



Our reference: FOIREQ18/00067

HW

By email: foi+request-4629-ebe464f4@righttoknow.org.au

Dear HW

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 4 June 2018.

You requested access to:

I refer to the decision made by the Acting Information and Privacy Commissioner last week that the Department of Human Services' act of disclosing the personal information of a once recipient of social security payments such that those details could be used (including by a Minister of the Crown) to publicly humiliate and abuse that person does not constitute an interference with the privacy of an individual for the purposes of the Privacy Act 1988 (that decision is set out here:

<https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Foaic.gov.au%2Fmedia-and-speeches%2Fstatements%2Fcentrelink-debt-recovery-system&data=01%7C01%7Cenquiries%40oaic.gov.au%7C5623f6975b604fa3adb708d5c9fa32fc%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=nJEvBRD4O10lcv1K7eZc3eh4SeTrlFS8NF6qKx%2FD5Kw%3D&reserved=0>)

That decision has been universally condemned by Australian privacy practitioners (within both the public and private sectors) and is widely considered to be a decision made not in the public interest and according to law, but another decision made in the personal, political and career interests of the Acting Commissioner who is seeking to curry favour with the Government in order to shore up her position. See, for example, the views set out here:

<https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.canberratimes.com.au%2Fpolitics%2Ffederal%2Ffludicrous-privacy-decision-on-blogger-s-details-released-20180530-p4zifr.html&data=01%7C01%7Cenquiries%40oaic.gov.au%7C5623f6975b604fa3adb708d5c9fa32fc%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=BtIPCMIY957Y3A%2Fqst2jhorU9jXxfLuYp1EzNtPc6o%3D&reserved=0>

and

<https://apac01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.abc.net.au%2Fnews%2F2018-05-31%2Fprivacy-precedent-what-can-the-government-reveal-about-us%2F9816700&data=01%7C01%7Cenquiries%40oaic.gov.au%7C5623f6975b604fa3adb708>

d5c9fa32fc%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdata=RqQTy%2FCAdkgcyOsvqy3K2Q4DiQEhnJHCEp1FWunow9Y%3D&reserved=0

Noting the rather unorthodox but unsurprising refusal by the Acting Commissioner to publish reasons in support of her decision, I request, under the FOI Act, any memos, recommendations or any other documents held by the OAIC that set out any reasoning as to why the conduct at issue does, or does not, constitute a contravention of the Privacy Act 1988. Relevant documents will include those provided to the former Information and Privacy Commissioner, Mr Timothy Pilgrim, the current Acting Information and Privacy Commissioner, Ms Angeline Falk or any relevant delegate.

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 64 documents within the scope of your request. I have decided to grant access to three (3) documents in full and three (3) in part. I have decided to refuse access in full to 58 documents.

In making this decision, I have relied on the following exemptions in the FOI Act:

- Legal professional privilege (s 42)
- Certain operations of an agency exemption (s 47E(d))
- Personal privacy (s 47F)

A schedule of documents, which details my decision in relation to each document, can be found at the end of this letter.

The documents, or parts thereof, which I have decided you should have access to, will be provided to you following this decision letter.

Reasons for decision

Material taken into account

In making my decision, I have had regard to the following:

- your Freedom of Information request dated 4 June 2018
- the documents at issue
- the FOI Act
- submissions received from two Commonwealth agencies
- relevant case law, in particular *John Hilvert and Australian Bureau of Statistics (Freedom of Information)* [2017] AICmr 43, *Nick Xenophon and Australian Bureau of Statistics (Freedom of Information)* [2017] AICmr 42, *DZ and Commonwealth Ombudsman* [2014] AICmr 137 and *‘NW’ and Screen Australia (Freedom of Information)* [2018] AICmr 15
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act to which regard must be had in performing a function or exercising a power under the FOI Act (the FOI Guidelines), in particular paragraphs [5.126]-[5.154], [6.4]-[6.28] and [6.120]-[6.123].

Documents subject to legal professional privilege (s 42)

Section 42 exempts a document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege (LPP) and privilege has not been waived. Under the Guidelines, in determining whether a document is subject to LPP, I must look at the purpose of the communication and whether:

- There is a lawyer-client relationship
- The communication was for the purpose of giving or receiving legal advice or for use in connection with litigation
- The advice is independent
- The advice is confidential.

