

14 February 2022

Eliza Sorensen

By email: foi+request-8305-422a75a9@righttoknow.org.au

Dear Eliza,

Request for access to documents under the *Freedom of Information Act 1982*

The purpose of this letter is to give you a decision about access to documents you requested under the *Freedom of Information Act 1982* (Cth) (FOI Act) from the eSafety Commissioner (eSafety) on 14 January 2022.

Summary

I, Maria Vassiliadis, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to requests under the Act.

The scope of your request is as follows:

'All documents which are:

- generated by or received by the Office of the eSafety Commissioner, or by the eSafety Commissioner Julie Inman Grant acting in her professional capacity, or by the agents of the Office who handle invitations and communications functions (whether those functions are in-house or outsourced);
- including internal or external correspondence, meeting requests, briefings or research, database entries, diary or calendar notes, minutes of meetings, policies or manuals, accommodation or travel documentation, invoices or receipts, and/or delegations of work;
- covering the period beginning 1 January 2017, and ending on the date you confirm your receipt of this FOI request;

relating to the topic described below:

I refer you to an email dated 22 September 2021 from a staff member of eSafety to Julie Inman Grant. This document was released as "Document 4" in response to my previous FOI request relating to the eSafety Commissioner's engagement with the organisation NCOSE (National Centre on Sexual Exploitation).

In that document, the unidentified staff member says:

"I looked into this earlier because this podcast/interview did not go via media or invites - although we had one for CESE back in early July so it's quite possible I was on leave when it was going through the invitations discussion.

[...]

We did a hunt on NCOSE. I know that we have participated with them before as I remember [redacted] has spoken of them."

You provided further information stating that you are seeking:

'all documents relating to the engagement with NCOSE referred to by the staff member in this email. It appears from context the staff member is referring to a different event than the "Ending Sexual Exploitation" podcast recorded in July in connection with NCOSE's CESE (Coalition to End Sexual Exploitation) Summit.'

The time period for your request is 1 January 2017 to 14 January 2022, which is the day we confirmed receipt of your FOI request.

As outlined in our acknowledgment letter, we assumed the names of public servants were not required and would have therefore redacted them on relevance grounds pursuant to section 22 of the FOI Act, if applicable.

Timeframe for processing

eSafety received your request on 14 January and the 30-day statutory period for processing your request commenced from the day after that date.

The 30-day statutory period for processing your request therefore concludes on 13 February 2022, but as this is a Sunday, it became the next business day, Monday 14 February 2022.

We are providing you a response within the statutory timeframe.

Material taken into account

I have taken the following material into account in making my decision on access:

- the FOI Act, specifically sections 11, 11A and 22
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (Guidelines); and
- the scope of your request.

eSafety took all reasonable steps to obtain these documents, including searching our records systems and contacting relevant individuals and asking them to provide any documents relating to the matter outlined in your request.

Decision

I have not identified any documents that fall within the scope of your request.

Additional information

As outlined in our correspondence of 25 January 2021, eSafety has not engaged with NCOSE other than in respect of the "Ending Sexual Exploitation" podcast.

The comment in the email in document 4 of the previous FOI request dated 22 November 2021 stating, "We did a hunt on NCOSE. I know that we have participated with them before as I remember [redacted] has spoken of them", was a misunderstanding on the part of the relevant eSafety staff member who wrote the email.

We apologise for the confusion this has created.

Final assessment of charges

I have decided that you are not liable to pay a charge in respect of your request.

Your rights of review

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Under section 54 of the FOI Act, you may apply in writing to enquiries@esafety.gov.au for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter. Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out within 30 days.

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at www.oaic.gov.au/freedom-of-information/foi-reviews.

If you have any questions in this regard, please contact me on 1800 880 176 or at FOI@esafety.gov.au.

Yours sincerely,

Maria Vassiliadis
Office of the eSafety Commissioner
Authorised decision maker pursuant to section 23(1) of the FOI Act