



Our reference: FOIREQ18/00174

Ms Verity Pane

By email: foi+request-4923-5cb4aea0@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 1 November 2018.

You have sought access to:

Under FOI I request all documents, including text messages and other types of records recognised by the Act as ‘documents’, that the OAIC holds (as defined by the Act) that relate to DVA FOI 24561, especially any relating to DVA’s unlawful issuing of a charges levy after the FOI received a deemed refusal and basing the withdrawal (despite it being explicitly opposed) on the same ultra vires backdated charges levy.

On 20 November 2018, I wrote to you seeking your confirmation of the scope of your FOI request.

On 21 November 2018, you responded and advised that:

I *exclude* from scope any emails sent by me, unless they are part of a chain of the OAIC’s communications (no need to pad any release with irrelevant material already held). My email address is to be redacted.

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 three 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 of the FOI Act provides that irrelevant information can be deleted from a document if it is reasonably practicable to prepare a copy of the document modified by deletions, and the modified copy would not disclose the irrelevant material.



I have considered your advice of 21 November 2018 and I have excluded from scope, emails sent by you, unless they are part of a chain of the OAIC's communications. I have also deleted your email address as irrelevant to 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 stylized flourish at the end.

Megan McKenna

FOI Officer
Legal Services

3 December 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 1: Schedule of documents – Freedom of Information request no FOIREQ18/00174

Document No.	Date	Description	Decision on Access
1	1 November 2018	Email	Release in full
2	1 November 2018	Email	Release in full
3	15 November 2018	Resolve report	Release in full