I have identified 44 documents that are exempt on this basis. The majority of these documents involve communications between the OAIC's internal legal adviser and other officers of the OAIC, as well as communications with external legal advisers, and were made in circumstances of confidentiality. I am satisfied that the purpose of these communications was to give and/or receive confidential and independent legal advice, and that these documents attract legal professional privilege, unless privilege has been waived. From my examination of the documents, it is apparent that the legal advice was communicated in an independent legal adviser-client relationship between the OAIC and the legal advisers. I am satisfied that privilege has not been waived.

Two documents (documents 4 and 6 in the attached schedule) contains notes prepared by an OAIC officer which sets out confidential legal advice discussed in a meeting between senior OAIC officers and in-house counsel. Five documents (documents 7, and 39-42 in the attached schedule) contain a table prepared by the OAIC's in-house lawyers which discusses confidential legal advice. It is apparent that the notes and table were prepared for the dominant purpose of providing legal advice to a limited group of OAIC officers. I am satisfied that these documents attract legal professional privilege, and that privilege has not been waived.

For the reasons outlined above, I am satisfied that these documents are exempt in full under s 42(1) of the FOI Act.

Parts of documents subject to legal professional privilege (s 42)

A number of the documents (documents 2, 10, 12, 16, 38, 55, 57 and 58 in the attached schedule) found to be within the scope of the request contain information provided by DHS in response to the Commissioner's preliminary inquiries into allegations of a privacy breach and contain references to legal advice. DHS contends that these references are legally privileged material. In *'NW' and Screen Australia (Freedom of Information)*¹, the former Australian Information Commissioner held that privilege can extend to a document that records the substance of a privileged communication between a client and legal adviser, such as copies or summaries of the privileged communication.

From my examination of the documents, I am satisfied that the relevant material contains the substance of the privileged legal advice. I am of the view that the material attracts legal professional privilege, unless privilege has been waived. From my examination of the documents I note that documents have been disclosed by senior officers at DHS to a limited group of officers within the

¹ [2018] AICmr 15.

OAIC. I am satisfied that DHS has not waived its privilege over the relevant material, and that material is therefore exempt under s 42(1).

Part of document 2 in the attached schedule contains legal advice obtained by the Department of Human Services (DHS), which DHS subsequently disclosed to the OAIC and the Australian Federal Police (AFP). DHS contends that that privilege has not been waived over this document on the basis that it was provided on a confidential basis with an express indication that DHS did not wish to waive privilege. I accept these submissions. I have also considered whether a statement made by the former Minister of Human Services, the Hon Alan Tudge MP, in Question Time on 28 February 2017 about obtaining legal advice on the release of personal information amounts to waiver of privilege. I have had regard to a submission from DHS that there was no disclosure of the substance or conclusion of the legal advice, with reference to Australian Information Commissioner (IC) review cases, *John Hilvert and Australian Bureau of Statistics (Freedom of Information)*² and *Nick Xenophon and Australian Bureau of Statistics (Freedom of Information)*³. On this basis, I find that there has been no waiver of privilege and that the part of the document containing legal advice is exempt under s 42(1).

Though I am satisfied that the legally privileged documents described above are exempt documents under Division 2 of the FOI Act, the FOI Guidelines at [5.134] provide:

Agencies are advised not to claim exemption for a document under s 42 unless it is considered that ‘real harm’ would result from releasing the document. A ‘real harm’ criterion is not an element of the common law doctrine of legal professional privilege, but has been acknowledged within government as a relevant discretionary test to apply in FOI administration.

I have considered whether real harm would arise in the event of disclosure of the legally privileged documents. The rationale for the doctrine of legal professional privilege is that it ‘exists to serve the public interest in the administration of justice by encouraging full and frank disclosure by clients to their lawyers’.⁴ In other words, the doctrine is critical to the development of sound Commonwealth policy and robust law-making. I have considered the legal advice canvassed in these documents, which has been used to inform the Commissioner’s preliminary inquiries into this matter, and I am satisfied that the disclosure of confidential interactions between lawyer and Commonwealth as client would harm the administration of justice in this instance, by discouraging full and frank disclosure. In my assessment, this harm is to an extent that is distinguishable from mere inconvenience. In this matter, the confidential legal advice from legal advisers was in practical terms, critical to the Commissioner’s decision-making process. Its disclosure would harm the ability of both Commonwealth agencies to engage freely in legal discourse, and in doing so, harm the development of sound decision-making on the part of the Commissioner and her delegates.

² [2017] AICmr 43 (at [21] and [22]).

