

FOI

From: FOI
Sent: Monday, 19 February 2018 11:14 AM
To: LLOYD,John; CONNELL,Jenet; VINE-CAMP,Kerryn
Cc: CROSTHWAITE,Kerren; s. 47F
Subject: FOI: New Information Commissioner review matter. Dyer. (C18/530)
[DLM=Sensitive:Legal]
Attachments: MR18/00062 request for review of APSC access refusal; Freedom of Information request
- APSC produced document for the IPA

Sensitive: Legal

LEGAL IN CONFIDENCE

Good morning,

Further to previous emails, the Commission has additionally received the below notification from the Office of the Australian Information Commissioner (OAIC), as to a further Information Commissioner review matter.

Background

The applicant, previously known as Fliccy, seeks access to email documents relating to the creation of a document released as part of a historical FOI decision relating to correspondence between the Commission and IPA. The IPA FOI matter was discussed in the October estimates.

The relevant document, referred to as the EA Document, is titled 'soft arrangements in Commonwealth enterprise agreements' and compiles a number of terms and conditions from agreed enterprise agreements. (pages 16-28 [here](#)).

The applicant expresses strong personal views in the content of their original request (second email **attached**), including making allegations against agency employees. The original request was made via the website Right to Know.

Issues / OAIC position

The applicant contends the charges determination issued on 15 January 2018.

s. 47C



s. 47C



Kindest regards,

s. 47F



From: s. 47F

Sent: Wednesday, 14 February 2018 4:06 PM

To: FOI

Subject: MR18/00062 - Notice of IC review and request for documents [SEC=UNCLASSIFIED]

Our reference: MR18/00062

Your reference: C17/2088

FOI Contact Officer
Australian Public Service Commission

By email: foi@apsc.gov.au

Dear FOI Contact Officer

Notice of IC review and request for documents

Ms Dyer has requested that the Information Commissioner review the Australian Public Service Commission's (APSC) decision of 12 January 2018 under the *Freedom of Information Act 1982* (the FOI Act). The application for review is attached.

I write under s 54Z of the FOI Act to notify you that the OAIC will review the decision of the APSC in relation to the charge of \$233.77.

This email provides the APSC with the opportunity to issue a revised decision or provide further submissions in light of my view as case officer that APSC has not discharged its onus to justify its decision that a charge should be imposed in relation to the applicant's request. I note that on the material presently before the OAIC, a recommendation in line with this view will be made to the Information Commissioner.

Request for information and submissions

Part 4 of the FOI Guidelines provides guidance regarding the imposition of charges. In particular, I draw the APSC's attention to the following paragraphs:

4.3 An agency or minister has a discretion to impose or not impose a charge, or impose a charge that is lower than the applicable charge, under reg 3 of the Charges Regulations. In exercising that discretion, the agency or minister should take account of the 'lowest reasonable cost' objective, stated in the objects of the FOI Act (s 3(4)):

... functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.[1]

4.4 Agencies and ministers should interpret the 'lowest reasonable cost' objective broadly in imposing any charges under the FOI Act. That is, an agency or minister should have regard to the lowest reasonable cost to the applicant, to the agency or minister, and the Commonwealth as a whole. Where the cost of calculating and collecting a charge might exceed the cost to the agency to process the request, it would generally be more appropriate not to impose a charge.[2] In assessing the costs of calculating and collecting a charge, agencies should also take into account the likely costs that may be incurred by the agency, as well as other review bodies, if the applicant decides to seek further review.

I would also like to draw the APSC's attention to the Administrative Appeals Tribunal decision in *MacTiernan and Secretary, Department of Infrastructure and Regional Development* (Freedom of Information) [2015] AATA 584, where the Tribunal compared the number of documents within the scope of the FOI request and the cost of processing the FOI request against the subject matter of the FOI request. In that case, the Tribunal found that giving access to the documents would be in the 'general public interest' and the charge ought to be waived under s 29(4) of the FOI Act.

In this case, on the material presently before the OAIC, in my view as case officer it would be open to the Information Commissioner to waive or reduce the charge of \$233.77 because:

- the lowest reasonable cost objective should be interpreted broadly taking into account "the lowest reasonable cost to the applicant, to the agency or minister, and the Commonwealth as a whole" (FOI Guidelines at [4.4])

- an “estimated charge must be as fair and accurate as possible” (See FOI guidelines at [4.53] and *Australian Associated Press Pty Ltd and Department of Foreign Affairs and Trade (Freedom of Information)* [2017] AICmr 131). As the APSC has already located a de-identified document within scope, this should reduce the decision making time and as result necessarily the cost involved
- the imposition of a “charge must not be used to unnecessarily delay access or discourage an applicant from exercising the right of access conferred by the FOI Act” (*Australian Associated Press Pty Ltd and Department of Foreign Affairs and Trade (Freedom of Information)* [2017] AICmr 131 at [19] and FOI Guidelines at [4.5] and [4.53]), and
- the concept of public interest is of “wide import and cannot be exhaustively defined” (See FOI guidelines at [4.83] and *Australian Associated Press Pty Ltd and Department of Foreign Affairs and Trade (Freedom of Information)* [2017] AICmr 131). The APSC determined that disclosure of the documents is not in the public interest as the documents identified within the scope of the request were created “three years ago” and “no public debate about the documents relating to the EA documents exists”. However, on the material presently before the OAIC it appears that disclosure of the documents requested would be in the general public interest since it would increase transparency on the APSC’s development of the EA Document.

