



Australian Government
Registered Organisations Commission

4 January 2019

JS

RightToKnow

By email: foi+request-5174-d5c1c1d6@righttoknow.org.au

Dear JS,

Application under the *Freedom of Information Act 1982*

Notice of Decision – Ref: R2018/340

I refer to your email to the Registered Organisations Commission (**ROC**) dated 21 December 2018 seeking access to documents under the *Freedom of Information Act 1982 (FOI Act)*, specifically:

Under FOI I seek access to a copy of the documents released on 27 Nov 2018 (ROC2018/267) and as reflected in the disclosed [sic] log as: Documents in relation to the privacy breach referred to on page 45 of the Fair Work Ombudsman and Registered Organisations Commission Entity Annual Report 2017-18, the decision-making process that led to the reporting of that breach to the Office of the Australian Commissioner (OAIC) and strategies, proposals or steps taken to avoid such breaches in the future.

Decision

I am authorised by the Registered Organisations Commissioner (**the Commissioner**), under section 23 of the FOI Act, to make decisions on requests for access to documents.

In making my decision, I took into account your request for documents, the FOI Act and the Australian Information Commissioner's Guidelines. In accordance with section 26 of the FOI Act, this is my Statement of Reasons.

I have determined that access to certain documents meeting the description in your FOI application may be provided to you in accordance with section 11A of the FOI Act.

I notify you, consistent with section 22(3) of the FOI Act, that access to documents is subject to personal information being redacted.

A description of the documents to which access is granted appears below.

An agency may refuse a request for access to a document under subsection 24A(1) of the FOI Act if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency is satisfied that the document:
 - i. is in the agency's possession but cannot be found; or
 - ii. does not exist.

Reasons for decision

The material facts upon which the decision is based are as follows:

1. The ROC previously received a freedom of information request (R2018/267).
2. On 27 November 2018, a decision on that FOI request was issued, which resulted in the release of documents in redacted form.
3. The matter was then added to the ROC's Disclosure Log, which is located on the ROC website at <https://www.roc.gov.au/website-information/using-this-website/freedom-of-information>.
4. The information sought in your FOI request is the information previously released in response to FOI request R2018/267.

Documents provided

Information in the form of identifying contact details, and opinions, beliefs or views ascribed to those identified individuals may be conditionally exempt pursuant to section 47F of the FOI Act.

Consistent with the release of documents in response to FOI application R2018/267, I have determined that it is possible, pursuant to section 22 of the FOI Act, to facilitate the release of documents by providing a redacted copy of documents, which de-identifies personal information, including that of individual staff members. As indicated above, the documents when previously released were redacted.

The documents provided in response to your FOI request, being the documents that were also released in FOI matter R2018/267, are as follows:

1. Handwritten file note dated 11 May 2018 re: data breach
2. Data Breach Notification Form dated 11 May 2018
3. Email apology dated 14 May 2018 to discloser
4. Email apology dated 14 May 2018 to recipient of incorrectly addressed email (includes earlier emails within email chain)
5. Email chain comprising emails between OAIC and ROC dated 25 May 2018 (includes earlier emails within email chain)
6. Email chain comprising emails between OAIC and ROC dated 5 June 2018

Documents not provided

Where a document exists but is also encapsulated within a document provided to you (for example, each separate email in an email chain), taking a common sense approach, the email chain has been released rather than a separate document for each individual email within the chain.

Based on my enquiries, I am satisfied that further documents beyond those provided to you – other than the separate individual emails within each email chain provided to you – do not exist.

Review Rights

I have **attached** a document setting out your rights of review in relation to this decision.

If you have any queries, please feel free to contact me either by telephone on (02) 8293 4665 (direct line) or by email to bill.steenson@roc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bill Steenson', with a long horizontal flourish extending to the right.

Bill Steenson
Principal Lawyer

Authorised Officer pursuant to section 23 of the FOI Act