



Our reference: FOIREQ18/00156

Ms Verity Pane

By email: foi+request-4905-e0f307d0@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.

You have sought access to:

Under FOI I seek copy of all documents created by the OAIC that relate to the OAIC's views on the publication of the names of public servants/APS employees in the Australian Public Service Gazette, whether about hiding the names of disgraced public servants or otherwise.

In particular, I would be interested in any document contrasting the OAIC's opinion here, with the previous opinions of the Commissioner that the disclosure by Minister's and public sector agencies of the criminal history of private individuals is permissible under authorisation of the Public Service Act to inform and advise and to 'correct the record'.

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 five documents falling within the scope of your request. I have decided to give you access to the documents, redacting only material irrelevant to your request.

Irrelevant material s 22

Section 22 provides that an agency may prepare an edited copy of a document by deleting information that would reasonably be regarded as irrelevant to the request for access (s 22(1)(a)(ii)).

As your request is for 'documents created by the OAIC that relate to the OAIC's views', I have deleted as irrelevant under s 22(1)(ii):

- material that was not created by the OAIC; and



- material that does not relate to the OAIC's view about the particulars of your request.

A schedule describing the documents and the access decision I have made is at Appendix A to this request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Megan McKenna', with a long horizontal flourish extending to the right.

Megan McKenna
FOI Officer
Legal Services

15 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.



Appendix A: Schedule of documents – Freedom of Information request no. FOIREQ18/00156

Document no.	Date	Description	Decision on Access	Exemption
1	24 May 2017	Email chain	Release in full	
2	24 May 2017	Email to APSC	Release in full	
3	1 July 2014	Email chain	Release in full	
4	22 April 2014	Letter from OAIC to APSC	Release in full	
5	19 March 2014	Email from OAIC to APSC	Release in full	