



Our ref: 67733

Alby P.
via Right to Know

By email: foi+request-6657-ec00493c@righttoknow.org.au

Dear Alby

Freedom of Information Act 1982 – Notice of Internal Review Decision

I refer to your correspondence received by the Department of Industry, Science, Energy and Resources (the department) on 15 December 2020 requesting an internal review of a decision dated 15 December 2020 (original decision) under section 54 of the *Freedom of Information Act 1982* (the FOI Act).

A copy of the original decision is at **Attachment A**.

In your correspondence of 15 December 2020 you contended the following should be released:

- The name and region of the regional incubator facilitator; and
- The application regional status.

Internal Review Decision

I am an authorised internal review decision maker under section 23 of the FOI Act. I am required to make a fresh decision on behalf of the department and I am not bound by the original decision.

I agree with the reasoning provided in the original decision with the exception of one page of the combined document. Therefore, I have decided to vary the original decision by releasing some of the material previously exempt under section 47G of the FOI Act.

In reaching my decision, I relied on the following:

- *Freedom of Information Act 1982*;
- Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act;
- your correspondence of 29 August 2020 outlining the particulars of your FOI request;
- the departments original decision of 15 December 2020;
- your correspondence of 15 December 2020 outlining the particulars of your request for an internal review;
- consultation with a third party on the disclosure of their personal information;
- advice from departmental officers; and
- the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

industry.gov.au

Industry House - 10 Binara Street, Canberra City, ACT 2601
GPO Box 2013 Canberra ACT 2601 ABN: 74 599 608 295

Reasons for Decision

I have decided to release certain information on page 18 of the combined document regarding the application regional status. I am of the view that this information concerns the business or professional affairs of persons and of organisations or undertakings however, I am not satisfied that disclosure of the information would have an unreasonable impact on the lawful business or commercial and financial affairs of the organisation.

Therefore, the application regional status information will now be released to you.

A copy of the combined documents with amended redactions on page 18 of 187 is at **Attachment B**.

As I have decided to affirm the remaining exemptions from the original decision, all other redactions remain unchanged.

Review rights

If you are dissatisfied with any part of my decision, your review rights are set out in **Attachment C**.

Please do not hesitate to contact the FOI team by e-mail at FOI@industry.gov.au, if you require any further clarification.

Yours sincerely



Emma Greenwood
Head of Division
AusIndustry
13 January 2021

Enclosures

Attachment A – Original Decision
Attachment B – Combined documents
Attachment C – Review Rights

REVIEW RIGHTS

Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply for review of my decision by the Information Commissioner.

An application for review by the Information Commissioner must be made within 60 days of receipt of this notice. There is no fee for review by the Information Commissioner.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218, Sydney NSW 2001

Fax: +61 2 9284 9666

Email: enquiries@oaic.gov.au

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of this notice and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Australian Information Commissioner will make a completely independent investigation of your complaint. A complaint to the Australian Information Commissioner must be made in writing and can be lodged online using the Information Commissioner Complaint Application form on the Australian Information Commissioner's website at www.oaic.gov.au