



## Australian Government

### Department of the Prime Minister and Cabinet

ANDREW FISHER BUILDING  
ONE NATIONAL CIRCUIT  
BARTON

Reference: FOI 2022/029

To L Cameron  
foi+request-8312-d1b30d9b@righttoknow.org.au

Dear L Cameron

#### **Freedom of Information (FOI) request – Notice of Decision**

I refer to your email of 15 January 2022 in which you made an FOI request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

#### **Scope of request**

You set out the terms of your request for access as follows (extract):

##### Background

*I refer to documents released by the Office of the Australian Information Commissioner (OAIC) finding that the Department of the Prime Minister and Cabinet acted illegally by reference to its obligations under the FOI Act as available here: <https://www.righttoknow.org.au/request/8096/response/23753/attach/10/FOIREQ21%2000263%20Documents%20for%20release.pdf>*

##### Request

*I seek access to a copy of any document given by the Department to the OAIC that advises the OAIC of the implementation of the above statutory recommendations as made by the Acting Freedom of Information Commissioner in response to the illegalities engaged in by the Department.*

#### **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.

## **Material taken into account**

In reaching my decision I referred to the following:

- the terms of your request
- the document relevant to your request
- the FOI Act
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)

## **Document in scope of request**

The Department has identified one (1) document that falls within the scope of your request. The document existed in the possession of the Department on 15 January 2022 when your FOI request was received.

## **Decision**

With regard to the document you have requested, and which has been identified as falling within the scope of your request, I have decided to grant access in full, with irrelevant material deleted.

## **Reason for decision**

My findings of fact and reasons for deciding that certain information is irrelevant is set out below.

### **1. Deletion of irrelevant matter**

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would be reasonably regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonable be regarded as irrelevant to the request.

On 19 January 2022, the Department advised you of its policy to exclude the personal and direct contact details of officers not in the Senior Executive Service (SES) and any Ministerial staff, as well as any person's signature, and the mobile or direct numbers of SES officers, which are contained in documents that fall within the terms of an FOI request. This category of information is identified as irrelevant and documents can be modified by the Department to delete the irrelevant material.

Accordingly I am satisfied that parts of the document are irrelevant under section 22(1)(a)(ii) of the FOI Act. The remainder of the document has been released to you as it is relevant to your request.

## **Review rights**

If you disagree 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.

### Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department 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 by another officer within 30 days from the date it is received.

Applications for review should be sent to [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

More information about making a request to the Department is at <https://www.pmc.gov.au/who-we-are/accountability-and-reporting/freedom-information>.

### Information Commissioner review

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.

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

### **FOI Complaints**

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing.

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

Yours sincerely



Petra Gartmann  
Assistant Secretary  
Legal Policy Branch  
Department of the Prime Minister and Cabinet

15 March 2022