In light of the above the OAIC invites the APSC to please provide by **7 March 2018**:

- a revised decision under s 55G of the FOI Act if the APSC is of the view that no charge should be imposed in relation to processing the applicant’s request, **or**
- if the APSC does not wish to make a revised decision:
 - submissions that address the discussion above
 - any other submissions the APSC wishes to make in support of its decision
 - any documentary evidence which supports the APSC’s charges estimate, and
 - information about your charges estimate. In particular, this information broken down into component parts – for example: the estimated number of documents within the scope of the request, details of any sampling undertaken, the time estimated for search and retrieval, examination of documents, undertake consultations, write decision, etc.

Conduct of the IC review

In requesting the above information, I draw your attention to the following provisions:

- Section 55D of the FOI Act provides that the agency or Minister concerned has the onus of establishing that a decision given in respect of the request or application is justified or the Information Commissioner should give a decision adverse to the IC review applicant.
- Section 55DA of the FOI Act requires agencies and ministers to assist the Information Commissioner in conducting an IC review.
- Section 55Z of the FOI Act authorises agencies and ministers to provide information for the purposes of an IC review and provides a protection from liability for doing so.

The Information Commissioner will share the submissions you provide during IC review with the applicant.

Contact details

Please send your response to this notice to FOIDR@oaic.gov.au by **7 March 2018**.

If you wish to discuss the matter in the interim please contact us FOIDR@oaic.gov.au or by phone on 1300 363 992.

Please ensure you quote the OAIC reference number above in all correspondence.

Kind Regards

s. 47F [REDACTED] Review Officer | Freedom of Information Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

s. 47F [REDACTED]

Protecting information rights – advancing information policy



WARNING: The information contained in this email may be confidential.

If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.

FOI

From: Fliccy D <Fliccy D@protonmail.com>
Sent: Tuesday, 23 January 2018 7:50 AM
To: Enquiries
Subject: MR18/00062 request for review of APSC access refusal

Hello

I'd like to make an application for Information Commissioner review of an access refusal decision made by the APSC.

My application, the APSC's responses to that application, and my contentions as to why release of the documents is in the general public interest (per my correspondence to the APSC dated 2/11/17, 15/11/17 and 9/1/18) are set out here:

https://www.righttoknow.org.au/request/apsc_produced_document_for_the_i

Should you require additional information, please contact me by reply email.

Regards

F Dyer.

FOI

From: Fliccy <foi+request-4192-53e33be4@righttoknow.org.au>
Sent: Thursday, 2 November 2017 8:41 AM
To: FOI
Subject: Freedom of Information request - APSC produced document for the IPA

Dear Australian Public Service Commission,

The following is an FOI request.

I refer the APSC to the following media coverage:

<https://www.crikey.com.au/2017/10/24/libertarians-get-a-helping-hand-from-government/>

<http://www.canberratimes.com.au/national/public-service/apsc-boss-john-lloyd-defends-link-to-rightwing-think-tank-ipa-at-senate-20171023-gz69na.html>

<https://www.themandarin.com.au/85236-three-good-old-dust-ups-from-the-first-day-of-estimates/>

As I understand, that media coverage relates to this FOI decision:

https://www.righttoknow.org.au/request/ipa_and_hr_hicholls_society_docu and specifically, the production of a 13 page document by APSC staff (titled "Examples of 'soft' arrangements in Commonwealth enterprise agreements" (the "APSC produced document for the IPA") beginning at page 16 of this document

<https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf>) for the use and benefit of far right wing political extremist group, the Institute of Public Affairs (the 'IPA') – a political group for which the current Public Service Commissioner is a contributing member, and former director.

As I understand from the articles and the FOI documents referred to above, certain APSC staff consider it an appropriate use of scarce Commonwealth resources/taxpayer money to provide research and authoring services to the IPA in order to further the political objectives of the IPA and its membership (including the Public Service Commissioner).

I request access to all documents held by the APSC that relate to the APSC produced document for the IPA.

To narrow the scope of my request I am willing for it to relate only to email documents (ie. emails and any attachments to those emails) and I am willing for the APSC to disregard all but the last email in email chains/threads (but only on the basis that the preceding emails in those email chains will be included in the last email of those email chains). I am also willing for the APSC to disregard any documents within the scope of my request that have already been made available here:

<https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf>

The APSC staff who took part in the preparation of the APSC produced document for the IPA have likely acted illegally (noting the obligations, prohibitions and criminal offences established by the Public Service Act 1999, the Public Governance, Performance and Accountability Act 2013 and the Criminal Code Act 1995) and so part of the purpose of my request is to ensure that those officers are brought to justice.

While I understand that the Public Service Commissioner was intimately involved in the preparation of the document at issue, I understand that other APSC staff had some involvement in the preparation of the document.

I note, for example, from pg 9 of 32 of the document available here:

<https://www.righttoknow.org.au/request/3471/response/9986/attach/4/Documents%20C17%201026.pdf> that the APSC's Group Manager Corporate thinks it appropriate to copy in members of the IPA into intra senior management APSC communications as if those IPA members are on the APSC's/Commonwealth's payroll and part of the APSC's

senior management team and so perhaps the APSC's Group Manager Corporate played some part in the preparation of the document at issue.

