



**Australian Government**  

---

**Australian Public Service Commission**

P Rennie

By email: [foi+request-8003-df60acbd@righttoknow.org.au](mailto:foi+request-8003-df60acbd@righttoknow.org.au)

Our reference: SHC21-7295

Dear P Rennie

**Freedom of Information request**

1. I am writing about your request under the *Freedom of Information Act 1982* (FOI Act) received by the Australian Public Service Commission (Commission) on 26 October 2021.
2. The FOI Act and all other Commonwealth legislation referred to in this letter are publicly available from [www.legislation.gov.au](http://www.legislation.gov.au).

**Documents relevant to your request**

3. You requested access to:

*“a copy of the document ... being an email thread (and a Commonwealth record for the purpose of s.24 of the Archives Act), sent by Giorgina Strangio, (the APSC’s Assistant Commissioner for INTEGRITY, Performance & Employment Policy Group), on behalf of the Australian Public Service Commissioner, Peter Woolcott, clearing his Liberal Party bedfellow, senior Liberal Party member, close personal friend of Scott Morrison and head of the public service, Phil Gaetjens, of corruption.”*

4. **Attachment A** to this letter sets out the document identified relevant to your request.

**Decision on your FOI request**

5. I am authorised under subsection 23(1) of the FOI Act to make FOI decisions.
6. I have decided to grant you access in part to the document you have requested. My reasons are set out in **Attachment B**.

**Deletion of exempt matter**

7. Section 22 of the FOI Act requires an agency to provide access to an edited version of a document where it is reasonably practicable to edit the document to remove exempt material or material that is irrelevant to the scope of a request.
8. The copy of the requested document has been edited to remove material that is exempt. **Attachment A** sets out the grounds on which information has been redacted from the document requested.

### **Contacts**

9. If you require clarification on matters in this letter please contact the Commission's FOI Officer by telephone on (02) 6202 3500 or by email at [foi@apsc.gov.au](mailto:foi@apsc.gov.au).

### **Review rights**

10. You are entitled to seek review of this decision. Your review rights are set out at **Attachment C**.

Yours sincerely



Patrick Hetherington

Acting Deputy Commissioner

Authorised FOI decision maker

8 November 2021

**ATTACHMENT A**

**SCHEDULE OF DOCUMENTS**

<b>Document</b>	<b>Description</b>	<b>Basis of redactions</b>
1	Email chain comprising emails between the Commission and a third party from 13 August 2021 to 18 August 2021, including earlier emails within email chain.	Sections 22 and 47F of the FOI Act apply

## ATTACHMENT B

### Reasons for decision

1. I have decided to refuse access to parts of the document because I have determined it is exempt from the operation of the FOI Act.
2. In making my decision I have had regard to:
  - the terms of your request;
  - the content of the document;
  - the relevant provisions of the FOI Act; and
  - FOI guidelines issued by the Australian Information Commissioner and published on the Office of the Australian Information Commissioner (the OAIC) website.

### Section 47F – personal information

3. Section 47F of the FOI Act provides that a document is conditionally exempt if it would involve the unreasonable disclosure of personal information about any person.
4. Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether:
  - the information or opinion is true or not; and
  - the information or opinion is recorded in a material form or not.
5. I consider the document contains personal information of public servants and a third party individual.
6. I have had regard to the matters I must consider under subsection 47F(2) of the FOI Act in determining whether the disclosure of the document would involve the unreasonable disclosure of personal information.
7. Relevant to personal information of public servants, under the FOI Act there is no presumption that agencies and ministers should start from the position that the inclusion of the full names of staff in documents increases transparency and the objects of the FOI Act: *Warren; Chief Executive Officer, Services Australia and (Freedom of information)* [2020] AATA 4557 at [83].
8. With the substantial increase in electronic requests and related correspondence, a rise in anonymous applications as well as requests affecting the safety and wellbeing of employees, the Commission now assess whether a disclosure of public servants' personal information in requests is unreasonable under section 47F of the FOI Act.
9. I have identified the following factors that, in my view, do not support release of certain public servants' and a third party individual's personal information under section 47F of the FOI Act:
  - the individuals' personal information, in particular their names, will or may identify them;
  - the names and contact details are generally not well known or publicly available;

- the disclosure of this information will not advance scrutiny of any decisions falling within the scope of your FOI request, particularly with regard to staff who are not relevant decision-makers and non-SES staff members who are acting under the direction of senior staff within relevant agencies in the course of their ordinary duties;
- the release of some of the individuals' personal information may cause stress for them or other detriment; and
- no public purpose or interest in increasing transparency of government would be achieved through the release of the information.

10. Considering the above factors, I have decided that to the extent the documents include personal information about non-SES staff members and a third party individual, those parts of the documents are conditionally exempt from disclosure under section 47F of the FOI Act.

### **Section 11A – public interest test**

11. Subsection 11A(5) of the FOI Act provides that an agency must give access to a document if it is conditionally exempt unless access to the document would, on balance, be contrary to the public interest.

12. I have considered the public interest exemption factors in favour of disclosure at subsection 11B(3) of the FOI Act, including the extent to which access to the document would promote the objects of the FOI Act.

13. I have identified the following factors as weighing against disclosure:

- disclosure of certain personal information (including contact details) will not advance any scrutiny of any decisions falling within the scope of your FOI request;
- disclosure of personal information could reasonably be expected to prejudice the protection of the individuals' right to privacy;
- there is a public interest in APS employers fulfilling their obligations under the *Work Health and Safety Act 2011*, in particular by preventing the exposure of staff members from potential harassment or threats in a public forum; and
- disclosure may undermine the Commission's relationship with agencies and third party individuals, and would do little to enhance scrutiny of government decisions.

14. Subsection 11B(4) of the FOI Act lists factors that are irrelevant to determining whether access would be in the public interest. I have not considered these factors.

15. On balance, I find disclosure of some parts of the requested documents would be contrary to the public interest. To the extent that the material contained in the documents is conditionally exempt under 47F of the FOI Act, those parts are exempt from disclosure. An edited version of the document is therefore provided, pursuant to section 22 of the FOI Act.

## ATTACHMENT C

### **Rights of Review**

#### **Asking for a full explanation of a Freedom of Information decision**

If you are dissatisfied with this decision, you may seek review. Before you seek review of a Freedom of Information (FOI) decision, you may contact us to discuss your request and we will explain the decision to you.

#### **Seeking review of a Freedom of Information decision**

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (the FOI Act) gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by seeking:

1. an internal review by an different officer of the Australian Public Service Commission; and/or
2. external review by the Australian Information Commissioner.

There are no fees applied to either review option.

#### **Applying for a review by an Internal Review Officer**

If you apply for internal review, a different decision maker to the departmental 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 it should change. An application for internal review must be made in writing within 30 days of receiving this letter to:

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

**Post:** The FOI Officer  
Australian Public Service Commission  
B Block, Treasury Building  
GPO Box 3176  
Parkes Place West  
PARKES ACT 2600

You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

#### **Applying for external review by the Australian Information Commissioner**

If you do not agree with the original FOI decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision. You have 60 days to apply in writing for a review by the Office of the Australian Information Commissioner (the OAIC) from the date you received this letter or any subsequent internal review decision.

You can **lodge your application**:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

The OAIC encourage applicants to apply online. Where possible, to assist the OAIC you should include your contact information, a copy of the related FOI decision and provide details of your reasons for objecting to the decision.

## **Complaints to the Information Commissioner and Commonwealth Ombudsman**

### ***Information Commissioner***

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: [www.oaic.gov.au](http://www.oaic.gov.au)

### ***Commonwealth Ombudsman***

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)