



Our reference: FOIREQ13/00006

Open Gov Advocate
c/- RightToKnow.org.au

Dear Open Gov Advocate

Outcome of your Freedom of Information request

I refer to your request for access to information under the *Freedom of Information Act 1982* (Cth) (the FOI Act) made through RightToKnow.org.au on 24 January 2013.

You requested access to the following documents:

...correspondence (letters and emails) between the Information Commissioner/OAIC staff and:

- the Attorney General or Attorney General's Department
- the Minister for Foreign Affairs or the Department of Foreign Affairs and Trade, or
- the Prime Minister

regarding the Open Government Partnership (OGP), including the Commissioner's views and recommendations regarding the OGP and the views of the Government, since 1 January 2013.

In my email to you on 30 January 2013, I sought clarification as to the date range and the scope of your request.

In your email on 30 January 2013, you clarified that you sought correspondence from 1 January 2012, and that your request would be satisfied by the following documents:

- letter from the Attorney-General to the Information Commissioner regarding the OGP, dated 27 June 2012
- letter from the Attorney-General's Department (AGD) to the Information Commissioner regarding the requirements for Australia to join the OGP, dated 17 August 2012 (August 2012 letter)
- letter from the Information Commissioner to the AGD providing advice on how Australia could join the OGP, what resources the OAIC could make available, and what further resources the OAIC would require, dated 10 January 2013.

I have decided to provide you with the documents that you agree will satisfy your request. Please find the documents enclosed.

August 2012 letter

Please note that the August 2012 letter from the AGD to the Information Commissioner includes the following attachments:

- *Joining the Open Government Partnership*, undated, prepared by the AGD
- *Open Government Partnership: Articles of Governance*, adopted 16 April 2012
- *Open Government Partnership: Open Government Declaration*, September 2011
- *Requirements to participate in the OGP*, undated, prepared by the Information Commissioner.

The two OGP documents are also published on the OGP website:
www.opengovernmentpartnership.org.

If you disagree with my decision

I have decided to grant access in full to the documents requested within the scope of your request. I have included your rights of review in case you disagree with the scope of the request or adequacy of searches undertaken. It would also be open to you to make a new FOI request if you are seeking a broader range of documents.

Internal review

You have the right to apply for an internal review of my decision under Part VI of the Act. An internal review will be conducted, to the extent possible, by an officer of the Office of the Australian Information Commissioner (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.

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 (including 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 section 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 Administrative Appeals Tribunal.

Section 57A of the Act provides that, before you can apply to the Administrative Appeals Tribunal for review of an FOI decision, you must first have applied for IC review.

Complaints about the handling of FOI requests

If you are not satisfied with the way that your FOI request has been handled, you can complain to the Information Commissioner or the Commonwealth Ombudsman.

Should you choose to lodge a complaint with the Information Commissioner, your matter will be dealt with by the FOI Complaints area, independently of the FOI request or review process. You can address any complaint to the Director of Compliance, FOI Complaints, or use the application form available at www.oaic.gov.au/about/contact.html.

If you wish to complain to the Commonwealth Ombudsman, they can be contacted on 1300 363 072. Other contact details are available at their website: www.ombudsman.gov.au.

Applications for internal review, IC review, or complaints to the Information Commissioner can be submitted to:

Office of the Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

Alternatively, you may submit your application or complaint by email to enquiries@oaic.gov.au, or by fax on 02 9284 9666. For further information, please call our enquiries line on 1300 363 992.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tim de Sousa', with a long horizontal flourish extending to the right.

Tim de Sousa
Deputy Director - Policy

8 February 2013