



24 January 2022

Our ref: FOI 2021/50

Mr Richard Smith

Via Email: [foi+request-7059-8c9a891e@righttoknow.org.au](mailto:foi+request-7059-8c9a891e@righttoknow.org.au)

Dear Mr Smith

## **FREEDOM OF INFORMATION REQUEST – DECISION FOI2021/50**

### **Your request**

On 24 November 2021, you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

- “a) Documents relating to any invoices issued by the CSIRO to the Great Barrier Reef Foundation in the period 1 July 2019 to 30th June 2020; and*
- b) Documents relating to the receipt of monies transferred from the Great Barrier Reef Foundation to CSIRO in the period 1 July 2019 to 30th June 2020.*

*To assist the CSIRO in the processing of my request, I would regard a list summarising the following items for each invoice as satisfying my request for item a), namely:*

- i) invoice date*
- ii) invoice number*
- iii) invoice amount and*
- iv) a brief summary of services and or materials provided by CSIRO.”*

I have identified 1 document in relation to Part A and 11 documents in relation to Part B of your FOI request.

### **Decision maker**

I am an authorised decision maker under section 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your application.

### **Decision**

I have decided that exemptions apply to parts of the relevant documents. The relevant provision/exemption provisions include:

*Section 47F – Personal Information*

## Section 22 – Irrelevant Material

### Reasons for decision

My findings of fact and reasons for deciding that the exemption provision applies to a document or part of a document are set out below.

### Exemptions Claimed

#### Section 22 Access to edited copies with exempt or irrelevant matter deleted

Section 22 of the FOI Act provides:

- (1) *This section applies if:*
  - (a) *an agency or Minister decides:*
    - (i) *to refuse to give access to an exempt document; or*
    - (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and*
  - (b) *it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:*
    - (i) *access to the edited copy would be required to be given under section 11A (access to documents on request); and*
    - (ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*
  - (c) *it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*
    - (i) *the nature and extent of the modification; and*
    - (ii) *the resources available to modify the document; and*
  - (d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

#### Access to edited copy

- (2) *The agency or Minister must:*
  - (a) *prepare the edited copy as mentioned in paragraph (1)(b); and*
  - (b) *give the applicant access to the edited copy.*

I have decided that some of the information in the documents such as contact details and payment details, as identified in the schedule, is irrelevant to your request and should be removed under section 22. I have decided that I can easily prepare an edited copy of the document with the irrelevant material deleted and have done so.

#### Section 47F personal privacy

Section 47F of the FOI Act provides that a document is conditionally exempt from disclosure to the extent that it contains personal information; the disclosure of which would be unreasonable.

'Personal information' is defined in s 4 of the FOI Act to include information or an opinion, whether true or not about an individual whose identity is apparent, or can be reasonably ascertained, from the information or opinion. I am satisfied that the information in the documents over which the exemption is claimed under s 47F, is personal information in the relevant sense.

In considering whether disclosure would be unreasonable s 47F(2) requires me to take into account:

- i. The extent to which the information is well known
- ii. Whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document
- iii. The availability of the information from publicly accessible sources
- iv. Any other matter I consider relevant.

I consider that the information is not well known but does relate to CSIRO's employees' identity and work related information. Personal information of this type usually is considered to be reasonable to disclose.<sup>1</sup>

However, some of the information that is not well known also includes personal information relating to members of the Great Barrier Reef Foundation. Cumulatively, I have considered whether the disclosure of personal information of members of the Great Barrier Reef Foundation is not well known would shed light on the workings of CSIRO or enhance accountability or transparency; given the nature of the information, release would have no such effect.

Weighing all these things up, I have concluded that disclosure of personal information relating to members of the Great Barrier Reef Foundation in the documents would be unreasonable. I am therefore satisfied that part of the documents are/is conditionally exempt.

***The public interest test: s 47F***

Conditionally exempt matter must be released unless, in the circumstances, access to that document would, on balance, be contrary to the public interest under s 11A(5) of the FOI Act. As the Guidelines state at 6.8 - 6.9:

*The term 'public interest' is necessarily broad and non-specific because what constitutes the public interest depends on the particular facts of the matter and the context in which it is being considered.*

*To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies, based on the particular facts of the matter at the time the decision is made.*

In balancing the public interest in this case, I have considered the following factors in favour of disclosure:

- i. promoting the objects of the Act, particularly in increasing scrutiny, discussion, comment and review of the Government's activities (s 3(2)(b) FOI Act)

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<sup>1</sup> See paragraph 6.153 of the FOI Guidelines.

I have considered the following factors against disclosure:

- i. protecting individuals from unreasonable interferences with their privacy

In this case, I have formed the view that the disclosure of the personal information of members of the Great Barrier Reef Foundation will make no contribution to those factors in favour of disclosure. By contrast the interference with the privacy of other individuals is in my view unreasonable, as outlined above. Accordingly, I have concluded that disclosure would, on balance, be contrary to the public interest.

### **Rights of Review**

In accordance with section 26(1)(c) of the FOI Act, a statement setting out your rights of review under the Act is at Attachment A.

Yours sincerely



Kate Maloney  
Senior Legal Counsel  
CSIRO

## **Review rights**

You are entitled to seek review of this decision.

### **Internal Review**

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

30 days of you receiving this notice; or 15 days of you receiving the documents to which you have been granted access.

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

[FOI@csiro.au](mailto:FOI@csiro.au)

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

### **External review by the Australian Information Commissioner**

Alternatively, under 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website [www.oaic.gov.au](http://www.oaic.gov.au).

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999  
Canberra ACT 2601

### **Complaints to Ombudsman or Information Commissioner**

You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by CSIRO in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)  
Email [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)  
Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify CSIRO as the relevant agency.