



3 March 2021

MG
foi+request-7073-525b0860@righttoknow.org.au

Our Ref: FOI 2021/53.03

Dear MG

FOI Act Application – Access Decision

I am writing in relation to your application made under the *Freedom of Information Act, 1982 (FOI Act)* seeking access to weekly rollout information.

The Statement of Reasons (**attached**) outlines the specific terms of the FOI request, the decision-maker's findings and the access decision.

An FOI decision may be reviewed, subject to sections 53A and 54 of the FOI Act. Please refer to the Office of the Australian Information Commissioner's website at the following [link](#), which provides details about your rights of review and other avenues of redress under the FOI Act.

Please feel free to contact me on (02) 9031 3022 if you have any questions, or if you would like to discuss your FOI application.

Yours sincerely

Rohan Singh
Senior Legal Counsel
FOI Privacy & Knowledge Management



FREEDOM OF INFORMATION REQUEST – FOI 2021/53.03

ACCESS DECISION - 3 MARCH 2021

STATEMENT OF REASONS

Background – nbn and the FOI Act

1. **nbn** is a government business enterprise (**GBE**), which has the mandate of realising the Australian Government's vision for the development of Australia's new broadband infrastructure.
2. **nbn** recognises that information is a vital and an invaluable resource, both for the company and for the broader Australian community. That is why **nbn** fosters and promotes a pro-disclosure culture, with the goal of creating an organisation that is open, transparent and accountable. To that end, **nbn** makes a large amount of information freely available to the public on our website: <http://nbnco.com.au/>.
3. **nbn** also manages its information assets within the terms and spirit of the *Freedom of Information Act* 1982 (the **FOI Act**). We endeavour to release information proactively, while taking into account our commercial and other legal obligations.
4. Subject to relevant exemptions, the FOI Act gives the Australian community the right to access documents held by Commonwealth Government agencies, as well as "prescribed authorities" such as **nbn**.
5. Under subsection 23(1) of the FOI Act, **nbn's** Chief Executive Officer authorises me, to make decisions about access to documents and related matters under the FOI Act.
6. Under subsection 26(1) of the FOI Act, I am required to provide a Statement of Reasons for my decisions in relation to FOI applications. I am also required to set out my findings on any material questions of fact, referring to the material upon which those findings were based. Those findings are outlined below.

Application Chronology and Scope of Request

7. On 12 February 2021], **nbn** received an email from "MG" (the **Applicant**) making an application under the FOI Act requesting:

"1. Weekly progress report as of Thursday 4 Feb 2021

2. Weekly progress report as of Thursday 11 Feb 2021

(Showing the progress of the rollout outlining the number of premises passed, the services activated, and those passed but currently 'Not yet ready to connect'.)

I am requesting the information in the exact format as previously released (at no charge) by NBNco each week, the last being a Weekly Progress Report for the week ending 28 January 2021 found on NBNco's website:

https://www.nbnco.com.au/content/dam/nbnco2/2019/documents/weekly-progress-report/Public_Progress_Data%20-%20280121.pdf."

8. On 26 February 2021, I wrote to the Applicant to acknowledge his request.



9. On 3 March 2021, I made my access decision, as outlined below.

Findings on material questions of fact

10. Following receipt of the Applicant's request, **nbn** staff undertook searches within the company's records and located a document falling within the scope of the request, being a cumulative weekly progress report, which includes weekly data as of the date range specified in the Applicant's request (**Relevant Document**).
11. I am satisfied that **nbn** staff have conducted all appropriate searches for the Relevant Document. I am satisfied that there are no further documents that fall within the scope of the Applicant's request.

Access Decision

12. In undertaking my review of the Relevant Document, it is my view, having regard to the nature and subject matter of the request and the relevant provisions of the FOI Act, that it is appropriate to release the Relevant Document to the Applicant.
13. Although a copy has already been sent to the Applicant, a copy of the Relevant Document is **attached** to this Statement of Reasons.

Decision-making Time and Fees

14. It is **nbn**'s general policy to charge applicants for FOI processing time. However, in light of the fact that the Relevant Document has been, or will imminently be, published on **nbn**'s website, I have decided to exercise my discretion to waive all applicable fees associated with making this decision. Accordingly, no fees are payable.

Disclosure log

15. Ordinarily, **nbn** is required to publish documents provided to FOI applicants within 10 working days after release. In this case, I consider that no exceptions as per section 11C of the FOI Act apply. Accordingly, **nbn** will not publish the Relevant Document on its disclosure log.
16. If you are dissatisfied with this decision, you have certain rights of review. Details regarding your rights of review and appeal are outlined in the covering letter, provided with this Statement of Reasons.
