 documents within the scope of your request. I have decided to grant you access to these documents in full.

Under s 17 of the FOI Act, if an FOI request is made for a document that could be produced by using a computer ordinarily available to the agency for retrieving or collating stored information, an agency is required to deal with the request as if it was a request for a written document to which the FOI Act applies.

The OAIC has a case management system (Resolve) that contains a number of reports the OAIC can create and which are ordinarily available to OAIC staff. Document 31 was not in existence when your request was made and has been created from Resolve pursuant to s 17 of the FOI Act.

Documents 1-30 have been edited under s 22 of the FOI Act to remove irrelevant material that is outside the scope of your FOI request.

The documents and a schedule containing a full list of the documents will be provided to you via email at the address listed above as soon as practicable. The schedule will describe each document and the access decision I have made for each document.

## **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](mailto:foi@oaic.gov.au), or by fax on 02 9284 9666.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Emma Liddle', written in a cursive style.

Emma Liddle  
Assistant Director  
FOI Dispute Resolution

6 November 2017