



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI/2021/313

#### *FREEDOM OF INFORMATION ACT 1982*

**REQUEST BY:** Trav S

**DECISION BY:** Ms Louise Perez  
Assistant Secretary (a/g)  
Corporate Division

By email: [foi+request-8168-ab5adc06@righttoknow.org.au](mailto:foi+request-8168-ab5adc06@righttoknow.org.au)

Dear Trav S

I refer to your email of 9 December 2021 in which you made a request under the *Freedom of Information Act 1982* (the **FOI Act**) to the Department of the Prime Minister and Cabinet (the **Department**) in the following relevant terms:

*Please provide a copy of all documents related to our fraud enquiry*

On 13 December 2021, the Department acknowledged your request and advised that it would conduct an assessment of any personal information identified within documents and apply s47F(1) of the FOI Act as per your advice for a previous FOI request (FOI/2021/266).

#### **Steps taken to find the documents**

Having regard to the terms of your request, eight (8) documents (the **requested documents**) were identified as meeting the terms of your FOI request.

#### **Authorised decision-maker**

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

#### **Decision**

I have decided to partially release the requested documents on the basis that they contain information that is conditionally exempt under section 47F (personal privacy) of the FOI Act.

Copies of the documents that are released to you in accordance with my decision are **attached**.

In making this decision, I have had regard to the following material:

- the FOI request;
- the previous advice provided by you in FOI request FOI/2021/266;
- the requested documents;
- the FOI Act; and
- the ‘Guidelines issued by the Australian Information Commissioner under s 93A of the *Freedom of Information Act 1982*’<sup>1</sup> (the **FOI Guidelines**).

## **Reasons for Decision**

### ***Section 47F – Public interest conditional exemption - personal privacy***

Section 47F(1) of the FOI Act provides:

*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).*

‘Personal information’ has the same meaning as the *Privacy Act 1988* and is defined as:

*... information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

- (a) whether the information or opinion is true or not; and*
- (b) whether the information or opinion is recorded in a material form or not.*

I have considered the documents and identified ‘personal information’ that relates to the individual who submitted the ‘enquiry’. As you have requested the exemption of personal information of this kind, I am satisfied that it is reasonable in this case to exempt the identified personal information from the requested documents.

### ***Would disclosure be contrary to the public interest?***

Section 11A(5) of the FOI Act provides that access must generally be given to a conditionally exempt document unless it would, on balance, be contrary to the public interest.

In determining whether disclosure would be contrary to the public interest, the FOI Act requires a decision-maker to balance the public interest factors in favour of disclosure, against the factors against disclosure.

Section 11B(4) of the FOI Act sets out the following factors that the decision-maker **must not** take into account when deciding whether access to the document would be contrary to the public interest:

- *access to the document could result in embarrassment to the Commonwealth Government, or cause a loss in confidence in the Commonwealth Government;*
- *access to the document could result in any person misinterpreting or misunderstanding the document;*
- *the author of the documents was (or is) of high seniority in the agency to which the request for access to the document was made; or*
- *access to the document could result in confusion or unnecessary debate.*

I have not taken any of these factors into account in making my decision.

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<sup>1</sup> FOI Guidelines combined June 2019 published on the web site of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

The FOI Act sets out four factors favouring disclosure which must be considered if relevant, namely:<sup>2</sup>

- *promoting the objects of the FOI Act;*
- *informing debate on a matter of public importance;*
- *promoting effective oversight of public expenditure;*
- *allowing a person to access his or her personal information.*

Having regard to the nature of the conditionally exempt information, and the reason for applying a personal privacy exemption, I am satisfied that disclosure of the identified personal information would not in this circumstance promote the objects of the FOI Act.

I consider that public interest factors weighing against disclosure for parts of the requested documents are that:

- disclosure could reasonably be expected to prejudice the right to personal privacy

I am satisfied that disclosing the conditionally exempt information would, on balance, be contrary to the public interest.

#### ***Deletion of exempt or irrelevant matter***

Section 22 of the FOI Act provides that exempt or irrelevant information may be deleted from a copy of a document, and access granted to such an amended copy where it is reasonably practicable to do so, unless it is apparent that the applicant would not wish to have access to such a copy.

For documents that fall within scope of the request, it is the Department's policy to withhold:

- any person's signature;
- the names and contact details of Australian Public Service officers not in the Senior Executive Service (SES);
- the mobile or direct numbers of SES officers;
- the names and contact details of Ministerial staff at a level below Chief of Staff.

#### **Publication of the documents**

Section 11C of the FOI Act requires an agency to publish on its web site information released to an applicant under the FOI Act.

#### **Processing and access charges**

I have decided not to impose processing charges in respect of your request.

#### **Review rights**

Information about your rights of review is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

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<sup>2</sup> See section 11B(3) of the FOI Act and FOI Guidelines, [6.17].

## Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to this request. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

Yours sincerely



Louise Perez  
Assistant Secretary (a/g)  
Corporate Division

6 January 2022