



Australian
Human Rights
Commission

Sent only by email: foi+request-5248-e21c90fa@righttoknow.org.au

13 May 2019

Dear FOI Applicant,

Request under the *Freedom of Information Act 1982 (Cth)* (FOI Act)

1. The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (the FOI Act).

1 The request and procedural matters

2. I refer to your request of 7 February 2019 for access to the following information held by the Australian Human Rights Commission (Commission):

...any emails contained in all of Tim Wilson's AHRC issued email account (including deleted items) that contain any of the following terms (in the body of an email and/or in the addressee fields of an email): "liberal.org.au" or "ipa.org.au".

3. I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to Freedom of Information (FOI) requests.
4. Upon receipt of your request I contacted the Commission's IT department and sought access to the email account of Mr Wilson while he was Human Rights Commissioner at the Commission. Upon being granted access, I conducted searches for all emails containing the terms (in the body of an email and/or in the addressee fields of an email) "liberal.org.au" and "ipa.org.au".
5. On 6 March 2019 and 25 March 2019, I wrote to you informing you that:
 - Your request would require me to consult with third parties as a result of which the period for processing your request was extended to 10 April 2019 (pursuant to s 27A of the FOI Act); and
 - That I believed that there would be a practical refusal reason for the

Commission to refuse to process your request under s 24AA of the FOI Act, and provided you with an opportunity to contact me to discuss revising your request in a manner that would allow the Commission to process it.

6. On 25 March 2019 we spoke via telephone and I explained that processing your request would require me to consult with a large number of third parties, and that I believed the work involved in undertaking these consultations would substantially and unreasonably divert the resources of this agency from its other operations. We discussed options to revise the scope of your request so that the Commission could continue to process it.
7. I refer to our further telephone discussions and emails exchanged between 26 March 2019 and 10 April 2019, attempting to revise the scope of your request. I refer in particular to your email of 10 April 2019 containing the revised scope of your request as follows:

...I agree to narrow the scope of my request as follows:

- Emails in all of Tim Wilson's Australian Human Rights Commission email account (including deleted items/drafts) that contain the terms "ipa.org.au" and/or "liberal.org.au" (in the body of the email or within any of the addressee fields).

From these, exclude the following:

- any document that does not contain (in the body of the email or within any of the addressee fields) any of the following terms: "election", "nominate", "nomination", "goldstein", "breheny", "paterson", "roskam", "robb", "lloyd", "preselection", "abetz", "pre-selection" and/or "minister"
- any emails sent from Mr Wilson's AHRC issued email account to Mr Wilson's IPA email account
- any emails sent from Mr Wilson's IPA email account to Mr Wilson's AHRC issued email account
- any emails of an administrative nature
- any e-newsletters
- any duplicates

You also agreed to exclude from the scope of your request, the personal information of any person other than Mr Wilson. I have therefore considered information meeting this description as falling outside the scope of your request.

You also agreed, pursuant to s15AA of the FOI Act, to an extension of time for the Commission to process your request. You agreed for a decision to be provided to you on 13 May 2019. On 16 April 2019, I informed the Office of

the Information Commissioner of this agreed extension of time, pursuant to s15AA(b) of the FOI Act.

8. Upon receipt of your revised request, the following searches were conducted:
 - searches for all emails containing the terms (in the body of an email and/or in the addressee fields of an email) "liberal.org.au" and "ipa.org.au" in all inboxes of Mr Wilson's Commission email account;
 - from the above, the following were excluded:
 - i. emails sent from Mr Wilson's Commission issued email account to Mr Wilson's IPA email account;
 - ii. emails sent from Mr Wilson's IPA email account to Mr Wilson's Commission issued email account;
 - iii. emails of an administrative nature; and
 - iv. e-newsletters.
 - from the remaining documents, searches were conducted for documents capturing the following terms: "election", "nominate", "nomination", "goldstein", "breheny", "paterson", "roskam", "robb", "lloyd", "preselection", "abetz", "pre-selection", "minister"; and
 - from these documents, duplicates were excluded.
9. The information falling within your request was then collated into a single PDF document.

2 Third-party consultation

10. Having formed the view that the documents falling within the scope of the request might affect another person's privacy, I consulted with Mr Tim Wilson MP pursuant to s 27A of the FOI Act.
11. On 7 May 2019, Mr Wilson submitted that the documents should be exempt from disclosure as they contain his personal information and/or are of a personal nature. I did not accept this submission.

3 Material taken into account

12. I have taken the following material into account in making my decision:
 1. your request;
 2. the content of the documents that fall within the scope of your request;
 3. the FOI Act;
 4. the submission of Mr Wilson;
 5. the guidelines issued by the Australian Information Commissioner

under s 93A of the FOI Act (the Guidelines);¹ and
6. relevant case law.

I have not given weight to any factors deemed irrelevant by the Guidelines.²

4 Decision

13. I have decided to grant access to the documents, with irrelevant information (i.e. information falling outside of the scope of your request) deleted under s 22 of the FOI Act.

5 Reasons for decision

5.1 Irrelevant information

14. I consider that to give access in full the documents would disclose information that would reasonably be regarded as irrelevant to the request for access.

15. This information is information that you have excluded from the scope of your request, being personal information.

16. The personal information which has been redacted from the documents comprise the following: the names and/or contact details of persons who are not Mr Wilson; the name of, or information about, an organisation that a person (other than Mr Wilson) might be employed by, or affiliated with, which may reveal their identity; any information contained in the subject line or body of an email that may identify a person other than Mr Wilson, or may be used to ascertain the identify of a person other than Mr Wilson.

17. You have indicated that you are happy for this information to be deleted from any documents disclosed to you.

18. Pursuant to s 22 of the FOI Act, I have decided to give access to these documents with irrelevant material deleted through redaction.

¹ Office of the Australian Information Commissioner, *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982*.

² Office of the Australian Information Commissioner, *Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982*, [6.24].

6 Documents to be provided to you

19. The documents which I have decided to give you access to cannot be released to you at this time, but may be provided to you at a later time as explained below.

20. I have made an 'access grant decision' as defined by s 53B of FOI Act to give you access to documents or edited copies of documents, because I consider that certain information is not exempt because it is personal information (s 47F).

21. Under Part VI of the FOI Act, I must give the affected third party, being Mr Wilson, the opportunity to apply for review of the access grant decision. I have advised the affected third party of their review rights, and that they must apply for internal review within 30 days of the date of this letter or for Information Commissioner review within 30 days of the date of this letter or within 30 days of a decision made on internal review.

7 Your review rights

(a) Internal review

Under s 54 of the FOI Act, you may apply in writing to the Commission for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

If you decide to seek internal review, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

(b) Information Commissioner review

Under s 54L of the FOI Act, you may also apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 30 days of the date of this letter, and be lodged in one of the following ways:

- online: <https://www.oaic.gov.au/freedom-of-information/foi-complaints>
- email: enquiries@oaic.gov.au
- post: GPO Box 5218, Sydney, NSW, 2001
- in person: Level 3, 175 Pitt Street, Sydney, NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'HPanditharatne'.

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