I remind the APSC of the following:

- the objects of the FOI Act which relevantly include "increasing scrutiny, discussion, comment and review of the Government's activities", "increasing recognition that information held by the Government is to be managed for public purposes, and is a national resource" and "that functions and powers given by [the FOI Act] are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost".
- the criminal offence established by section 24 of the Archives Act 1983; and
- the obligations imposed on APSC staff by the Public Service Act 1999 (in particular the obligations to behave honestly, apolitically, with integrity and transparently) and the Public Governance, Performance and Accountability Act 2013.

Further, if any member of the APSC's Legal Group who holds a practising certificate processes this request (or indeed if they were involved in the preparation of the document at issue), I remind those APSC officers of their professional obligations in relation to their paramount duty to the administration of justice and to avoid any conduct which may be seen to compromise their integrity and professional independence.

I also note relevant advice from the FOI Guidelines that provides that "[w]here public servants' personal information is included in a document because of their usual duties or responsibilities, it would not be unreasonable to disclose unless special circumstances existed" and that "[w]hen considering whether it would be unreasonable to disclose the names of public servants, there is no basis under the FOI Act for agencies to start from the position that the classification level of a departmental officer determines whether his or her name would be unreasonable to disclose. In seeking to claim the exemption an agency needs to identify the special circumstances which exist rather than start from the assumption that such information is exempt."

Lastly, I note that it would be clearly improper (at least from the perspective of an ethical, honest and law abiding public servant) for this request to be processed by any person who has any affiliation whatsoever with the Liberal Party, the IPA or any other far right wing political extremist group. To the extent that there are any authorised officers at the APSC who have no such affiliations, I request that they process this request independently of other APSC officers who are affiliated with extremist groups of that persuasion.

Please use this email address for all replies to this request:
foi+request-4192-53e33be4@righttoknow.org.au

Is foi@apsc.gov.au the wrong address for Freedom of Information requests to Australian Public Service Commission? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=apsc

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

FOI

From: s. 47F
Sent: Tuesday, 4 June 2019 12:36 PM
To: Luck-Cameron, Susannah; s. 47F
Subject: FOI report for this afternoon [DLM=Sensitive:Legal]
Attachments: 2019-06-04_FOI executive report.docx

UNCLASSIFIED Sensitive: Legal

Hello,

FYI – updated report **attached**.

I will bring paper copies this afternoon.

Kind regards,

s. 47F



This email and any attachments may contain confidential or legally privileged information, and neither are waived or lost if the email has been sent in error. If you have received this email in error, please delete it (including any copies) and notify the sender. Please consult with APSC Legal Services before using disclosing any part of this email or attachments to a third party.

Statistics overview for period 15 May – 4 June 2019

FOI requests	
New FOI matters this period	5
Matters finalised this period	4
Internal reviews	
New IR matters this period	0
IR matters finalised this period	0
Information Commissioner reviews	
New IC review matters this period	0
IC review matters finalised this period	0
Courtesy consultations with the APSC	
New consultations this period	0
Consultations finalised this period	0
Total of all active matters	8

	2018/19 year (at 31 March)	Last financial year (total)
Total primary FOI requests received	46	61
Total internal reviews received	5	10
Total IC reviews received	5	

Active primary and internal review FOI requests							
	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
1.	s. 22						

Legal in confidence

	s. 22						
2.	C19/931	16/6/19 (Sunday = 17/6/19)	17/5/19	Fliccy RTK	<i>Copies of any documents within all of Marco Spaccavento's email account (including drafts and deleted items) that contain my name/personal information: "Fliccy".</i>	s. 47F	Acknowledgement sent Document retrieval underway
3.	s. 22						
4.							

Legal in confidence

5.	s. 22					
6.						

All actions finalised in the period (includes primary and internal review FOI matters, IC reviews, complaints and courtesy consultation outcomes)

	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
7.	s. 22						
8.							

Legal in confidence

9.	s. 22					
10.						

Office of Australian Information Commissioner (IC) reviews and complaints							
	APSC reference	Date received	OAIC reference	Applicant	Matter type	Background and matter summary	Status
1.	s. 22						

Legal in confidence

2.	C18/1941	8/10/18	MR18/00655	Fliccy	Review	Applicant sought review of access refusal decision relating to original request for 'IPA produced document'. Documents and submissions provide in response to 54Z notice	ACTIVE OAIC has sought APSC Submissions. APSC to provide re-drafted decision
3.	C18/1942	8/10/18	MR18/00654	Fliccy	Review	As above. Documents and submissions provide in response to 54Z notice	ACTIVE See C18/1942 OAIC has sought APSC Submissions. APSC to provide re-drafted decision
4.	s. 22						
5.							

Courtesy consultations received from external agencies

Legal in confidence

	Date received	Date due	Agency seeking consultation	Summary of documents in scope	Status
1.					

FOI

From: s. 47F
Sent: Wednesday, 10 January 2018 12:29 PM
To: s. 47F
Subject: FW: Working from home - Wednesday [SEC=UNCLASSIFIED]

But you meant the other papers didn't you? ☺

From: s. 47F
Sent: Wednesday, 10 January 2018 12:29 PM
To: s. 47F
Subject: RE: Working from home - Wednesday [SEC=UNCLASSIFIED]

Hi, glad all went well.

