



Mr Jackson Gothe-Snape

By email: [foi+request-772-681e56e8@righttoknow.org.au](mailto:foi+request-772-681e56e8@righttoknow.org.au)

Dear Mr Gothe-Snape

1. I refer to your correspondence received by the Department of Education (the department) on 24 September 2014, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:  
  

*itinerary, briefing and expense documents pertaining to the visit to Rome, Italy in April 2014 by Lisa Paul.*
2. On 17 October 2014, the department advised you that the preliminary estimate of the charge for processing your request was \$210.00. The department received payment of the charge deposit on 14 November 2014.
3. On 17 October 2014, the department advised you of its intention to consult with certain third parties because some of the requested documents contain information that third parties might wish to contend should not be disclosed.
4. I am authorised to make decisions under the FOI Act and my decision regarding your request and the reasons for my decision are set out below. The Schedule of Documents at **Attachment A** summarises my decision as it applies to the documents covered by your request.

#### **Decision on access to documents**

5. I am advised that the department has in its possession 8 documents that fall within the scope of your request. Please note that a number of the documents refer to more than one trip, and on this basis not all pages fall within the scope of your request.
6. Having considered these documents, I have decided to grant access, in full or in part to all pages within the scope of your request.
7. I have decided that certain pages contain material that is conditionally exempt under subsection 47F(1) of the FOI Act because release would involve the unreasonable disclosure of personal information about a person other than you and, pursuant to subsection 11A(5) of the FOI Act, is not required to be disclosed because disclosure at this time would be, on balance, contrary to the public interest.
8. In reaching my decision, I took the following material into account:
  - your correspondence received on 24 September 2014 outlining the particulars of your request;

- our correspondence dated 27 November 2014 regarding the exclusion of names and contact details of officers not in the Senior Executive Service (SES) within the department and other agencies from the scope of the request;
- documents falling within the scope of your request;
- the FOI Act;
- consultations with the Department of Foreign Affairs and Trade;
- consultations with departmental officers about:
  - the nature of the documents; and
  - the department's operating environment and functions; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

## Reasons for Decision

### *Section 22 of the FOI Act: access to edited copies with exempt or irrelevant matter deleted*

9. I have decided that certain pages, as referred to in the Schedule of Documents at Attachment A, contain material that is exempt or irrelevant.
10. The irrelevant information consists of trips other than the visit to Rome in April 2014, and personal information regarding non SES officers of the department or other agencies.
11. The exempt information consists of mobile and home telephone contact details.
12. In this regard, subsections 22(1) and (2) of the FOI Act provide that:

#### *Scope*

- (1) *This section applies if:*
  - (a) *an agency or Minister decides:*
    - (i) *to refuse to give access to an exempt document; or*
    - (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and*
  - (b) *it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:*
    - (i) *access to the edited copy would be required to be given under section 11A (access to documents on request); and*
    - (ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*
  - (c) *it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*
    - (i) *the nature and extent of the modification; and*
    - (ii) *the resources available to modify the document; and*
  - (d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

#### *Access to edited copy*

- (2) *The agency or Minister must:*

- (a) prepare the edited copy as mentioned in paragraph (1)(b); and
- (b) give the applicant access to the edited copy.

13. In accordance with section 22, I have deleted exempt and irrelevant material and have decided to release to you the balance of the documents. Such deletions are identified in the Schedule of Documents at **Attachment A**.

***Exempt Material - Section 47F of the FOI Act (personal privacy)***

14. Subsection 47F(1) of the FOI Act provides that:

*A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

15. I am satisfied that certain pages, as referred to in the Schedule of Documents, contain personal information about individuals other than yourself and that disclosure would be unreasonable because it could reasonably be expected to prejudice the protection of an individual's right to privacy. On this basis, I have decided that this material is conditionally exempt under subsection 47F(1) of the FOI Act.

16. Subsection 11A(5) of the FOI Act provides, in relation to a conditionally exempt document, that

*the agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.*

17. When weighing up the public interest for and against disclosure of the personal information under subsection 11A(5) of the FOI Act, I have determined that the disclosure of the information would be of little value in:

- promoting the objects of the FOI Act;
- informing debate on a matter of public importance;
- promoting effective oversight of public expenditure; and
- contributing to the administration of justice generally, including procedural fairness;

and of no value in allowing a person to access his or her personal information (as this is personal information about other individuals and not yourself).

