



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2019/164

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: DB

DECISION BY: Katrina Di Marco
Assistant Secretary
Project Office

Dear DB

In an email dated 5 July 2019 to the Department of the Prime Minister and Cabinet ('the Department'), you made a request under the *Freedom of Information Act 1982* (FOI Act), in the following terms:

This article in the Guardian concerns endemic lawlessness in the Department of Prime Minister and Cabinet's FOI team - <https://www.theguardian.com/australia-news/2019/jun/26/whistleblower-hits-out-at-pms-department-over-pervasive-and-toxic-disregard-for-law> ...

Under the FOI Act, I seek copies of any emails in Ms Foster's email account that relate to the matters referred to in the above-mentioned Guardian article. I constrain my request to documents dated between Monday 24 June 2019 to Friday 28 June 2019 (inclusive).

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Matters Taken Into Account

In making my decision, I have considered the following:

- the terms of your request;
- the provisions of the FOI Act;
- consultations with the Department's FOI advisers; and
- Guidelines made by the Australian Information Commissioner issued under section 93A of the FOI Act (FOI Guidelines)

Steps taken to identify relevant documents

Having regard to where documents potentially relevant to your request would be located, if they existed, I arranged for Departmental officers to undertake relevant searches of the Department's records. As a result of these searches, Departmental officers identified two documents relevant to your request (the requested documents). The Schedule of Documents at Attachment A describes the requested documents.

Decision

My decision is to release the requested documents to you, in full, with irrelevant material deleted under section 22 of the FOI Act.

Deletion of irrelevant matter

Section 22 of the FOI Act provides that irrelevant material may be deleted from a copy of a document, and access granted to such an amended copy where it is reasonably practicable to do so, unless it is apparent that the applicant would not wish to have access to such a copy.

In accordance with the Department's policy and as advised to you in our email dated 10 July 2019, I find that the following information in the requested documents, where ever it occurs, is irrelevant to the FOI request:

- any person's signature;
- the names and contact details of Australian Public Service officers not in the Senior Executive Service (SES);
- the mobile or direct numbers of SES officers; and
- the names and contact details of Ministerial staff at a level below Chief of Staff.

On 1 September 2019, you also wrote to the Department to advise that you:

... consent to the Department redacting the personal information of any person who is/was not a public servant from any relevant document (noting paragraph 6.153 of the FOI Guidelines).

The requested documents contain material that is irrelevant, on the basis of the Department's policy and your 1 September 2019 correspondence. I have therefore considered whether it is possible for edited copies (with irrelevant material removed) to be created for release to you, in accordance with section 22 of the FOI Act.

I have decided that it is possible for edited copies of the requested documents to be provided to you. Accordingly, the edited copies of the requested documents being released to you are attached to this decision.

Processing and access charges

I have decided not to impose processing charges in respect of your FOI request.

Publication of the document

Under section 11C of the Act, the Department will arrange to publish the documents released to you on the Department's FOI Disclosure Log.

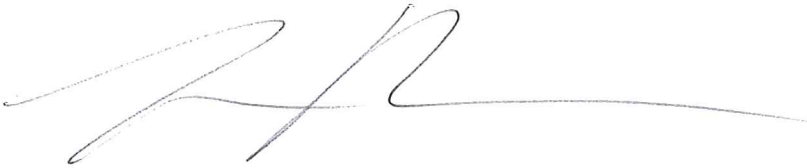
Review rights

Information about your rights of review is attached to this decision.

Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking a review of the Department's decision.

A complaint to the Information Commissioner must be in writing and identify the agency in respect of which the complaint is made. The Office of the Australian Information Commissioner (OAIC) may be contacted by phone (1300 363 992), email (enquiries@oaic.gov.au) or by letter (GPO Box 2999, Canberra ACT 2601). Further information about the OAIC can be found on its website: <https://www.oaic.gov.au/>.



Katrina Di Marco
Assistant Secretary
Project Office

3 September 2019



ATTACHMENT A

FOI REQUEST: FOI/2019/164 SCHEDULE OF DOCUMENTS

FOI

Document	Date	Description	Pages	Decision
1	24 June 2019	Email thread	1-3	Release in full with irrelevant material removed under section 22 of the FOI Act.
2	24 June 2019	Email thread	4-7	Release in full with irrelevant material removed under section 22 of the FOI Act.