



Sensitive: Personal

DB

By email: foi+request-4637-d50ca902@righttoknow.org.au

Dear DB

I refer to your request dated 9 June 2018 for access to documents under the *Freedom of Information Act 1982* (FOI Act) and the decision on your request dated 10 August 2018.

On 11 September 2018, you were informed that a third party had objected to the disclosure of documents and requested internal review of the 10 August 2018 decision.

This letter is to advise you of my decision on internal review.

Authority to make decision

I am authorised by the Merit Protection Commissioner under section 23(1) of the FOI Act to make decisions in relation to FOI applications.

Decision

I have decided to vary the decision made by Ms Read on 10 August 2018 as follows:

- Affirm the decision to release in full documents, or parts of documents, in the public domain
- Affirm the decision to exempt parts of documents 7, 8, 14 and 15 containing sensitive information of a third party under s 47F
- Affirm the decision to release document 3 except for identifying information of a third party (s22)
- Vary the decision to release documents 2, 10 and 13 to exempt signatures on letters under s47F
- Vary the decision to release documents 4 to 6 (except for identifying information of a third party) to a decision to exempt content in the documents that constitutes personal information under s 47F.

Material taken into account

I have taken the following material into account in making my decision:

- the content of the documents that fall within the scope of the FOI application
- the FOI Act (specifically sections 22 and 47F)
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

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- information in the public domain:
https://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/fpa

The schedule enclosed with this decision indicates each document and the decision for each document as varied by this decision.

You agreed to exclude from the scope of your request the names of third parties who are not public servants or members of Parliament and I have not reconsidered Ms Read's decision in relation to those names.

My reasons for granting access are given below.

Reasons for decision

Personal information

Section 47F conditionally exempts a document to the extent that its disclosure would or could involve the unreasonable disclosure of personal information about any person. Personal information has the same meaning as in the *Privacy Act 1988*, in which it is relevantly defined as information or opinion about an identified individual or an individual who is reasonably identifiable. I am satisfied that the documents contain information that says something about identifiable individuals and is personal information for the purposes of s 47F.

I have taken into account that the personal information in the documents is not well known or otherwise in the public domain.

Information in documents 7, 8, 14 and 15 about an individual is of a private, sensitive nature that is not well known or in the public domain. I find disclosure would cause that person harm and distress.

Information in documents 2, 10 and 13 contains signatures and contact details for individuals that is not well known and the disclosure of which could cause harm.

Information in documents 4, 5 and 6 concerns the nature of a complaint and FOI request made by a third party and communications with that third party. Information in the complaint and communications is not well known or in the public domain. The information is of a nature that its disclosure could cause distress or harm to an individual. I find that person would have a reasonable expectation that their personal information would not be made publically available and disclosure would be unreasonable in these circumstances.

I find the documents are conditionally exempt under s 47F.

I have considered the objects of the FOI Act including the public interest in documents of the agency being made available to the public to promote oversight of the agency's activities. However, I find the giving of access to the documents would make a negligible contribution to discussion or debate on a matter of public importance. However, the interference with the privacy of the individual(s) would be significant.

On balance, I find disclosure would be contrary to the public interest and the information is exempt under s 47F.

Third party review rights

The third party can seek review of my decision to the Australian Information Commissioner. I cannot give you access to the documents until the review rights of a third party who objected to disclosure run out. The third party has 30 days to seek either review of my decision. I will notify you if an application for review is made.

Your review rights

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 30 days of the date of this letter, and be lodged in one of the following ways:

online: [https://forms.business.gov.au/aba/oaic/foi-review-/](https://forms.business.gov.au/aba/oaic/foi-review/)
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

More information is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.

Yours sincerely

[Signed]

Sarah Dinning
Authorised FOI Decision Maker

28 September 2018

Schedule of Documents – FOI application MPC18/00141

FOI document number and pages	Date	Description	Exemption	Decision
1 (Page 1)	5 June 2018	Email re complaint under s50(1)(b) of the Public Service Act		Release in full
2 (Pages 2 to 10)	5 June 2018	A letter re complaint under s50(1)(b) of the Public Service Act	S47F	Release in part
3 (Page 11)	1 June 2018	An email about consultation on an FOI request.	s22	Release in part
4 (Pages 12 to 22)	10 April 2018	Attachment 1 to document 3	s22, s47F	Release in part
5 (Pages 23 to 24)	1 June 2018	Attachment 2 to document 3	s22, s47F	Release in part
6 (Pages 25 to 27)	10 April 2018	Attachment 3 to document 3	s22, s47F	Release in part

FOI document number and pages	Date	Description	Exemption	Decision
7 (Pages 28 to 30)	25 May 2018	Email re complaint under s50(1)(b) of the Public Service Act	s47F	Release in part
8 (Pages 31 to 33)	25 May 2018	Attachment to document 7	s47F	Release in part.
9 (Page 34)	24 May 2018	Email re complaint under s50(1)(b) of the Public Service Act		Release in full
10 (Pages 35 to 43)	24 May 2018	Attachment to document 9.	s47F	Release in part
11 (Page 44)	21 May 2018	Email re complaint under s50(1)(b) of the Public Service Act		Release in full
12 (Page 45)	18 May 2018	Mr Davidson's email to you attaching correspondence.		Release in full
13 (Page 46)	18 May 2018	Attachment to document 12	s47F	Release in part

FOI document number and pages	Date	Description	Exemption	Decision
14 (Pages 47 to 50)	25 May 2018	Email re complaint under s50(1)(b) of the Public Service Act	s47F	Release in part
15 (Pages 51 to 52)	25 May 2018	Email re complaint under s50(1)(b) of the Public Service Act	s47F	Release in part
16 (Page 53)	24 May 2018	Email re complaint under s50(1)(b) of the Public Service Act		Release in full
17 (Page 54)	24 May 2018	Email re complaint under s50(1)(b) of the Public Service Act		Release in full
18 (Page 55)	21 May 2018	Email re complaint under s50(1)(b) of the Public Service Act		Release in full
19 (Pages 56 to 57)	21 May 2018	Attachment to document 18		Release in full
20 (Page 58)	8 June 2018	Email re complaint under s50(1)(b) of the Public Service Act		Release in full

FOI document number and pages	Date	Description	Exemption	Decision
21 (Page 59 to 67)	8 June 2018	Attachment to document 20.		Release in full
22 (Page 58)	8 June 2018	All staff email		Release in full