18. I have also considered the extent to which disclosure would prejudice the protection of the individuals' right to privacy, specified in the Guidelines as a public interest factor against disclosure.
19. Following consideration of these factors, I have decided that in the circumstances of this particular matter, when considering the nature of the personal information, the public interest in disclosing the personal information is outweighed by the public interest against disclosure.
20. I have not taken into account any of the irrelevant factors set out in subsection 11B(4) of the FOI Act in making this decision.

**Pages to be released in full**

21. I have decided that pages that are not subject to any exemptions of the FOI Act are to be released in full. Documents to be released in full are identified in the Schedule of Documents at **Attachment A**.

**Release of documents**

22. Documents for release will be provided following receipt of the balance of the processing charge which is \$157.50.
23. The amount due should be paid by cheque or money order made out to the Collector of Public Monies - Education. Please send payment of the balance of the processing charge to me at the following address:

Schools, Youth, Child Care, and Corporate Legal Branch  
People, Communication and Legal Group  
Department of Education  
Location code: L10 50MC  
GPO Box 9880  
CANBERRA ACT 2601

**Rights of review**

24. I have set out your rights to seek a review of my decision at **Attachment B**.
25. Should you have any enquiries concerning this matter, please do not hesitate to contact me on via email at [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely



Kirsten Burns  
Senior Government Lawyer  
Schools, Youth, Child Care, and Corporate Legal Branch  
People, Communication and Legal Group

19 December 2014

## Schedule of Documents

Document Number	Page	Date	Description	Decision on access
1	1	16/04/14	QBT Tax Invoice Receipt	<b>Release in full</b> Deletions made of irrelevant material pursuant to s22(1).
2	2	16/04/14	QBT Tax Invoice Receipt	<b>Release in full</b> Deletions made of irrelevant material pursuant to s22(1).
3	3	03/04/14	QBT Tax Invoice Receipt	<b>Release in full</b> Deletions made of irrelevant material pursuant to s22(1).
4	4-7	03/04/14	QBT Itinerary	<b>Release in full</b>
5	8-23	15/04/14	Visit Programme – UK & Vatican	<b>Release in part</b> Pages 8-15, 17-21 Deletions made of irrelevant material pursuant to s22(1).  Pages 16, 22 and 23 Deletions made of conditionally exempt and irrelevant material pursuant to s22(1). Conditional exemption claimed under s47F(1) (personal privacy). Contrary to the public interest pursuant to s11A(5).
6	24-26	17/06/14	Minute – Approval of Overseas Travel Allowance for the Secretary	<b>Release in full</b> Pages 24 and 26 Deletions made of irrelevant material pursuant to s22(1).
7	27	04/14	Travel spreadsheet	<b>Release in full</b> Deletions made of irrelevant material pursuant to s22(1).
8	28	28/04/14	Hotel receipt	<b>Release in full</b>
9	29-90	04/14	Programme and Logistics Meeting and Event Briefs	<b>Release in part</b> Pages 29, 63-65, and 68-70 Release in full.  Pages 30-62, 66-67 and 71-90 Deletions made of irrelevant material pursuant to s22(1) (including all of pages 31-61 and 72-90).  Page 66 Deletions made of conditionally exempt material pursuant to s22(1). Conditional exemption claimed under s47F(1) (personal privacy). Contrary to the public interest pursuant to s11A(5).

**Attachment B****Your rights of review****Internal review**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you state clearly why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post:           The FOI Coordinator  
                   Schools, Youth, Child Care, and Corporate Legal Branch  
                   Location Code: L10 50MC  
                   GPO BOX 9880  
                   CANBERRA ACT 2601

Email:         [foi@education.gov.au](mailto:foi@education.gov.au)

**External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online:         [www.oaic.gov.au](http://www.oaic.gov.au)  
 Post:           GPO Box 2999, Canberra ACT 2601  
 Fax:            +61 2 9284 9666  
 Email:         [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
 In person:     Level 3, 175 Pitt Street  
                   Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

**The Commonwealth Ombudsman**

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.