



**Australian Government**

**Department of Health**

Department Reference: FOI 2380

J M

Right to Know

via email: [foi+request-7287-95880b4f@righttoknow.org.au](mailto:foi+request-7287-95880b4f@righttoknow.org.au)

Dear J M

**NOTICE OF DECISION**

I refer to your request of 5 May 2021 to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the Act) to the following:

*MS20-030068 – D Response – Support for Global Alliance for Vaccines and Immunisation*

**FOI decision**

I am authorised under subsection 23(1) of the Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision in response to your request.

I have identified one document falling within the scope of your request. The document and my decision on access are listed in the Schedule of Documents at Attachment A.

I have decided to grant access to the document in part, subject to the deletion of irrelevant and personal information. My reasons for this decision are set out at Attachment B.

**FOI review rights**

If you are dissatisfied with my decision, you may apply for a review.

Internal review

Under section 54 of the Act, you may apply for internal review of this decision.

In accordance with section 54B of the Act, an application for internal review must be made in writing within 30 days after the day you are notified of this decision (or such further period as the department allows). To assist in the internal review process, please provide reasons you consider the review of my decision is necessary.

The internal review will be carried out by another officer of this department within 30 days of receipt of your application.

An application for an internal review should be addressed to:

Email: [FOI@health.gov.au](mailto:FOI@health.gov.au)  
 Mail: FOI Unit (MDP 516)  
 Department of Health  
 GPO Box 9848  
 CANBERRA ACT 2601

### Information Commissioner review

Alternatively, under section 54L of the Act, you may apply to the Office of the Australian Information Commissioner (OAIC) for review of my decision by the Information Commissioner.

In accordance with subsection 54S(1) of the Act, an IC review application in relation to a decision covered by subsection 54L(2) (access refusal decisions) must be made in writing within 60 days after the day you are notified of this decision (if you do not request an internal review).

More information about Information Commissioner review is available on the OAIC website at: <https://www.oaic.gov.au/freedom-of-information/reviews/>

The OAIC can be contacted by:

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

### **Complaints**

If you are dissatisfied with action taken by the department, you may also make a complaint.

#### Complaint to the department

Complaints to the department are covered by the department's privacy policy. A form for lodging a complaint directly to the department is available on the department's website: <https://www.health.gov.au/about-us/contact-us/complaints>

#### Complaint to the Information Commissioner

Information about making a complaint to the Information Commissioner about action taken by the department is available on the OAIC website:

<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>

**Relevant provisions of the Act**

The Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2020C00366>

**Contacts**

If you require clarification of any of the matters discussed in this letter you should contact the department's Freedom of Information Unit on (02) 6289 1666 or at [FOI@health.gov.au](mailto:FOI@health.gov.au).

Yours sincerely



Darius Everett

Acting Assistant Secretary

Immunisation and Communicable Diseases Branch

2 June 2021

## ATTACHMENT A

## SCHEDULE OF DOCUMENTS - FOI 2380

Document No.	Date	Number of pages	Description	Decision on access <sup>1</sup>	Exemption/s applied
1	4 August 2020	2	MS20-030068 - Correspondence on behalf of the Minister for Health regarding Gavi	REI	s 22 - pages 1 to 2 (part) s 47F - page 1 (part)

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<sup>1</sup> REI = Release with exempt and irrelevant material removed.

## REASONS FOR DECISION - FOI 2380

### Material taken into account

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

- the scope of your request
- the content of the documents sought
- advice from departmental officers with responsibility for matters relating to the documents sought
- the relevant provisions of the Act, and
- guidelines issued by the Office of the Australian Information Commissioner under section 93A of the Act (the Guidelines).

### Finding of facts and reasons for decision

My findings of fact and reasons for deciding that the exemptions identified in the Schedule of Documents applies to parts of the relevant documents, are set out below.

### Section 22 - Deletion of irrelevant and/or exempt material

Section 22 of the Act applies to documents containing exempt material (subparagraph 22(1)(a)(i)) and irrelevant information (subparagraph 22(1)(a)(ii)) and allows an agency to delete such material from a document.

I have deleted irrelevant information as set out in the Schedule of Documents at Attachment A and identified in the document. The irrelevant material is as follows:

- material subject to the department's redaction policy as advised to you on 7 May 2021 including:
  - names and contact details of Australian Public Service officers not in the Senior Executive Service (SES).

### Section 47F - personal privacy

Section 47F of the Act conditionally exempts a document if its disclosure would involve the unreasonable disclosure of personal information about any person.

Paragraph 6.130 of the FOI Guidelines provides:

Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.

The report contains the name and contact address of a third party individual. This is personal information for the purposes of section 47F of the Act and is not publicly available. Disclosure of this information could unreasonably affect personal privacy, as a reasonable person would not expect such personal information to be released in the public domain without consent.

I am satisfied the personal information of an individual identified in the report is conditionally exempt under section 47F of the Act.

*Public Interest Test*

Section 47F of the Act is a conditional exemption. Pursuant to subsection 11A(5) of the Act, the department is required to give access to a conditionally exempt document at a particular time unless access to the document at the time would, on balance, be contrary to the public interest.

Paragraph 6.138 of the FOI Guidelines says:

The personal privacy exemption is designed to prevent the unreasonable invasion of third parties privacy. The test of unreasonableness implies a need to balance the public interest in disclosure of government held information and the private interest in the privacy of individuals.

I have turned my mind to whether disclosure of the information would be contrary to the public interest, and have included my reasoning in that regard below.

I have considered the following factors in favour of disclosure to the extent disclosure would:

- promote the objects of the Act, and
- provide the Australian community with access to government information.

I have also considered the following factors against disclosure:

- There is a public interest in protecting the privacy of an individual's personal information. The specific harm in disclosing an individual's name and other personal details without agreement, and where this information has not been previously disclosed, would be an interference with an individual's right to privacy.
- Release of this personal information would not add any substance to the information being provided under the request and there would be no public purpose achieved through the release of the personal information.
- The information is not available in full or in part from publicly-accessible sources.

I confirm I have not had regard to any of the irrelevant factors under subsection 11B(4) of the Act.

After careful consideration of all relevant factors, I find that, on balance, the benefits of protecting the individuals' privacy must be given greater weight. Accordingly, I have decided that the personal information in the report is exempt from disclosure under subsection 31B(b) and section 47F of the Act.