



6 February 2018  
FOI ref: 2264

Punch

By email: [foi+request-4334-9f05ec24@righttoknow.org.au](mailto:foi+request-4334-9f05ec24@righttoknow.org.au)

### Freedom of Information Request – Decision

Dear Punch,

I refer to your request sent to the Treasury on 21 January 2018, for access under the Freedom of Information Act 1982 (the Act) to the following:

*Recently, Treasury published a report "Analysis of wage growth". The media reported that the Opposition had submitted an FOI request for the report. Please provide:*

- 1. any FOI requests made during the period 1 January 2017 onwards regarding analysis of wage growth;*
- 2. the record of the decision to publish the report (and any submission related to that decision).*

#### Decision

I have made a decision to release the documents relevant to your request in part. Where I have decided to grant access in part, I have provided access to an edited copy of the documents, modified by deletions in accordance with section 22(2) of the FOI Act.

I am an authorised decision maker under section 23 of the Act.

#### Material Considered

The material to which I have had regard in making this decision includes:

- The terms of your request
- The relevant provisions of the Act
- Guidelines issued by the Australian Information Commissioner (the Guidelines)
- The documents within the scope of your request

#### Reasons for the Decision

In accordance with section 26(1)(a) of the FOI Act, the findings on any material question of fact, referring to the material on which those findings were based, and the reasons for my decision to refuse access to the documents, follows.

### ***Personal Privacy (section 47F)***

Section 47F provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person. It also provides that, in determining whether the disclosure of the document would involve the unreasonable disclosure of such personal information, an agency must have regard to:

- The extent to which the information is well known
- Whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document
- The availability of the information from publicly accessible sources
- Any other matters that the agency considers relevant

Section 4 of the Act provides that the term 'personal information' has the same meaning that it has in the Privacy Act 1988, in which the term is defined to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable.

The document that you requested access to contains the names and contact details of advisers in the Treasurer's Office.

The material in question is personal information for the purposes of section 47F. Given the nature of the information, I consider that its disclosure would be unreasonable. I have therefore decided that the material is conditionally exempt under section 47F.

### Public Interest

Section 11A(5) provides that an agency must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document would, on balance, be contrary to the public interest.

In order to assess whether release of the exempt material would be contrary to the public interest, I considered the following factors which favour disclosure:

- (a) disclosure would promote the objects of the FOI Act;
- (b) disclosure would inform debate on a matter of public importance;
- (c) disclosure would promote effective oversight of public expenditure; and
- (d) disclosure would allow a person to access his or her personal information.

I agree that disclosure would promote the objects of the FOI Act. I do not consider that disclosure would inform debate on a matter of public importance, nor would it provide effective oversight of public expenditure. Further, the information does not relate to the applicant. These public interest considerations are therefore irrelevant in this circumstance.

I also considered the following factor which does not favour disclosure:

- a) Disclosure could reasonably be expected to prejudice the protection of an individual's right to privacy.

As set out in section 11B(4) of the FOI Act, the following factors must not be taken into account in deciding whether access to the document would on balance, be contrary to the public interest:

- a) Access to the document could result in embarrassment to the Commonwealth Government, or cause a loss in confidence in the Commonwealth Government;
- b) Access to the document could result in any person misinterpreting or misunderstanding the document;
- c) The author of the documents was (or is) of high seniority in the agency to which the request for access to the document was made; or
- d) Access to the document could result in confusion or unnecessary debate.

I am satisfied that no irrelevant factor has been considered.

On balance, I consider the public interest factors against disclosure to be more persuasive than the public interest factors favouring disclosure. I am satisfied that the public interest is to withhold the exempt material.

***Irrelevant material (section 22)***

Where the giving of access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access, section 22(1) of the FOI Act provides that it is possible for an agency to prepare an edited copy of the document, modified by deletions. Where this section applies, section 11A provides that access to the edited copy is required to be given. Accordingly, the documents which are listed as containing irrelevant material, in accordance with this provision in Schedule 1, have been modified by deletions (to remove irrelevant material).

In this case I consider irrelevant material to be the names and contact details of Treasury employees below Senior Executive Service (SES) level, and the contact details of SES employees..

**Rights of Review**

A statement setting out your rights of review in this matter is attached.

Yours sincerely,



Warren Tease  
Division Head  
Macroeconomic Conditions Division

## INFORMATION ON RIGHTS OF REVIEW

### 1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

The Secretary  
The Treasury  
Langton Crescent  
PARKES ACT 2600  
Attention: Parliamentary and Legal Services Unit

OR

### 2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

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

AND/OR

### 3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

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

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.