I actually have already taken the clean copy of the decision upstairs.

Thanks

s. 47F

From: s. 47F
Sent: Wednesday, 10 January 2018 12:05 PM
To: s. 47F
Subject: RE: Working from home - Wednesday [SEC=UNCLASSIFIED]

Hi s. 47F

s. 47F

I have reviewed your email re: Fliccy/ Monday's meeting and will prepare a short set of papers to pass up this afternoon.

See you on Monday.

s. 47F

From: s. 47F
Sent: Wednesday, 10 January 2018 10:37 AM
To: s. 47F
Subject: Working from home - Wednesday [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi there

I will be working from home today for the rest of the day.

My mobile is s. 47F This can be a bit sketchy, so my landline may be better to call me on s. 47F

Cheers

s. 47F

FOI

From: s. 47F
Sent: Wednesday, 10 January 2018 10:28 AM
To: s. 47F
Subject: RE: Fliccy. [SEC=UNCLASSIFIED]
Attachments: For feedback please.docx

UNCLASSIFIED

Hi s. 47F

I hope all went well this morning.

As you will see in the Squirrel container, there are two versions of the proposed letter, one with the comments/questions and one 'clean' copy without.

I decided that it wasn't a good look for us to send a letter for feedback with comments, so I popped the clean copy letter upstairs, together with an explanatory note (attached).

s. 47F is aware of this letter. I also spoke with s. 47F to say that perhaps we don't need to have next Monday's meeting, but she said she would keep it booked in. At least she knows it may not go for the whole 30 minutes.

Thanks

s. 47F

From: s. 47F
Sent: Tuesday, 9 January 2018 3:38 PM
To: s. 47F
Subject: Fliccy. [SEC=UNCLASSIFIED]

I have reviewed the changes to the letter. Nothing to add.

s. 47F



For feedback please

Critical date: 15 January 2018

Contact details: s. 47F

You indicated that you would like to see outgoing correspondence in relation to potentially contentious FOI matters.

Please see enclosed proposed letter to Fliccy about the charges the Commission has sought to impose.

As discussed at our meeting on 8 January 2018, the Commission could offer to provide the information through administrative release.

The letter has been drafted to seek your feedback on the proposed approach – if you have any queries, please contact either s. 47F or me.

Thank you.

s. 47F

FOI

From: s. 47F
Sent: Tuesday, 9 January 2018 3:59 PM
To: s. 47F
Subject: RE: Fliccy. [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks ☺

From: s. 47F
Sent: Tuesday, 9 January 2018 3:38 PM
To: s. 47F
Subject: Fliccy. [SEC=UNCLASSIFIED]

I have reviewed the changes to the letter. Nothing to add.

s. 47F



FOI

From: s. 47F
Sent: Tuesday, 19 February 2019 10:11 AM
To: s. 47F
Subject: RE: Further to s. 47F email earlier this morning [SEC=UNCLASSIFIED]
Attachments: FOI Report 19 February 2019.docx

Hi s. 47F

Thank you!

So you can plan, I will be drafting at least two decisions and two third party communications this week (Tuesday/Wednesday) and would appreciate your QA if possible (or I can run them via s. 47F if preferred). A further decision is also due in the next 7 days but s. 47F has already settled the draft.

Attached is a copy of the FOI report with status as of last week. 2 new requests have also been received, newly created C19/424 and C19/425 in the FOI inbox.

Happy to discuss,
s. 47F

From: s. 47F
Sent: Tuesday, 19 February 2019 8:48 AM
To: s. 47F
Subject: Further to s. 47F email earlier this morning [SEC=UNCLASSIFIED]

Hi s. 47F

Further to s. 47F email this morning, please do not hesitate to let me know if you need me to do anything to help you in the legal/FOI space.

s. 47F

FOI requests as at 3 July 2019

Statistics this period

New requests	2
Requests on hand	7
Internal Reviews on hand	0
Information Commissioner (IC)	
IC Reviews on hand	3
IC Complaint	1
Consultations on hand	0
2018-19 FYTD	
Total requests received FYTD	<u>17</u>
Internal Reviews received FYTD	3
IC Reviews received FYTD	8

Previous Financial Year 2017-18

Requests received	<u>61</u>
Internal Reviews	10

Current FOI requests for action

	FOI Ref	Due date	Applicant	Scope summary	Decision Maker	Status
1.	s. 22					
2.						
3.						

FOI requests as at 3 July 2019

4. s. 22

5.

6.

FOI requests as at 3 July 2019

7.	s. 22	
----	-------	--

Office of Australian Information Commissioner (IC) Reviews and Complaints				
1.	s. 22			
2.				
3.	C18/1942	Fliccy via Right to Know – IC review	IC review of Nil documents decision – <i>Documents ‘prepared’ for the IPA.</i>	<ul style="list-style-type: none"> On 8 Oct 18 OAIC request further documents and submissions to support searches and decision. APSC provided submissions on 30 Oct 18. Awaiting response from OAIC.
4.	C18/1941	Fliccy via Right to Know – IC review	IC review of Nil documents decision – <i>Documents and meta data and electronic apps for Documents’ prepared’ for the IPA.</i>	<ul style="list-style-type: none"> On 8 Oct 18 OAIC request further documents and submissions to support searches and decision.

