



## Administrative Appeals Tribunal

FOI ref: 2020/0068

17 September 2020

Mr John Smith  
Foi+request-6409-3431027e@righttoknow.org.au

Dear Mr Smith

### **Notice of Internal Review Decision Freedom of Information Request no. 2020/0068**

The purpose of this letter is to advise you of my decision following your request for internal review under the *Freedom of Information Act 1982* (FOI Act).

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

### **Summary**

Between 18 June 2020 and 24 June 2020, you made 5 FOI requests for:

1. '...the contract with commonwealth tender ID CN3418470-A5, between the AAT and Launch Recruitment Pty Ltd, publish date 27-Mar-2017 to 30-Jun-2017.'
2. '...the contract with commonwealth tender ID CN3531767, between the AAT and Launch Recruitment Pty Ltd, publish date 9-Aug-2018.'
3. '... the contract with commonwealth tender ID CN3552941, between ATRAC and Launch Recruitment Pty Ltd, publish date 16-Nov-2018.' I note that this was subsequently amended to read, '...between AAT and Launch Recruitment Pty Ltd.'
4. '...the contract with commonwealth tender ID CN3552946, between the AAT and Launch Recruitment Pty Ltd, publish date 16-Nov-2018.'
5. '... the following contracts between Launch Recruitment Pty Ltd, and the AAT. They are identifiable by the following CN IDs on AusTender: CN3650297; CN3606081; CN3591076'

On 17 August 2020 we sent you a decision, granting partial access to 4 documents.

On 18 August 2020 we received your request for internal review of that decision.

You sought: 'review of the redactions of the terms of agreement document'. You said: 'I seek to know the names of the Launch signing officer, and the name / or position title of the AAT representative to sign this document'.

## **Decision**

I have decided to refuse access to:

- The signatures on the terms of agreement document
- The name of the employee of the contractor signing the document.

In making my decision, I have taken the following into account:

- the content of the document that falls within scope of your request;
- the FOI Act, specifically sections 47F and 11A;
- the guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (FOI Guidelines); and
- the views of a third party consulted by the AAT under s 27 of the FOI Act.

The reasons for my decision are as follows.

I have examined the original unredacted document. The document released to you contained three redactions. Two of the redactions related to signatures and one redaction related to the name of the signatory for Launch Recruitment. I note that you have said you seek to know the name and / or position of the signatory for the AAT. The document does not contain that information.

## **Signatures**

A person's signature is their personal information. It can be used to identify that person and is a key to collecting more information about that person.

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person.

I agree with the original decision maker that the disclosure of the signatures would be unreasonable. This is because:

- the signatures are not well-known
- there is no reason to believe the signatories are known to be connected with the subject matter of the document
- the signatures are not otherwise publicly available and

- the signatories would not have anticipated that their signatures would be released and published on the internet, which would occur through the current mode of release, exposing the signatories to the risk of fraud.

Consequently, I find the signatures are conditionally exempt.

I also agree that, on balance, it would be contrary to the public interest to disclose the signatures. While the objects of the FOI Act favour release of documents held by government agencies, the release of signatures would not inform debate on a matter of public importance and nor would the release of the signatures promote effective oversight of public expenditure, as the terms of the agreement are not redacted. However, release of the signatures would undermine the signatories' expectation of personal privacy and expose them to the risk of fraud.

It follows that the signatures are conditionally exempt and should not be released.

### **Name of business signatory**

The last redaction relates to the name of the signatory on behalf of the contracting business.

In the context of other information contained in the terms of agreement document, release of the name of the signatory would disclose the workplace and location of that person, which is that person's personal information.

As noted above, section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person. I consider that the disclosure, in these circumstances would be unreasonable as it discloses the personal information of an individual employee of the contractor to a wider range of persons than they would have reasonably expected. It follows that the part of the document containing that information is conditionally exempt

I have also considered whether, on balance, it would be contrary to the public interest to disclose the information. I note the document has been released, with this information redacted under section 22 of the FOI Act.

The objectives of the FOI Act favour the disclosure of the information. However, the name of an employee of the contractor, does not further debate on a matter of public importance or oversight of public expenditure in the context where the name of the contracting firm has been released. Nor would release of the name enable a person to access information about themselves.

On balance, I consider the public interest in upholding the personal privacy of people dealing with government outweighs the public interest in disclosing the document. For this reason, I agree with the original decision-maker that the information is conditionally exempt and should not be released.

## **Your review rights**

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review-/>  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 2999, Canberra ACT 2601  
or, in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website: [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

If you have any questions about this decision, please contact me at [foi@aat.gov.au](mailto:foi@aat.gov.au).

Yours sincerely,

**Sandra Koller**

Authorised FOI Officer (EL2)