

Our ref: LEX540

Vanessa Teague

By email at: [foi+request-7537-d6ce2a70@righttoknow.org.au](mailto:foi+request-7537-d6ce2a70@righttoknow.org.au)

Dear Ms Teague

I refer to your request for documents under the *Freedom of Information Act 1982* (FOI Act) made through the righttoknow website on 23 June 2021.

I am authorised to make this decision under s 23 of the FOI Act.

The terms of your request are:

*My request concerns the answer to a question taken on notice by the AEC at Senate Estimates on 23 March 2021, Question on notice no. 68; Portfolio question number: F068, linked here: <https://www.aph.gov.au/api/qon/downloadestimatesquestions/EstimatesQuestion-Committeeld1-EstimatesRoundld10-Portfoliold2-QuestionNumber68>*

*The question concerned the error rate of the Senate scanning and counting solution. The AEC's answer states: "In 2016 IBM were engaged to provide a quality assurance process prior to the election to help validate the developed Senate scanning solution. The result of this process was IBM considered the quality of the AEC solution to be high. Based upon IBM's outputs, it was stated the error rate appears to be <0.5%."*

*Although it does not say what form "IBM's outputs" took, I assume those outputs are documents in a form that could be made available to the public*

A decision on the request was due on 26 July 2021, but it was unfortunately not forwarded to the AEC FOI team for processing. Emails from righttoknow have since been whitelisted so they will not be blocked by our Spam filter. I wrote to you on 28 July 2021 to advise you of the issue and, on the same day, you advised you wished to proceed with the request.

On 2 August 2021, a 20 day extension of time to deal with the request was sought under s 15AC of the FOI Act. The request for an extension of time was granted by the Australian Information Commissioner until 17 August 2021. Accordingly, a decision on your request is due on 17 August 2021.

All relevant searches were conducted for documents meeting the terms of your request. I have identified 107 batch exception reports that meet the 'IBM outputs' description.

I have decided to release the reports in full and they are enclosed.

### **Review Rights**

If you are dissatisfied with any part of the decision you can ask for an internal review or request an independent review by the Office of the Australian Information Commissioner (OAIC). You can also apply to

the OAIC after an internal review has been conducted. Attachment A contains information about how to arrange a review.

Yours sincerely



Louise Parrott  
Principal Government Lawyer

17 August 2021

## RIGHTS OF REVIEW

### *FREEDOM OF INFORMATION ACT 1982*

## ATTACHMENT A

### RIGHTS OF REVIEW

#### *FREEDOM OF INFORMATION ACT 1982*

The *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of a Freedom of Information (FOI) decision. Under section 54 and section 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an internal review officer in the Australian Electoral Commission (the AEC); and/or
2. the Office of the Australian Information Commissioner ( the OAIC).

There are no fees associated with requesting a review of an FOI decision.

#### **Applying for an internal review by the AEC**

If you apply for internal review, a different decision-maker to the delegate who made the original decision will carry out the review. The internal review officer will consider all aspects of the original decision and decide whether the decision should be changed. An application for internal review must be:

- made in writing;
- made within 30 days of receiving this letter;
- be sent, quoting reference number LEX540;
  - by email to [legal@aec.gov.au](mailto:legal@aec.gov.au); or
  - by mail to Locked bag 4007 CANBERRA ACT 2601.

#### **Applying for external review by the OAIC**

If you disagree with the original decision or the internal review decision, you can ask the OAIC to conduct an independent review of the original FOI decision.

You may also apply to the OAIC if you have not been informed of the outcome of an internal review within 30 days.

Your application for OAIC review must:

- be sent within 60 days of being notified of the decision;
- if you have one, include a copy of the decision on your FOI request;
- set out the reasons(s) why you disagree with the decision; and
- include an address where notices can be sent (eg your email address).

You may lodge your application for OAIC review:

- online by using the OAIC 'Review Application Form', available at:  
<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>
- by email to [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)
- by mail to:  
Director of FOI Dispute Resolution  
GPO Box 5218  
SYDNEY NSW 2001
- by fax to 02 9284 9666

For further details regarding the OAIC visit [www.oaic.gov.au](http://www.oaic.gov.au)

## Complaints

### *Office of the Australian Information Commissioner*

Any complaint about the processing of your FOI request can be forwarded to the OAIC. The complaint must be in writing and identify the agency against which the complaint is made. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated. The OAIC's contact details are:

- telephone: 1300 363 992
- website: [www.oaic.gov.au](http://www.oaic.gov.au)

### *Commonwealth Ombudsman*

The Commonwealth Ombudsman also has the power to investigate the AEC's actions and make recommendations where appropriate. Complaints made to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman will consult with the OAIC before deciding who should investigate your complaint. The Commonwealth Ombudsman's contact details are:

- telephone: 1300 362 072
- website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)