



Australian Government

Department of Health

Department Reference: FOI 1670 IR

Ms Catherine Stace

Via email: foi+request-6317-b154eec5@righttoknow.org.au

Dear Ms Stace

NOTICE OF INTERNAL REVIEW DECISION

The purpose of this letter is to advise you of my decision following your request for internal review of the Department of Health's (department) decision to refuse access to documents requested under the *Freedom of Information Act 1982* (Cth) (FOI Act).

On 27 April 2020, you requested access to the following documents:

'Australian Government Department of Health Clinical Pathway for Debilitating Symptom Complexes Attributed to Ticks (DSCATT), we request a copy of all directions and decisions given in relation to the inclusion or exclusion of stakeholder feedback.'

You were advised on 9 June 2020 of the original decision, made on 25 May 2020, to refuse access to the document found in scope of your request. You asked for an internal review of that decision on 13 June 2020. You did not provide details on why you are seeking an internal review of the decision.

I am authorised under section 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request for internal review.

Decision

In making my decision, I had regard to the following:

- the terms of your initial request;
- the original decision and reasons of 25 May 2020;
- your internal review application;
- the content of the documents sought;

- advice from departmental officers with responsibility for matters relating to the documents sought;
- the relevant provisions of the FOI Act; and
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

The document in scope of your request sits under the Office of Health Protection Division of the department. The objectives of this Division are to:

- identify, analyse and prioritise health threats requiring national intervention;
- prevent health threats through the implementation of national strategies and effective regulation;
- support national health readiness through the development of plans, capacities and capabilities; and
- coordinate health responses to emergencies and other threats.

Due to the COVID-19 pandemic and re-allocation of resources from the Division to address issues arising from the pandemic, the department is still undertaking work regarding matters raised in the document found to be in scope of your request. As the document is a draft, premature disclosure of the information in the document at this time could reasonably be expected to prejudice the effective development of policy and undermine the integrity of the decision making process of the department by not properly considering advice and recommendations. For this reason, section 47C of the FOI Act has been applied to exempt the document in full. Once issues raised in the document have been thoroughly considered and finalised in the coming months, the decision on the topic will be publicly released.

In addition, the draft document contains information concerning a third party. Release of the document could unreasonably and adversely affect the business affairs of the third party by disclosing their business and financial information; and impact ongoing relationships between the third party and the department. As a result, section 47G of the FOI Act has also been applied to exempt the document in full.

Upon review of the initial decision, I have decided sections 47C and 47G of the FOI Act still apply to the document for the reasons above and set out in the initial decision. I am therefore refusing access to the document in its entirety under sections 47C and 47G of the FOI Act.

Review rights

If you are dissatisfied with my decision, you may apply for an Australian Information Commissioner (Information Commissioner) review of the decision.

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

The Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au

Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>

You may also make a complaint to the Information Commissioner about action taken by the department in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Series/C2004A02562>

Contacts

If you require clarification of any of the matters discussed in this letter, you should contact Freedom of Information Unit on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely



Sarah Norris

A/g First Assistant Secretary

Office of Health Protection Division

1 July 2020