



Our reference: FOIREQ18/00155

Ms Verity Pane

By email: foi+request-4904-b7b29533@righttoknow.org.au

Your Freedom of Information request- Decision on access

Dear Ms Pane,

I refer to your request for access to documents, made under the *Freedom of Information Act 1982* (Cth) (the FOI Act) and received by the Office of the Australian Information Commissioner (OAIC) on 17 October 2018.

Your request was stated as follows:

I note the FOI made at https://apac01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Fic_reviews&data=01%7C01%7Cfoidr%40oaic.gov.au%7Cfd93d3b67e0a4a479bcc08d633db5276%7Cea4cdebd454f4218919b7adc32bf1549%7C1&reserved=0 here on Right to Know.

I request under FOI the same report (s 17 compilation) but as at 1 July 2018. As the OAIC has previously run this report, the time to process would be insignificant.

I would also like to extend the scope to include a report that, for FY17/18, details the age of every IC Review closed in FY17/18, with the reason for closure (withdrawn, dismissed, decision issued, substitution, etc). Reference numbers are not required.

On 1 November 2018, Ms McKenna advised you that with reference to the first part of your request, that is, a report detailing the number of outstanding IC review applications made of the Information Commissioner and the amount of time those review applications have been outstanding, such a report can only be generated as at the end of each month.

As such, the report the OAIC can provide to you was created as at 30 June 2018, not as at 1 July 2018 (as per your request). Ms McKenna has made it clear in her 1 November 2018 correspondence, that as there were no Information Commissioner reviews opened or closed on 1 July 2018, the information provided in the report (as at 30 June 2018) remains substantially similar despite the change in the report's end date.

Decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

With reference to the first part of your request, I have decided to grant you full access to a report detailing the number of outstanding IC review applications made of the Information Commissioner and the amount of time those review applications have been outstanding as at 30 June 2018.

The document is a table of the number of open IC review applications and the age of these applications, as at 30 June 2018. The age of an IC review application is the number of days that has elapsed since the application was received by the OAIC.

With reference to the second part of your request, I have identified one document within scope, to which I have decided to grant full access.

Communications with OAIC staff

On another note, I would ask that you please refrain from making disparaging remarks about particular staff of the OAIC in your correspondence to this office concerning your freedom of information applications.

If you are unhappy with the way we have handled your FOI request, you are able to make a complaint to our agency, and I draw your attention to the OAIC website at 'How do I make an FOI complaint' at <https://www.oaic.gov.au/freedom-of-information/foi-complaints>. I also draw your attention to the OAIC Service Charter, which can be found at <https://www.oaic.gov.au/about-us/corporate-information/key-documents/service-charter>. The OAIC Service Charter provides that in order to assist the OAIC in providing you with the best service possible, we expect that you will treat our officers with respect and courtesy.

Yours sincerely,



Caren Whip
Principal Lawyer
Legal Services

7 November 2018

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, 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 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 can submit your application by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Accessing your information

If you would like access to the information that we hold about you, please contact FOIDR@oaic.gov.au. More information is available on the Access our information page on our website.

Disclosure log

Section 11C of the FOI Act requires agencies to publish online documents released to members of the public within 10 days of release, except if they contain personal or business information that it would be unreasonable to publish.

The documents I have decided to release to you do not contain business or personal information that would be unreasonable to publish. As a result, the documents will be published on our disclosure log shortly after being released to you.