³ [2017] AICmr 42.

⁴ The High Court has repeatedly affirmed the public interest in maintaining confidentiality of legal advice: Commonwealth, *Parliamentary Debates*, Senate, 30 March 2017, 2711-2713 (Hon. George Brandis), referring to *Grant v Downs* [1976] HCA 63 per Stephen, Mason and Murphy JJ; *Waterford v Commonwealth* [1987] HCA 25 per Mason and Wilson JJ; and Gleeson CJ, Gaudron and Gummow J in *Esso Australia Resources Limited v Commissioner of Taxation* [1999] HCA 67.

I therefore find in the present case, the potential harm is real, and the ground for non-disclosure strong. I am satisfied that the relevant documents are exempt and access to these documents, or parts thereof, is refused.

Certain operations of agencies exemption (s 47E(d))

I have decided 16 documents, or parts thereof, are conditionally exempt from disclosure under s 47E(d) of the FOI Act,⁵ as indicated in the Schedule.

Section 47E(d) of the FOI Act provides:

Public interest conditional exemptions – certain operations of an agency

A document would be conditionally exempt if its disclosure under this Act would, or could reasonably be expected to ...

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

The FOI Guidelines explain:

For the grounds in ss 47E(a)–(d) to apply, the predicted effect needs to be reasonably expected to occur...There must be more than merely an assumption or allegation that damage may occur if the document were to be released.

...An agency cannot merely assert that an effect would occur following disclosure. The particulars of the predicted effect should be identified during the decision making process, including whether the effect could reasonably be expected to occur...⁶

Eleven documents and/or parts thereof (documents 2, 10, 12, 16, 38, 46, 49, 55, 57, 58 and 62 in the attached schedule) found to be within the scope of the request contain information provided by DHS to the OAIC in response to the Commissioner's preliminary inquiries into allegations of a privacy breach. Based on the information before me, it is apparent that DHS provided its submissions in the context of Commissioner-initiated preliminary inquiries with an expectation that they would not be disclosed. These documents were the subject of consultation with DHS, which submits that the release of its submissions would or could reasonably be expected to substantially and adversely affect the OAIC's ability to conduct such inquiries, given that DHS provides comprehensive and candid information to the OAIC. Noting that the OAIC's inquiries were preliminary in nature, and focussed on whether to commence an investigation, I am of the view that reliance on DHS providing detailed and comprehensive information freely and expeditiously was highly facilitative of the OAIC's ability to efficiently consider the relevant issues.

DHS has referred to *DZ and Commonwealth Ombudsman*⁷, where it was found that disclosure of certain material could adversely affect the willingness of agencies to cooperate with an investigative body (the Ombudsman in that case). I am of the view that there is a very real prospect that if confidential submissions obtained with the cooperation of agencies were to be released under FOI,

⁵ Documents 044 and 074.

⁶ *FOI Guidelines* [6.101] and [6.103].

⁷ [2014] AICmr 137.

agencies would be less forthcoming in their provision of material in similar circumstances in the future. The OAIC would be likely to receive less information from agencies relating to matters it conducts inquiries into. The OAIC is reliant on preliminary information from parties to determine whether or not there is a sound basis to investigate a matter. A scarcity of comprehensive material from parties will have an adverse impact on the OAIC's ability to conduct those preliminary inquiries efficiently.

For these reasons I am satisfied that giving access to this material could reasonably be expected to substantially adversely affect the proper and efficient conduct of the operations of the OAIC and that the material is conditionally exempt under s 47E(d) of the FOI Act.

Four documents in scope comprise a letter dated 20 March 2018 (duplicated), and draft of that letter created sometime in February 2018, from the OAIC to DHS, outlining the OAIC's view of the matter (documents 8, 9, 47, 62 in the attached schedule). The contents of the letter set out information that would reveal DHS's submissions and the OAIC's view regarding whether or not to investigate the matter. As noted above, it is apparent that DHS provided its submissions in the context of Commissioner-initiated preliminary inquiries with an expectation that they would not be disclosed.

One other document in scope (document 3 in the attached schedule) is an executive brief, parts of which reveal DHS's confidential submissions, while other parts set out the OAIC's strategy in relation to the conduct of its inquiries and its preliminary views on the matter.

