



5 August 2021

GPON
foi+request-7586-f9b3d4e6@righttoknow.org.au

Our Ref: FOI2122003.009

Dear GPON

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
Freedom of Information



FREEDOM OF INFORMATION REQUEST – FOI2122003.009

ACCESS DECISION – 5 AUGUST 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 and operation 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 14 July 2021, **nbn** received an email from "GPON" (the **Applicant**) making an application under the FOI Act requesting:

"documents that reference "N2P Evolution" to be released in the national interest.

Also a NBN official reference to the acronym "N2P" in relationship to "N2P Evolution" as quoted in recent media releases?

Any documents, notes, minutes, meeting, calendar invites, scoping and reference documents on "N2P Evolution".

8. After requesting clarification, the Applicant, on 3 August 2021, clarified the request to:

"What is NBNco formal definition of "N2P" in the "N2P Evolution" on the record?"

9. On the date specified above, I made my access decision, as outlined below.



Findings on material questions of fact

10. Under section 3(1)(b) of the FOI Act, the public has a right to seek access to “documents” rather than to discrete bits of information. However, section 17 of the FOI Act enables **nbn** to provide applicants with information where such information is not available in a discrete written form, but it is “ordinarily available to the agency for retrieving or collating stored information”. In that regard, a document containing the information within the scope of the current request could be prepared, to the extent that any such information exists.
11. Following receipt of the Applicant’s request, **nbn** staff undertook searches within the company’s records and located the information falling within the scope of the request, a formal definition of the term “N2P Evolution” which indicates the meaning of “N2P” as per the Applicant’s request (**Relevant Information**).
12. I am satisfied that **nbn** staff have conducted all appropriate searches for the Relevant Information. I am satisfied that there are no further documents that fall within the scope of the Applicant’s request.

Access Decision

13. In undertaking my review of the Relevant Information, 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 Information to the Applicant.
14. The Relevant Information is as follows:

*The term “N2P Evolution” is used internally by **nbn** as the name of the contracts executed with delivery partners for the delivery of the FTTN to FTTP Build program.*

Decision-making Time and Fees

15. It is **nbn**’s general policy to charge applicants for FOI processing time. However, I have decided to exercise my discretion to waive all applicable fees associated with making this decision. Accordingly, no fees are payable.

Disclosure log

16. 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 publish the Relevant Information on its disclosure log.
17. 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.