FOI requests as at 3 July 2019

				<ul style="list-style-type: none">APSC provided submissions on 30 Oct 18. Awaiting response from OAIC.
FOI Consultations/requests by External Agencies to APSC				

FOI

From: s. 47F
Sent: Monday, 18 December 2017 12:05 PM
To: s. 47F
Subject: RE: I'm now up and running [SEC=UNCLASSIFIED]

UNCLASSIFIED

Ta ☺

From: s. 47F
Sent: Monday, 18 December 2017 12:02 PM
To: s. 47F
Subject: RE: I'm now up and running [SEC=UNCLASSIFIED]

YEY!

s. 47F and see you on Wednesday

From: s. 47F
Sent: Monday, 18 December 2017 12:01 PM
To: s. 47F
Subject: RE: I'm now up and running [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thank you ☺

And we have our last exec catch up for the year on Wednesday.

I am super hoping the be able to have tomorrow off work (39 degrees notwithstanding!), so I will see you on Wednesday.

s. 47F

From: s. 47F
Sent: Monday, 18 December 2017 11:54 AM
To: s. 47F
Subject: RE: I'm now up and running [SEC=UNCLASSIFIED]

H s. 47F

Thanks for confirming.

I can see that s. 47F has the exec. Meeting tomorrow morning as well, so I will prepare the spread sheet update now and send it through to you to print/pass over if that's okay.

s. 47F

From: s. 47F
Sent: Monday, 18 December 2017 11:49 AM

To: s. 47F
Subject: RE: I'm now up and running [SEC=UNCLASSIFIED]

UNCLASSIFIED

Yay! You're up and running☺

s. 22

The two IC decisions went out late Thursday.

Otherwise, all good, I think.

Cheers

s. 47F

From: s. 47F
Sent: Monday, 18 December 2017 11:46 AM
To: s. 47F
Subject: I'm now up and running [SEC=UNCLASSIFIED]

Hi team,

It took a bit of trial and error, but I am now up and running on RAS.

I have also s. 47F so I am solidly working for the next 1.5-2 hours depending on s. 47F
s. 47F

Please let me know if there is anything exciting I should be aware of – otherwise I will firstly follow up with PM&C regarding the decision they have due today, then I will draw a memo on the proposed approach to both th s. 22
s. 22 and the Fliccy charges contention responses received and take some small steps on other matters.

My mobile is s. 47F if you need me.

s. 47F

FOI

From: s. 47F
Sent: Wednesday, 10 January 2018 2:10 PM
To: s. 47F
Subject: RE: Update [SEC=UNCLASSIFIED]

Thank you ☺

Hope s. 47F is well, I was thinking of her this morning and was planning to send a message to see if she can catchup in the next few weeks.

March will no doubt be here before we know it, but it also seems quite some time away!

From: s. 47F
Sent: Wednesday, 10 January 2018 2:09 PM
To: s. 47F
Subject: RE: Update [SEC=UNCLASSIFIED]

Ooh, well done you getting the Fliccy letter done without changes!!

That's awesome!

I am happy to sign and send it tomorrow – thank you.

I've just been speaking with s. 47F about work and her return, I think she's looking forward to getting back ☺

Cheers

s. 47F

From: s. 47F
Sent: Wednesday, 10 January 2018 2:04 PM
To: s. 47F
Subject: Update [SEC=UNCLASSIFIED]

Hi s. 47F

I have just spoken with s. 47F. She will not have an opportunity to speak with the Commissioner this afternoon regarding the meeting, so we considered that given the short number of matters and that no information is new, that we would prepare any agenda/papers on Monday morning and put them up at that time (rather than we dedicate time this afternoon that may become redundant).

Also, the Commissioner has sighted and agrees with the Fliccy corro. No further comments were made and no changes were recommended.

Are you comfortable if I leave a printed version on your desk for you to sign/send tomorrow, or would you prefer I ask another delegate to sign and send this afternoon?

s. 47F



FOI

From: s. 47F
Sent: Wednesday, 10 January 2018 12:30 PM
To: s. 47F
Subject: RE: Working from home - Wednesday [SEC=UNCLASSIFIED]

Cool, thanks!!

From: s. 47F
Sent: Wednesday, 10 January 2018 12:30 PM
To: s. 47F
Subject: RE: Working from home - Wednesday [SEC=UNCLASSIFIED]

Sorry for any confusion – I meant for the meeting.

s. 47F popped down a few minutes ago and said she will try and speak with the Cmr to confirm if Monday's meeting will go ahead.

I will give it an hour or two then prepare the agenda if she hasn't confirmed either way.

s. 47F

From: s. 47F
Sent: Wednesday, 10 January 2018 12:29 PM
To: s. 47F
Subject: RE: Working from home - Wednesday [SEC=UNCLASSIFIED]

Hi, glad all went well.

I actually have already taken the clean copy of the decision upstairs.

Thanks

s. 47F

From: s. 47F
Sent: Wednesday, 10 January 2018 12:05 PM
To: s. 47F
Subject: RE: Working from home - Wednesday [SEC=UNCLASSIFIED]

Hi s. 47F

All went quite well this morning, and now that s. 47F
s. 47F

I have reviewed your email re: Fliccy/ Monday's meeting and will prepare a short set of papers to pass up this afternoon.