I am satisfied that giving access to these documents could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the OAIC. The OAIC's ability to indicate its views to a respondent entity and engage in a dialogue whereby that entity may draw the OAIC's attention to matters it has not yet considered allows the OAIC to formalise its views on the basis of the best available information and in accordance with a correct interpretation of the law. Likewise, the OAIC's ability to set out various views, allows for it to effectively canvass all issues potentially relevant to a decision and propose strategies for efficaciously progressing preliminary inquiries. Disclosure of such material would adversely affect the OAIC's ability to candidly and freely consider all potential submissions and strategies.

For these reasons, I consider that these documents, or parts thereof, are conditionally exempt under s 47E(d).

Personal privacy exemption (s 47F)

I have decided that parts of documents 2, 16 and 38 are conditionally exempt under s 47F of the FOI Act which provides that documents are conditionally exempt if disclosure would involve the unreasonable disclosure of personal information.

The personal information in parts of document 2, 16 and 38 relates to a person concerned with an alleged privacy breach. Having regards to matters that may be relevant to whether the disclosure would be unreasonable, I have had regard to the matters summarised by the Australian Information Commissioner in *'FG' and National Archives of Australia*⁸, including any detriment that disclosure may cause to the person to whom the information relates, any opposition likely to be held by that

⁸ [2015] AICmr 26 at [47].

person and whether the disclosure of information might advance the public interest in government transparency and integrity.

Following my examination of the documents, I find that the information would likely cause detriment to the person to whom the information relates, and that person would be likely to oppose the release of the information. I also find that there would be no advancement of the public interest in government transparency and integrity if this information was disclosed.

For these reasons I consider parts of documents 2, 16 and 38 conditionally exempt under s 47F.

Public interest test

An agency cannot refuse access to a conditionally exempt document unless giving access would, on balance, be contrary to the public interest (s 11A(5)).

The public interest factor favouring disclosure for documents conditionally exempted under s 47E(d) in this case is that disclosure would promote the objects of the FOI Act. In particular, disclosure would allow scrutiny of government decision making and scrutiny of government operations.

Against this factor I must balance the factors against disclosure. The FOI Act does not specify any factors against disclosure, however the FOI Guidelines provide a non-exhaustive list of factors against disclosure. I am satisfied that in this case there are three public interest factors outlined in the guidelines against disclosure:

- disclosure could reasonably be expected to impede the flow of information to a regulatory agency
- disclosure could reasonably be expected to prejudice an agency's ability to obtain confidential information
- disclosure could reasonably be expected to prejudice an agency's ability to obtain similar information in future.

Additionally, I consider there is a substantial public interest in protecting the efficiency and efficacy of the OAIC's privacy investigation process. For documents, or parts thereof, conditionally exempted under s 47E(d), I consider that the public interest factors against disclosure outweigh the public interest factor in favour of disclosure.

On this basis, I refuse access to documents, or parts thereof, conditionally exempted under s 47E(d).

For parts of documents conditionally exempted under s 47F, I must balance the public interest factor(s) favouring disclosure – disclosure would promote the objects of the FOI Act – against the public(s) interest factor against disclosure – in this case, disclosure could reasonably be expected to prejudice the protection of an individual's right to privacy.

In weighing these factors, I give greater weight to the factors against disclosure. I particularly give regard to the potential to prejudice the protection of the individual's right to privacy. I am satisfied that giving full access to those parts of documents 2, 16 and 38 at this time, without deleting the personal information, would be contrary to the public interest.

Disclosure log

Section 11C of the FOI Act requires agencies to publish documents released through an FOI request on our website within 10 days of release, except when the documents contain personal or business information that it would be unreasonable to publish.

The documents being released to you do not contain any personal or business information that would be unreasonable to publish. As a result, they will be published on our [disclosure log](#)⁹ shortly after those documents are provided to you.

Your review rights are outlined on the following page.

Yours sincerely

Cate Cloudsdale
Legal Services

3 August 2018

⁹ See <https://oaic.gov.au/about-us/access-our-information/foi-disclosure-log/>.

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, 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.



