



Our reference: FOIREQ20/00212

Julie

By Email: foi+request-6861-fa70e7ea@righttoknow.org.au

Your Freedom of Information request FOIREQ20/00212

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 2 November 2020.

Your Request

In your request dated 2 November 2020 you sought access to the following:

“For the purposes of the Freedom of Information Act, I request access to (or to be compiled under section 17, if no such discrete document exists) a document containing the following information:

- * The number of non-APS staff engaged by the Office of the Information Commissioner in FY19/20, listed by salary paid to them;
- * The number of non-APS staff at 1 July 2019
- * The number of non-APS staff at 30 June 2020
- * Non-APS staff turnover rate for FY19/20
- * APS staff (ongoing & non-ongoing) turnover rate for FY19/20”

Decision

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

In relation to your request for information set out above, I have, in accordance with s17 of the FOI Act, created and granted access in full to one (1) document. The document released to you in accordance with the FOI Act is **attached**.

Reasons for decision

Material taken into account

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

- your freedom of information request of 2 November 2020
- the FOI Act
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (the FOI Guidelines), specifically [3.204] –[3.210].

Non-APS staff engaged by the OAIC

The OAIC utilises contracted labour hire from time to time in order to assist with meeting requirements for intermittent workload and to address particular technical needs. The OAIC considers costs and value for money on a case by case basis.

The OAIC contracts directly with labour hire firms. The remuneration of individual contractors (and the mark-up on their cost) is the outcome of an agreement reached between the contractor and labour hire firm.

Information stored in electronic form - s 17

In relation to your request for information set out above, at the time of your request, the information was not available in a discrete written form.

I have considered whether the OAIC can create a document in accordance with the section 17 of the FOI Act. Section 17 requires an agency to produce a written document of information that is stored electronically and not in a discrete written form, if it does not appear from the request that the applicant wishes to be provided with a computer tape or disk on which the information is recorded.

I have created one (1) document from the readily available information held by the OAIC. I have granted you access in full to this document.

Conclusion

Please see the following page for information about your review rights and information about the OAIIC's disclosure log.

Yours sincerely

Julie Brusentsev

Lawyer

A handwritten signature in black ink, appearing to be the initials 'JB' or a stylized 'Julie Brusentsev'.

2 December 2020

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 document I have decided to release to you does not contain business or personal information that would be unreasonable to publish. As a result, the document will be published on our disclosure log shortly after being released to you.