



Our reference: FOIREQ18/00179

Ms Verity Pane

By email: foi+request-4930-e7313649@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 2 November 2018.

You have sought access to:

Under FOI I request copy of all documents (the full meaning of the defined term ‘documents’, including any text messages) held by the OAIC dealing with OAIC MR18/00724 & MR18/00692 and the s 70 referral made on 26 September 2018 to the OAIC, including s 17 compilation of any RESOLVE entries.

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. 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 32 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.

Documents 18, 19, 22 and 24 contain diagnostic information about emails in which delivery to the recipient failed, which are not relevant to the IC reviews that are the subject of your request. Accordingly, I have deleted the diagnostic information from documents 18, 19, 22 and 24.

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', is positioned above the typed name.

Megan McKenna
FOI Officer
Legal Services

30 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 1: Schedule of documents – Freedom of Information request no FOIREQ18/00179

Document No.	Date	Description	Decision on Access
CP18/02858			
1	4 October 2018	Draft	Release in full
2	9 October 2018	Email	Release in full
2a	9 October 2018	Letter	Release in full
3	10 October 2018	Email	Release in full
4	11 October 2018	Email	Release in full
5	13 November 2018	Resolve report	Release in full
MR18/00692			

6	19 September 2018	Email	Release in full
6a	13 September 2018	Attachment to email	Release in full
7	19 September 2018	Email	Release in full
8	19 September 2018	Document	Release in full
9	19 September 2018	Draft	Release with irrelevant material redacted under s 22
10	19 September 2018	Email	Release with irrelevant material redacted under s 22
11	5 October 2018	Email	Release in full
11a	19 September 2018	Attachment to email	Release in full
11b	19 September 2018	Attachment to email	Release in full
12	10 October 2018	Email	Release in full
13	11 October 2018	Email	Release in full

14	17 October 2018	Email	Release in full
15	17 October 2018	Email	Release in full
16	17 October 2018	Email	Release in full
17	17 October 2018	Email	Release in full
18	16 October 2018	Undeliverable email	Release with irrelevant material redacted under s 22
19	17 October 2018	Undeliverable email	Release with irrelevant material redacted under s 22
20	2 November 2018	Email	Release in full
21	2 November 2018	Email	Release in full
22	2 November 2018	Undeliverable email	Release with irrelevant material redacted under s 22
23	2 November	Email	Release in full
24	2 November 2018	Undeliverable email	Release with irrelevant material redacted under s 22

25	13 November 2018	Resolve report	Release with irrelevant material redacted under s 22
MR18/00724			
26	21 September 2018	Letter	Release with irrelevant material redacted under s 22
27	26 September 2018	Email	Release with irrelevant material redacted under s 22
28	10 October 2018	Email	Release in full
29	11 October 2018	Email	Release in full
30	16 October 2018	Email	Release in full
30a	16 October 2018	Attachment to email	Release in full
30b	21 September 2018	Attachment to email	Release in full
31	16 October 2018	Email	Release in full
32	13 November 2018	Resolve report	Release in full