



Our reference: FOIREQ19/00238

Julie

By email: foi+request-5853-e630e74a@righttoknow.org.au

Your Freedom of Information Request

Dear Julie,

I refer to your request for access to documents made under the *Freedom of Information Act 1982* (Cth) (the FOI Act) and received by the Office of the Australian Information Commissioner (OAIC) on 6 November 2019.

In your email you seek access to the following:

Firstly, [with redaction of any email address of mine, given it is to be publicly published] full copy of the email received by the OAIC at 12:58pm (by the FOIDR inbox and employee Ms Amanda Nowland) on Wednesday 6 November 2019 from Julie A.

Secondly, full copy (including the attachment, in full) [with redaction of any email address of mine, given it is to be publicly published], of the email sent by OAIC employee Ms Amanda Nowland to Julie A. at 10:07pm on Wednesday 6 November 2019.

Thirdly, any document held by the OAIC that identifies the specific “personal information” in the FOIREQ19/00196 documents had withheld allegedly under s 27(A) until it released them at 10:07pm on Wednesday 6 November 2019, that the OAIC based its claim of that it had an alleged reasonable belief contained the personal information of a third party, that if released could constitute an unreasonable invasion of privacy contrary to the public interest, and that therefore should be withheld under s 27(A) until that third party had used all its review rights, or allowed them to lapse, against access being granted. [To assist you, I have included after the close the same requirements as outlined to Ms Nowland to enliven s 27(A)]

On 19 November 2019, I wrote to you to clarify the scope of your request. I advised:

I note that in part two of your request you have requested an email sent at 10:07pm. As we received your request at 1:22pm 6 November 2019, I have taken the scope of part two of your request to be an email sent at 10:07am.

If you do not agree with this revised scope can you please advise as to the correct scope of your request.

On 22 November 2019, you responded and advised that:

Yes, that should read am, not pm, so the corrected scope is:

Firstly, [with redaction of any email address of mine, and my full name where it appears, given it is to be publicly published] full copy of the email received by the OAIC at 12:58pm (by the FOIDR inbox and employee Ms Amanda Nowland) on Wednesday 6 November 2019 from Julie A.

Secondly, full copy (including the attachment, in full) [with redaction of any email address of mine, and my full name where it appears, given it is to be publicly published], of the email sent by OAIC employee Ms Amanda Nowland to Julie A. at 10:07am on Wednesday 6 November 2019.

Thirdly, any document held by the OAIC that identifies the specific “personal information” in the FOIREQ19/00196 documents the OAIC employee Ms Amanda Nowland had withheld allegedly under s 27(A), until she released them at 10:07pm on Wednesday 6 November 2019, that the OAIC based its claim that it had an alleged reasonable belief that the withheld documents contained the personal information of a third party, that if released could constitute an unreasonable invasion of privacy contrary to the public interest, and that therefore should be withheld under s 27(A) until that third party had used all its review rights, or allowed them to lapse, against access being granted. [To assist you, I have included after the close the same requirements as outlined to Ms Nowland to enliven s 27(A)]

To avoid doubt, ‘Julie A.’ is fine to publish, but my full name is not, nor is my private email address.

Decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have identified two documents within the scope of your request. I have decided to grant you access to the document in full.

Irrelevant material (s 22)

Section 22 of the FOI Act provides that irrelevant information can be deleted from a document if it is reasonably practicable to prepare a copy of the document modified by deletions, and the modified copy would not disclose the irrelevant material.

I have considered your advice of 22 November 2019 and I have excluded from scope your personal email address and surname.

Please see the following page for information about your review right and the disclosure log.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Megan McKenna', with a long horizontal flourish extending to the right.

Megan McKenna
Lawyer (Graduate)
Legal Services

6 December 2019

If you disagree with my decision

Internal review

You have the right to apply for an internal review of my decision under Part VI of the FOI Act. An internal review will be conducted, to the extent possible, by an officer of the OAIC who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please mark your application for the attention of the FOI Coordinator and state the grounds on which you consider that my decision should be reviewed.

Further Review

You have the right to seek review of this decision by the Information Commissioner and the Administrative Appeals Tribunal (AAT).

You may apply to the Information Commissioner for a review of my decision (IC review). If you wish to apply for IC review, you must do so in writing within 60 days. Your application must provide an address (which can be an email address or fax number) that we can send notices to and include a copy of this letter. A request for IC review can be made in relation to my decision, or an internal review decision.

It is the Information Commissioner's view that it will usually not be in the interests of the administration of the FOI Act to conduct an IC review of a decision, or an internal review decision, made by the agency that the Information Commissioner heads: the OAIC. For this reason, if you make an application for IC review of my decision, and the Information Commissioner is satisfied that in the interests of administration of the Act it is desirable that my decision be considered by the AAT, the Information Commissioner may decide not to undertake an IC review.

Section 57A of the FOI Act provides that, before you can apply to the AAT for review of an FOI decision, you must first have applied for IC review.

Applications for internal review or IC review can be submitted to:

Office of the Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

Alternatively, you can submit your application by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Accessing your information

If you would like access to the information that we hold about you, please contact FOIDR@oaic.gov.au. More information is available on the [Access our information](#) page on our website.

Disclosure log

Section 11C of the FOI Act requires agencies to publish online documents released to members of the public within 10 days of release, except if they contain personal or business information that it would be unreasonable to publish.

The documents I have decided to release to you contain personal information that would be unreasonable to publish. As a result, the documents will not be published on our disclosure log.



Appendix A: Schedule of documents – Freedom of information request no FOIREQ19/00238

Document No	Date	Description	Decision on Access	Exemption	Page
1.	6 November 2019	Email	Release in full	N/A	1-15
2.	6 November 2019	Email	Release in full	N/A	16-49