Australian Government

Office of the Australian Information Commissioner



Schedule of documents – Freedom of information request no. FOIREQ18/00067



Document no.	Page No.	No. pages	Date	Description	Decision on access	Exemption
1	1-7	7	27 March 2017	Letter from L Burney to OAIC	Exempt in full	42
2	8-12	5	12 May 2017	Letter from DHS to OAIC	Exempt in full	47E(d)
2A	13	1	5 May 2017	Attachment A to letter of 12.5.2017	Exempt in full	47E(d)
2B	14-19	6	16 March 2017	Attachment B to letter of 12.5.2017	Exempt in full	47E(d) 42 (in part)
-				Attachments to Attachment B:	Exempt in full	-
2B.a	20-21	2	2 March 2017	Attachment B.a	Access granted in full	N/a
2B.b	22-23	2	9 February 2017	Attachment B.b	Access granted in part	47F (in part)
2B.c	24-26	3	26 February 2017	Attachment B.c	Access granted in part	47F (in part)
2B.d	27-30	4	22 February 2017	Attachment B.d	Exempt in full	47E(d)

2B.e	31-32	2	9 February 2017	Attachment B.e	Exempt in full	47E(d) 42 (in part)
2B.f	33-39	7	1 January 2017	Attachment B.f	Access granted in full	N/a
2B.g	40-55	16	22 February 2005	Attachment B.g	Access granted in part	42 (in part)
2B.h	56-58	3	21 October 2016	Attachment B.h	Access granted in full	N/a
2B.i	59-76	18	February 2014	Attachment B.i	Access granted in full	N/a
3	77-82	6	14 July 2017	Executive Brief	Exempt in full	47E(d)
4	83-87	5	Undated	Notes A Conlon	Exempt in full	42
5	88-101	14	27 November 2017	Legal advice	Exempt in full	42
6	102-103	2	30 November 2017	Meeting notes A Conlon	Exempt in full	42
7	104-108	5	Undated	Comparison table	Exempt in full	42

8	109-116	8	February 2018	Draft letter from OAIC to DHS	Exempt in full	47E(d)
9	117-122	6	20 March 2018	Letter from OAIC to DHS	Exempt in full	47E(d)
10	123-124	2	28 March 2018	Letter from DHS to OAIC	Exempt in full	47E(d) 42 (in part)
11	125-129	5	18 April 2018	Memorandum C Whip	Exempt in full	42
12	130-135	6	27 April 2018	Letter from DHS to OAIC	Exempt in full	47E(d) 42 (in part)
13	136-139	4	23 May 2018	Letter from OAIC to DHS	Access granted in full	N/a
14	140-142	3	26 September 2017	Email from OAIC Legal (Caren Whip) to Annan Boag	Exempt in full	42
15	143-149	7	6 April 2017	Letter and legal advice from L. Burney	Exempt in full	42
16	150-154	5	12 May 2017	Letter from DHS to OAIC	Exempt in full	47E(d)
16A	155	1	5 May 2017	Attachment A to letter of 12.5.2017	Exempt in full	47E(d)
16B	156-161	6	16 March 2017	Attachment B to letter of 12.5.2017	Exempt in full	47E(d) 42 (in part)

16B				Attachments to Attachment B:	-	-
16B.a	162-163	2	2 March 2017	Attachment B.a	Access granted in full	N/a
16B.b	164-165	2	9 February 2017	Attachment B.b	Access granted in part	47F (in part)
16B.c	166-168	3	26 February 2017	Attachment B.c	Access granted in part	47F (in part)
16B.d	169-172	4	22 February 2017	Attachment B.d	Exempt in full	47E(d)
16B.e	173-174	2	9 February 2017	Attachment B.e	Exempt in full	47E(d) 42 (in part)
17	175-177	3	27 September 2017	Email from OAIC Legal (Caren Whip) to Annan Boag	Exempt in full	42
18	178-181	4	11 October 2017	Email from OAIC Legal (Caren Whip) to Annan Boag	Exempt in full	42
19	182-185	4	11 October 2017	Email from OAIC Legal (Caren Whip) to Annan Boag	Exempt in full	42
20	186-187	2	11 October 2017	Email from OAIC Legal (Caren Whip) to Annan Boag	Exempt in full	42

21	188-189	2	May 2008	Privacy Commissioner Case Note <i>B v Hotel</i>	Access granted in full	N/a
22	190-191	2	December 2010	Case note <i>L v Commonwealth Agency</i>	Access granted in full	N/a
23	192-196	5	25 October 2017	Internal email OAIC Legal from Caren Whip to Reshma Bargon	Exempt in full	42
24	197-200	4	25 October 2017	Email from OAIC Legal to counsel	Exempt in full	42
25	201-205	5	30 October 2017	Email from OAIC Legal to counsel	Exempt in full	42
26	206-217	12	22 February 2005	AGS advice to DHS	Exempt in full	42
27	218-232	15	3 November 2017	Draft legal advice	Exempt in full	42
28	233-247	15	3 November 2017	Draft legal advice	Exempt in full	42
29	248-249	2	8 November 2017	Email from OAIC Legal (Caren Whip) to Annan Boag (copy to Clare Gregory)	Exempt in full	42
30	250-251	2	10 November 2017	Email from OAIC Legal (Caren Whip) to counsel	Exempt in full	42
31	252-256	5	13 November 2017	Email from OAIC Legal (Caren Whip) to counsel	Exempt in full	42

