



## **Australian Government**

### **Department of Health**

Department Reference: FOI 2922

Anonymous

via email: [foi+request-7744-ca0bee33@righttoknow.org.au](mailto:foi+request-7744-ca0bee33@righttoknow.org.au)

Dear Anonymous

#### **NOTICE OF DECISION UNDER SECTION 24A OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of the 25 August 2021 to the Department of Health (the department) seeking access under the *Freedom of Information Act 1982* (Cth) (the FOI Act) to documents related to COVID-19. Your request is in the following terms:

1. Instructions, notices, evidence to support, in regards to the wearing of face masks by your internal staff and public that was sent to you from either the State or Federal Authorities in 2021.

#### **Decision**

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

I have identified three documents falling within the scope of your request. The documents are set out in the schedule at [Attachment A](#).

I have decided to grant you access to all three documents with irrelevant material removed under section 22 of the FOI Act.

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 FOI Act, you may apply for internal review of this decision. In accordance with section 54B of the FOI 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 FOI Act, you may apply to the Office of the Australian Information Commissioner (OAIC) for review of my decision by the Information Commissioner (IC).

In accordance with subsection 54S(1) of the FOI 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 IC 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 IC

Information about making a complaint to the IC 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**

The FOI 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/C2021C00311>

## **Publication**

You should be aware that where I have decided to release documents to you, the department may also publish the released material on its Disclosure Log. The department will however, not publish information (such as personal or business information) where it would be unreasonable to do so.

For your reference the department's Disclosure Log can be found at:

<https://www.health.gov.au/resources/foi-disclosure-log>

## **Contacts**

If you require clarification of any of the matters discussed in this letter you should contact Freedom of Information Unit at [FOI@health.gov.au](mailto:FOI@health.gov.au)

Yours sincerely



Tim Abrahams  
Acting Assistant Secretary  
People, Communications and Parliamentary Division

27 September 2021

**ATTACHMENT A**

**SCHEDULE OF DOCUMENTS - FOI 2922**

<b>Doc No.</b>	<b>Date</b>	<b>Pages</b>	<b>Description</b>	<b>Decision on Access<sup>1</sup></b>	<b>Exemption</b>
1	28 June 2021	3	Email	RIE	section 22 (Part)
2	21 July 2021	3	Email	RIE	section 22 (Part)
3	2 July 2021	3	Email	RIE	section 22 (Part)

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<sup>1</sup> RIE = Release with Irrelevant and Exempt Information Removed

**REASONS FOR DECISION - FOI 2992**

**Material taken into account**

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

- the terms 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 FOI Act; and
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

My reasons for applying the identified exemptions to the documents are set out below.

**Section 22 - deletion of irrelevant and/or exempt material**

Section 22 of the FOI 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 from Documents 1 to 3 in accordance with the department's redaction policy as advised to you on 2 September 2021. Irrelevant material deleted from those documents consists of the names and contact details of Australian Public Service officers not in the Senior Executive Service (SES).