See you on Monday.

s. 47F

From: s. 47F
Sent: Wednesday, 10 January 2018 10:37 AM
To: s. 47F
Subject: Working from home - Wednesday [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi there

I will be working from home today for the rest of the day.

My mobile is s. 47F This can be a bit sketchy, so my landline may be better to call me on s. 47F

Cheers
s. 47F

FOI

From: s. 47F
Sent: Friday, 23 February 2018 12:59 PM
To: s. 47F
Subject: Update from meeting with Cmr 21/2/18 [DLM=Sensitive:Legal]

Sensitive: Legal

Hi s. 47F

As you know, I met with the Commissioner regarding the new matters (2x IC review and s. 22 internal review) late on Wednesday.

The draft proposed agreement and cover email in the first IC matter (C17/1053) were discussed and approved.

The Commissioner accepts the advice in relation to the two new charges matters, and agrees that we will now proceed to make decisions. We discussed the reasons for this in brief, and what the decisions are likely to look like s. 22 and in the Fliccy matter we will likely release the majority of email content, but seek to protect agency employee personal privacy).

I explained that making decisions will not end the proceedings, but will likely continue as a review of the decisions themselves (as opposed to a review of the decision to apply charges).

We briefly discussed the s. 22 and I provided a short update – namely that s. 22 have been delayed in responding to the IC and so we will continue to wait until such time that the IC are aware we have been notified as third parties (and we know they have accepted this notice) before we take action.

RE: the s. 22 matter, the Commissioner is keen for us to take steps to disengage from the circular correspondence, and I mentioned we are likely to write to the applicant setting clear expectations around the types of communication they will not receive a response to.

I hope the above makes sense, see you Monday!

s. 47F

FOI

From: s. 47F
Sent: Friday, 7 June 2019 1:20 PM
To: Luck-Cameron, Susannah; s. 47F
Cc: FOI
Subject: Updated FOI report [DLM=Sensitive:Legal]
Attachments: 2019-06-11_FOI executive report.docx

UNCLASSIFIED Sensitive: Legal

For EC meeting on Tuesday, provided no further developments occur in the FOI space before then.

Kind regards,

s. 47F



This email and any attachments may contain confidential or legally privileged information, and neither are waived or lost if the email has been sent in error. If you have received this email in error, please delete it (including any copies) and notify the sender. Please consult with APSC Legal Services before using disclosing any part of this email or attachments to a third party.

Statistics overview for period 4 June – 11 June 2019

FOI requests	
New FOI matters this period	0
Matters finalised this period	4
Internal reviews	
New IR matters this period	0
IR matters finalised this period	0
Information Commissioner reviews	
New IC review matters this period	0
IC review matters finalised this period	0
Courtesy consultations with the APSC	
New consultations this period	0
Consultations finalised this period	0
Total of all active matters	8

	2018/19 year (at 31 March)	Last financial year (total)
Total primary FOI requests received	46	61
Total internal reviews received	5	10
Total IC reviews received	5	

Active primary and internal review FOI requests							
	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
1.	C19/931	16/6/19 (Sunday = 17/6/19)	17/5/19	Fliccy RTK	<i>Copies of any documents within all of Marco Spaccavento's email account (including drafts and deleted items) that contain my name/personal information: "Fliccy".</i>	s. 47F	Draft redactions sent to Marco Spaccavento for consideration
2.	s. 22						

Legal in confidence

3.	s. 22						
4.							
5.							
6.							

Legal in confidence

s. 22	
-------	--

All actions finalised in the period (includes primary and internal review FOI matters, IC reviews, complaints and courtesy consultation outcomes)

	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
7.							

Office of Australian Information Commissioner (IC) reviews and complaints

	APSC reference	Date received	OAIC reference	Applicant	Matter type	Background and matter summary	Status
1.	s. 22						

	s. 22						
2.	C18/1941	8/10/18	MR18/00655	Fliccy	Review	<p>Applicant sought review of access refusal decision relating to original request for 'IPA produced document'.</p> <p>Documents and submissions provide in response to 54Z notice</p>	<p>ACTIVE</p> <p>OAIC has sought APSC Submissions. APSC to provide re-drafted decision</p>
3.	C18/1942	8/10/18	MR18/00654	Fliccy	Review	<p>As above. Documents and submissions provide in response to 54Z notice</p>	<p>ACTIVE</p> <p>See C18/1942</p> <p>OAIC has sought APSC Submissions. APSC to provide re-drafted decision</p>
4.	s. 22						
5.							

Courtesy consultations received from external agencies					
	Date received	Date due	Agency seeking consultation	Summary of documents in scope	Status
1.					

