

19 April 2021

[foi+request-7163-99a23b97@righttoknow.org.au](mailto:foi+request-7163-99a23b97@righttoknow.org.au)

Dear Chris,

### **Request for access to documents under the *Freedom of Information Act 1982***

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act) from the eSafety Commissioner (eSafety) on 19 March 2021.

### **Summary**

I, Toby Dagg, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to freedom of information (FOI) requests.

You lodged the below FOI request with eSafety:

‘Any email correspondence or final documents from the commissioner with the following keyword or phrases, "Clearview AI", "Clearview ai", "Clearview", during the time range of 01 January 2018 to now’ (19 March 2021).

eSafety confirmed your reference to ‘email correspondence or final documents from the commissioner’ to be email correspondence or final documents sent by the eSafety Commissioner, Julie Inman Grant.

eSafety confirmed your request does not include news or media articles and other publicly available information.

The 30-day statutory period for processing your request commenced from the day after eSafety received your request. The time period therefore concludes on 18 April 2021, but as this is a Sunday, the time period concludes on the next business day, Monday 19 April 2021. We are providing you a response within the statutory timeframe.

eSafety took all reasonable steps to obtain these documents, including searching our records systems and contacting relevant individuals and asking them to provide any documents relating to the matter outlined in your request.

### **Material taken into account**

I have taken the following material into account in making my decision on access:

- the FOI Act,
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (Guidelines), and
- the content of the document that falls within the scope of your request.

### **Decision on access**

I have identified one document that falls within the scope of your request. I have released the document in full.

Pursuant to section 22 of the FOI Act, I have redacted some information that is irrelevant to the scope of your request. This includes the names of public servants, which I have assumed you do not require.

### **Final assessment of charges**

I have decided that you are not liable to pay a charge in respect of your request.

### **Your rights of review**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Under section 54 of the FOI Act, you may apply in writing to [enquiries@esafety.gov.au](mailto:enquiries@esafety.gov.au) for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter. Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out within 30 days.

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. 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  
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. Go to [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews)

### **Further information**

If you have any questions about this decision, please contact me on 1800 880 176 or at [enquiries@esafety.gov.au](mailto:enquiries@esafety.gov.au).

Yours sincerely,

Toby Dagg  
Office of the eSafety Commissioner  
Authorised decision maker pursuant to section 23(1) of the FOI Act