32	257-260	4	13 November 2017	Email from OAIC Legal (Caren Whip) to DR Privacy (Andrew Solomon and Annan Boag)	Exempt in full	42
33	261-275	15	13 November 2017	Draft legal advice	Exempt in full	42
34	276-289	14	27 November 2017	Draft legal advice	Exempt in full	S 42
35	290-303	14	27 November 2017	Legal advice	Exempt in full	S 42
36	304	1	30 November 2017	Email from OAIC Legal to OAIC Legal, copying Alexandra Conlon	Exempt in full	S 42
37	305-311	7	6 April 2017	Letter and legal advice from L. Burney	Exempt in full	S 42
38	312-316	5	12 May 2017	Letter from DHS to OAIC	Exempt in full	47E(d)
38A	317	1	5 May 2017	Attachment A to letter of 12.5.2017	Exempt in full	47E(d)
38B	318-323	6	16 March 2017	Attachment B to letter of 12.5.2017		47E(d) 42 (in part)
				Attachments to Attachment B:		-
38B.a	324-325	2	2 March 2017	Attachment B.a	Access granted in full	N/a

38B.b	326-327	2	9 February 2017	Attachment B.b	Access granted in part	47F (in part)
38B.c	328-330	3	26 February 2017	Attachment B.c	Access granted in part	47F (in part)
38B.d	331-334	4	22 February 2017	Attachment B.d	Exempt in full	47E(d)
38B.e	335-336	2	9 February 2017	Attachment B.e	Exempt in full	47E(d) 42 (in part)
39	337-341	5	Undated	Comparison table	Exempt in full	42
40	342-346	5	Undated	Comparison table	Exempt in full	42
41	347-351	5	Undated	Comparison table	Exempt in full	42
42	352-356	5	Undated	Comparison table	Exempt in full	42
43	357-370	14	27 November 2017	Advice (final)	Exempt in full	42
44	371-378	8	February 2018	Draft letter from OAIC to DHS with comments	Exempt in full	42
45	379-380	2	6 April 2018	OAIC Legal to Andrew Solomon	Exempt in full	42

46	381-382	2	28 March 2018	Letter from DHS to OAIC	Exempt in full	47E(d)
47	383-388	6	20 March 2018	Letter from OAIC to DHS	Exempt in full	47E(d)
48	389-396	8	11 April 2018	Draft legal advice in response decision to cease preliminary inquiries	Exempt in full	42
49	397-402	6	27 April 2018	Letter from DHS to OAIC	Exempt in full	47E(d) 42 (in part)
50	403-407	5	18 April 2018	Memorandum	Exempt in full	42
51	408-410	3	12 April 2018	Draft notes from meeting 12 April 2018	Exempt in full	42
52	411-423	13	May 2018	Commissioner brief: DHS disclosure of information in response to media criticism	Exempt in full	42
53	424-429	6	14 July 2017	Executive brief	Exempt in full	47E(d)
54	430-434	5	Undated	Comparison table	Exempt in full	42
55	435-436	2	28 March 2018	Letter from DHS to OAIC	Exempt in full	47E(d) 42 (in part)
56	437-441	5	18 April 2018	Memorandum	Exempt in full	42
57	442-447	6	27 April 2018	Letter from DHS to OAIC	Exempt in full	47E(d) 42 (in part)

58	448-453	6	27 April 2018	Letter from DHS to OAIC	Exempt in full	47E(d) 42 (in part)
59	454-458	5	18 April 2018	Memorandum	Exempt in full	42
60	459-460	2	28 March 2018	Letter from DHS to OAIC	Exempt in full	47E(d)
61	461-468	8	11 April 2018	Draft legal advice	Exempt in full	42
62	469-474	6	20 March 2018	Letter from OAIC to DHS	Exempt in full	47E(d)
63	475-482	8	11 April 2018	Draft legal advice	Exempt in full	42
64	483-490	8	May 2018	Draft letter from OAIC to DHS	Exempt in full	42