FOI

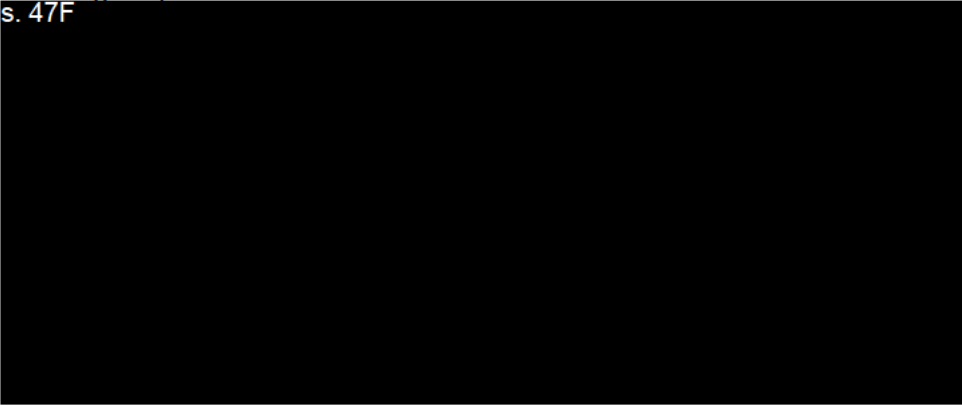
From: s. 47F
Sent: Tuesday, 28 May 2019 9:38 AM
To: Luck-Cameron, Susannah; s. 47F
Cc: s. 47F
Subject: Updated FOI report [DLM=Sensitive:Legal]
Attachments: 2019-05-28_FOI executive report.DOCX

UNCLASSIFIED Sensitive: Legal

Hi there,

One change to the FOI report over the weekend – s. 22
s. 22

Kind regards,
s. 47F



This email and any attachments may contain confidential or legally privileged information, and neither are waived or lost if the email has been sent in error. If you have received this email in error, please delete it (including any copies) and notify the sender. Please consult with APSC Legal Services before using disclosing any part of this email or attachments to a third party.

FOI status report as at 28 May 2019

Legal in confidence

Statistics overview for period 15 May – 28 May 2019

FOI requests		
New FOI matters this period	5	
Matters finalised this period	2	
Internal reviews		
New IR matters this period	0	
IR matters finalised this period	0	
Information Commissioner reviews		
New IC review matters this period	0	
IC review matters finalised this period	0	
Courtesy consultations with the APSC		
New consultations this period	0	
Consultations finalised this period	0	
Total of all active matters	10	

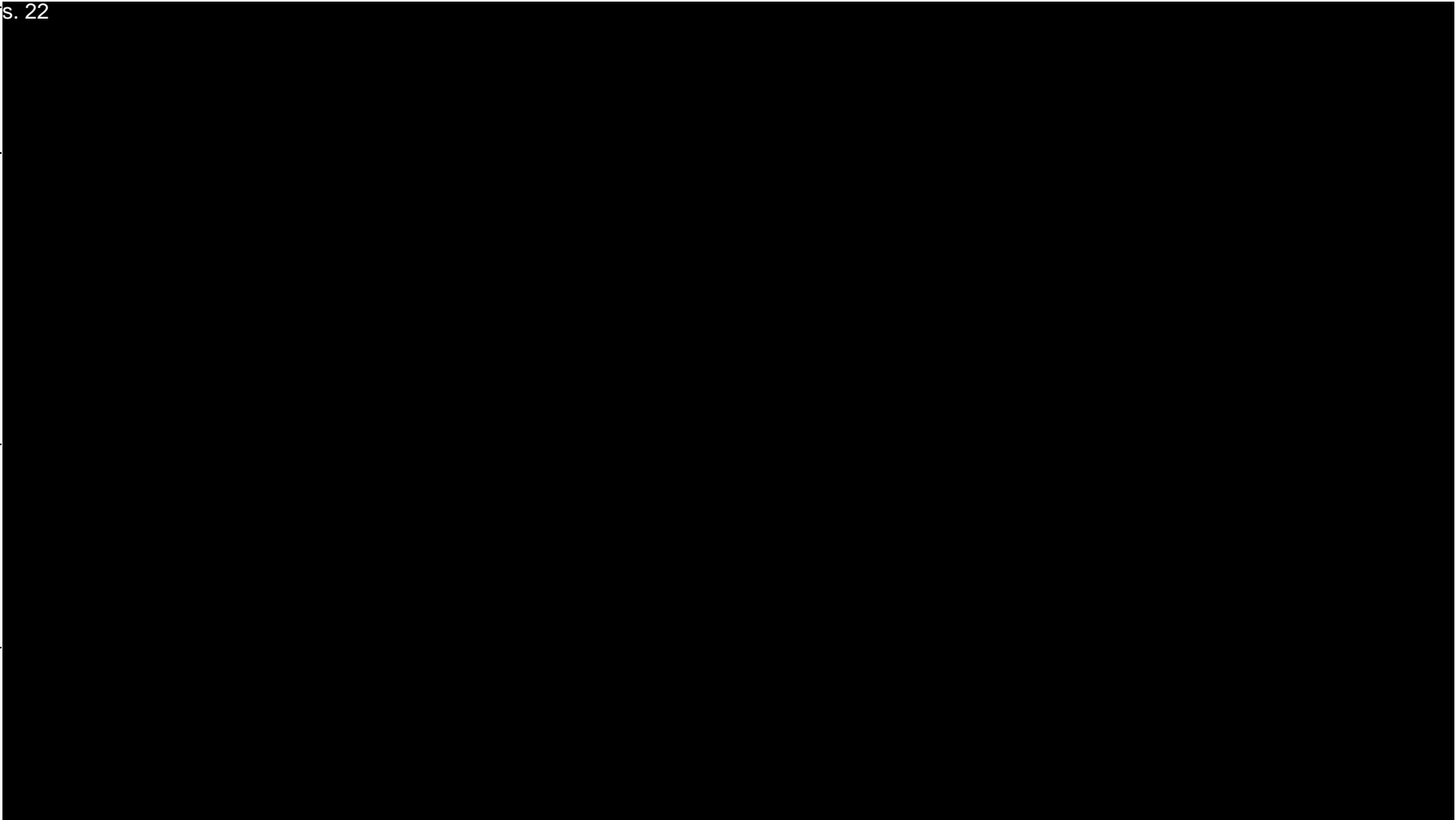
	2018/19 year (at 31 March)	Last financial year (total)
Total primary FOI requests received	46	61
Total internal reviews received	5	10
Total IC reviews received	5	

