



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2019/343IR

INTERNAL REVIEW DECISION AND REASONS UNDER SECTION 54 OF THE *FREEDOM OF INFORMATION ACT 1982*

REQUEST BY: Mr Alan Cole

DECISION BY: Mr Gerard Martin
First Assistant Secretary
Ministerial Support Division

The request for internal review

On 21 January 2020, Mr Alan Cole (the applicant) requested internal review of a decision (the primary decision) dated 20 January 2020 made by Ms Alison Green, Assistant Secretary, Protocol and International Visits Branch, Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act).

Under section 54(2) of the FOI Act an applicant is entitled to apply for an internal review of a decision refusing to give access to a document in accordance with a request.

Authorised decision maker

Section 54C(2) of the FOI Act provides that an agency must arrange for a person (other than the person who made the original decision) to review the decision. I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Internal review decision

I have decided to refuse access to:

- Document 1, in full, on the basis that it contains information that is exempt under:
 - section 33(a)(i) of the FOI Act (security of the Commonwealth)
 - section 47C of the FOI Act (deliberative matter); and
 - section 47E(d) of the FOI Act (operations of an agency – proper and efficient conduct);
- Document 2, in full, on the basis that it contains information that is exempt under:
 - section 33(a)(i) of the FOI Act (security of the Commonwealth);

- section 47E(d) of the FOI Act (operations of an agency – proper and efficient conduct); and
- section 47G(1) of the FOI Act (business information);
- Document 3, in full, on the basis that it contains information that is exempt under:
 - section 33(a)(i) of the FOI Act (security of the Commonwealth);
 - section 33(a)(iii) of the FOI Act (international relations of the Commonwealth);
 - section 47C of the FOI Act (deliberative material);
 - section 47E(d) of the FOI Act (operations of an agency – proper and efficient conduct);
 - section 47F of the FOI Act (personal information); and
 - section 47G(1) of the FOI Act (business information).

The effect of my decision is to affirm the primary decision refusing access to the three documents.

In reaching my decision I have had regard to:

- the terms of the applicant’s FOI request of 5 November 2019;
- the documents relevant to the FOI request;
- the primary decision;
- the applicant’s request for internal review;
- comments by a third party and relevant agencies;
- the FOI Act;
- the ‘Guidelines issued by the Australian Information Commissioner under section 93A of the *Freedom of Information Act 1982*’ (the FOI Guidelines).¹

Reasons

I have carefully considered the submissions made by the applicant in his internal review request. However, I am persuaded that the reasons given in the primary decision remain correct, and would adopt those reasons as my own for refusing the request on the exemption grounds I have set out above.

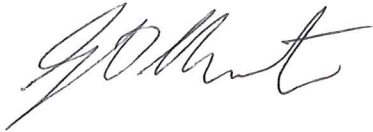
Review rights

Information about the applicant’s rights of review can be found on the web site of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

¹ FOI Guidelines combined June 2019 published on the web site of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

Complaint rights

An applicant may make a complaint to the Information Commissioner about the Department's actions in relation to this request. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.



Gerard Martin
First Assistant Secretary
Ministerial Support Division

20 February 2020