



31 January 2020

Our File Reference: REQ-0004185

Julie via Right to Know

[foi+request-4942-e008b563@righttoknow.org.au](mailto:foi+request-4942-e008b563@righttoknow.org.au)

Dear Julie,

**Your Freedom of Information Request No: REQ-0004185**  
**Notice of Decision**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) relating to the Australian Digital Health Agency's (the Agency) gift registers and policies.

On 8 December 2019 you requested access to:

*'Part A: a copy of ADHA gift register for financial years 2017/2018 & 2018/2019.*

*Part B: a copy of ADHA Chief Executive Instructions (CEIs - the corporate governance instruments including the gift policy (or policies if there are two separate ones for gifts received & gifts given)., and given the recency of Senate Estimates, should be able to be quickly located.'*

On 17 December 2019, the Agency acknowledged your request and confirmed that third party consultation was required for some of the documents within the scope of the request. Accordingly, the due date for the request was extended by 30 days under section 27 of the FOI Act. This extended the due date for your request from 7 January 2020 to 6 February 2020.

On 7 January 2020 you wrote to the Agency acknowledging the extension of time that had been applied and raising your concerns with the Agency's approach.

**FOI decision maker**

I, Kathryn Dolan, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests and this letter sets out the decision on your request for access.

**Documents identified**

I am satisfied that I have located all the relevant documents to consider in making my decision.

I have identified five (5) documents within the scope of your request.

The decision in relation to each document is detailed in the attached Schedule of Documents.

Part B of your request was for '*a copy of ADHA Chief Executive Instructions (CEIs)*'. The Agency operates under Accountable Authority Instructions (AAIs), which are the equivalent of CEIs.

Please note, Document 1, the Agency's gift and benefits register for 2017/2018 contains an error in column 3/row 5 'Organisation/Person offering'. The register lists 'Hear and Say' as offering the gift, however the organisation that offered the gift was in fact 'Ernst & Young'.

Also, Document 3 relates to a gift that was not included in the Agency's 2017/2018 gift and benefits register but is relevant to the scope of your request.

## **DECISION**

I have decided to grant you full access to two (2) documents and part access to three (3) documents as listed in the Schedule.

### **Material taken into account**

In making my decision, I had regard to:

- the terms of your FOI request;
- the content of the documents to which you sought access;
- publicly available information;
- relevant provisions of the FOI Act (specifically section 22); and
- the guidelines published by the Office of the Australian Information Commissioner (OAIC) under section 93A of the FOI Act (the Guidelines).

### **Reasons for Decision**

#### ***Section 22 – Deletion of exempt or irrelevant material***

I have considered Documents 1, 2 and 3 identified in the schedule as being subject to an exemption to determine whether a portion or portions of each document could be released using the procedure envisaged in section 22 of the FOI Act. This includes redacting the identifying information for Agency staff involved in the documents. I consider that they would reasonably expect that their surnames and phone numbers would not be disclosed as they are public servants, not public figures, and the information is not public knowledge. It would not make a valuable contribution to public debate to release the surnames or phone numbers of these individuals, nor would it shed light on the workings of Government.

In addition, the information is in many cases also out of date with individuals not working in these areas any more, or in some cases no longer working for the Agency.

Section 22 provides that if an agency decides that granting access to a document would disclose information that is exempt or reasonably regarded as irrelevant to the request, then where it is reasonably practicable to provide a copy with deletions, such a copy should be provided.

I have decided to apply section 22 of the FOI Act to allow for the release of an edited copy of documents to which exemptions apply or which contain irrelevant material.

## **CHARGES**

No charges have been imposed for the processing of this request.

## **REVIEW RIGHTS**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

### Internal review

Under section 54 of the FOI Act, you may apply in writing to the Agency for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

Email: [foi@digitalhealth.gov.au](mailto:foi@digitalhealth.gov.au)

Post: Freedom of Information  
Australian Digital Health Agency  
Scarborough House  
Level 7, 1 Atlantic Street  
WODEN ACT 2606

Where possible, please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

### Information Commissioner review

Under section 54L of the FOI Act, you may apply to the OAIC to review my decision. An application for review by the OAIC must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: <https://forms.business.gov.au/aba/oaic/foi-review-/>

Email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

Post: Director, FOI Dispute Resolution  
GPO Box 5218  
SYDNEY NSW 2001

More information about Information Commissioner review is available on the OAIC website at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

### Questions about this decision

If you have any questions, please contact the FOI Team at [FOI@digitalhealth.gov.au](mailto:FOI@digitalhealth.gov.au)

Yours sincerely



Kathryn Dolan  
Authorised Decision Maker

### Attachments

A: Schedule of documents

B: Documents



Attachment A: Schedule of documents – Freedom of Information Request no: REQ-0004185

| Document No | Date           | Total no of Pages | Author                           | Addressee      | Description of Document              | Decision on access | Exemption/s    |
|-------------|----------------|-------------------|----------------------------------|----------------|--------------------------------------|--------------------|----------------|
| 1           | Not applicable | 1                 | Australian Digital Health Agency | Not applicable | Gift and benefits register 2017/2018 | Release in part    | s.22           |
| 2           | Not applicable | 1                 | Australian Digital Health Agency | Not applicable | Gift and benefits register 2018/2019 | Release in part    | s.22           |
| 3           | 4 May 2018     | 4                 | Australian Digital Health Agency | Not applicable | Gift and benefit - email             | Release in part    | s.22           |
| 4           | 24 August 2018 | 56                | Australian Digital Health Agency | Not applicable | Accountable Authority Instructions   | Release in full    | Not applicable |
| 5           | 5 June 2019    | 10                | Australian Digital Health Agency | Not applicable | Gifts and Benefits Policy            | Release in full    | Not applicable |