Active primary and internal review FOI requests							
	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
1.	s. 22						

Legal in confidence

	s. 22						
2.							
3.							
4.	C19/931	16/6/19 (Sunday = 17/6/19)	17/5/19	Fliccy RTK	<i>Copies of any documents within all of Marco Spaccavento's email account (including drafts and deleted items) that contain my name/personal information: "Fliccy".</i>	s. 47F	Acknowledgement sent Document retrieval underway

Legal in confidence

5.	s. 22	
6.		
7.		
8.		

All actions finalised in the period (includes primary and internal review FOI matters, IC reviews, complaints and courtesy consultation outcomes)

	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
9.	s. 22						
10.							

Office of Australian Information Commissioner (IC) reviews and complaints

	APSC reference	Date received	OAIC reference	Applicant	Matter type	Background and matter summary	Status
1.	s. 22						

Legal in confidence

	s. 22						
2.	C18/1941	8/10/18	MR18/00655	Fliccy	Review	<p>Applicant sought review of access refusal decision relating to original request for 'IPA produced document'.</p> <p>Documents and submissions provide in response to 54Z notice</p>	OAIC has sought APSC Submissions. APSC to provide re-drafted decision
3.	C18/1942	8/10/18	MR18/00654	Fliccy	Review	As above. Documents and submissions provide in response to 54Z notice	OAIC has sought APSC Submissions. APSC to provide re-drafted decision
4.	s. 22						
5.							

Courtesy consultations received from external agencies					
	Date received	Date due	Agency seeking consultation	Summary of documents in scope	Status
1.					

FOI

From: s. 47F
Sent: Tuesday, 21 May 2019 10:59 AM
To: Luck-Cameron, Susannah
Cc: s. 47F
Subject: Updated FOI report for Exec [DLM=Sensitive:Legal]
Attachments: 2019-05-21_FOI executive report.DOCX

Sensitive: Legal

Dear Susannah,

Please find **attached** updated FOI report for Exec.

Let me know if you would like to discuss.

Kind regards,

s. 47F



This email and any attachments may contain confidential or legally privileged information, and neither are waived or lost if the email has been sent in error. If you have received this email in error, please delete it (including any copies) and notify the sender. Please consult with APSC Legal Services before using disclosing any part of this email or attachments to a third party.

Statistics overview for period 15 May – 21 May 2019

FOI requests	
New FOI matters this period	1
Matters finalised this period	3
Internal reviews	
New IR matters this period	1
IR matters finalised this period	1
Information Commissioner reviews	
New IC review matters this period	0
IC review matters finalised this period	0
Courtesy consultations with the APSC	
New consultations this period	0
Consultations finalised this period	0
Total of all active matters	6

	2018/19 year (at 31 March)	Last financial year (total)
Total primary FOI requests received	40	61
Total internal reviews received	5	10
Total IC reviews received	5	

Active primary and internal review FOI requests							
	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
1.	s. 22						

Legal in confidence

	s. 22						
2.							
3.							
4.	C19/931	16/6/19 (Sunday = 17/6/19)	17/5/19	Fliccy RTK	<i>Copies of any documents within all of Marco Spaccavento's email account (including drafts and deleted items) that contain my name/personal information: "Fliccy".</i>		Acknowledgement sent Document retrieval underway

Legal in confidence

5.	s. 22	
6.		

All actions finalised in the period (includes primary and internal review FOI matters, IC reviews, complaints and courtesy consultation outcomes)							
	APSC reference	Date due	Date received	Applicant	Scope of request	Decision Maker	Status
7.	s. 22						
8.							

	s. 22
--	-------

Office of Australian Information Commissioner (IC) reviews and complaints							
	APSC reference	Date received	OAIC reference	Applicant	Matter type	Background and matter summary	Status
1.	s. 22						
2.	C18/1941	8/10/18	MR18/00655	Fliccy	Review	Applicant sought review of access refusal decision relating to original request for 'IPA produced document'. Documents and submissions provide in response to 54Z notice	OAIC has sought APSC Submissions. APSC to provide re-drafted decision
3.	C18/1942	8/10/18	MR18/00654	Fliccy	Review	As above. Documents and submissions provide in response to 54Z notice	OAIC has sought APSC Submissions. APSC to provide re-drafted decision
4.	s. 22						

Legal in confidence

s. 22	<div></div>				
5.					

Courtesy consultations received from external agencies					
	Date received	Date due	Agency seeking consultation	Summary of documents in scope	Status
1.					