



24 December 2019

Mr Timothy Nothdurft

Sent via email: foi+request-6017-63bd7adf@righttoknow.org.au

Our Ref: FOI1920/54.02

Dear Mr Nothdurft:

FOI Application – FOI Officers

I am writing in relation to your request made under the *Freedom of Information Act, 1982* (**the FOI Act**). The Statement of Reasons (**Attached**) outlines the specific terms of your FOI request, the decision-maker's findings and the access decision.

An FOI decision may be reviewed, subject to sections 53A and 54 of the FOI Act. Please refer to the Office of the Australian Information Commissioner's (**OAIC**) website at the following [link](#), which provides details about your rights of review and other avenues of redress under the FOI Act.

If you have any questions or need to discuss your FOI application, please contact me via email on davidmesman@nbnco.com.au.

Yours faithfully,

David J Mesman

General Counsel

FOI, Privacy & Knowledge Management



FREEDOM OF INFORMATION REQUEST – 1920/54

ACCESS DECISION – STATEMENT OF REASONS

Application Chronology and Terms of Request

1. On 17 December 2019, Mr Timothy Nothdurft (**the Applicant**) made a request under the *Freedom of Information Act, 1982* (**the FOI Act**), seeking the following:

“Considering FOI Act section 3.13 ... “Agencies should ensure a sufficient number of officers are authorised at appropriate senior levels to make both original and internal decisions”... How many authorised decision makers can make independent decisions on behalf of NBNco as specified in section 3.13?”

2. On 24 December 2019, I completed this FOI decision and subsequently forwarded it to the Applicant. It is important to note that the Applicant’s reference to “FOI Act section 3.13” was actually a reference to the Office of the Australian Information Commissioner (**OAIC**) Guidelines at [paragraph 3.13](#).

Access Decision

3. Under the FOI Act, applicants have a right to seek documents, rather than information or datasets. However, section 17 of the FOI Act also permits FOI agencies to draw information from computers or other equipment and to collate that information into a document, which had previously not existed.
4. Noting the above points, **nbn**’s FOI Team was able to identify the relevant information and collate the same into a new document (**the Requested Document** – found at **Attachment A**).
5. After a review of relevant sections of the FOI Act, the OAIC Guidelines and other sources, I have determined to grant access in full to the Requested Document under sections 11 and 11A of the FOI Act.
6. In addition, I have determined to waive any relevant processing fees in relation to this matter.
7. If you are dissatisfied with this decision, you have certain rights of review. Details regarding your rights of review and appeal are outlined in the covering letter, provided with this Statement of Reasons.



Attachment A – FOI1920/54 – Document Released in Full

On 17 December 2019, an FOI applicant made a request under the *Freedom of Information Act, 1982* (**the FOI Act or the Act**), seeking the number of authorised **nbn** FOI decision-makers.

Under the Act, FOI applicants have a right to seek documents, rather than information or datasets. However, section 17 of the FOI Act also permits FOI agencies to draw information from computers or other equipment and to collate that information into a document, which had previously not existed (**the Requested Document**).

nbn's FOI Officer determined to release this document, the Requested Document, in full to the applicant in this matter.

***nbn** has delegated FOI decision-making to five **nbn** staff members, with four being members of the **nbn** Legal Group and the fifth being a member of the Internal Audit and Risk function at **nbn**. Additional FOI decision-makers may be authorised to complete FOI decisions or perform FOI functions, as determined by operational requirements.*

*Four **nbn** staff members have delegated authority to complete Internal Reviews, being three members of the **nbn** Legal Group and one staff member from Internal Audit.*

*In general, **nbn**'s General Counsel FOI, Privacy and Knowledge Management completes the vast majority of FOI decisions. A smaller number of FOI decisions and processing functions are completed by other lawyers within **nbn** Legal's FOI, Privacy and Knowledge Management Team. Other authorised FOI decision-makers undertake FOI functions as needed, such as in cases of leave or as otherwise needed for operational requirements.*