



Our reference: FOIREQ22/00081

Julie

By email: foi+request-8624-f18ea282@righttoknow.org.au

Dear Julie

Your Freedom of Information Request – FOIREQ22/00081

I refer to your request for access to documents made under the *Freedom of Information Act 1982* (Cth) (the FOI Act) and received by the Office of the Australian Information Commissioner (OAIC) on **18 March 2022**.

Scope of your request

In your request you seek access to the following:

As the OAIC is a regulator, and OAIC employees subsequently going to work on promotion or better conditions with those the OAIC regulates raises ethical issues (particularly if they have been making a slew of very favourable decisions prior to their employment by such an entity who benefited from them), what policies or restrictions or disclosures does the OAIC have in place to prevent such pro quid pro from occurring?

I have interpreted your request broadly to include policies and other documents which relate to an employee's obligations.

Decision

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

To locate documents within the scope of your request, searches were conducted by OAIC staff in the relevant line area, OAIC People and Culture. Four documents were identified to be within the scope of your request.

I have decided to:

- grant you access to 3 documents in full and
- grant you access to 1 documents in part

Reasons for decision

Material taken into account

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

- your Freedom of Information request
- the documents at issue
- the FOI Act, in particular s 22
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act to which regard must be had in performing a function or exercising a power under the FOI Act (FOI Guidelines),

Irrelevant material – s 22

Section 22(1)(a)(ii) of the FOI Act provides that an agency may prepare an edited copy of a document by deleting information ‘that would reasonably be regarded as irrelevant to the request for access’.

I have removed from the Induction Checklist items that do not relate to your request for documents relating to obligations of employees.

Having regard to the terms of your request, I am satisfied that the information falls outside the scope of your request and is therefore redacted under s 22 of the FOI Act.

Release of the documents

A schedule describing the documents and the access decision I have made is provided as a separate document to this decision.

Please see the following page for information about your review rights and information about the OAIC’s disclosure log.

Yours sincerely



Angela Wong
Lawyer
14 April 2022

If you disagree with my decision

Internal review

You have the right to apply for an internal review of my decision under Part VI of the FOI Act. An internal review will be conducted, to the extent possible, by an officer of the OAIC who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please mark your application for the attention of the FOI Coordinator and state the grounds on which you consider that my decision should be reviewed.

Applications for internal reviews can be submitted to:

Office of the Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

Alternatively, you can submit your application by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Further Review

You have the right to seek review of this decision by the Information Commissioner and the Administrative Appeals Tribunal (AAT).

You may apply to the Information Commissioner for a review of my decision (IC review). If you wish to apply for IC review, you must do so in writing within 60 days. Your application must provide an address (which can be an email address or fax number) that we can send notices to, and include a copy of this letter. A request for IC review can be made in relation to my decision, or an internal review decision.

It is the Information Commissioner's view that it will usually not be in the interests of the administration of the FOI Act to conduct an IC review of a decision, or an internal review decision, made by the agency that the Information Commissioner heads: the OAIC. For this reason, if you make an application for IC review of my decision, and the Information Commissioner is satisfied that in the interests of administration of the Act it is desirable that my decision be considered by the AAT, the Information Commissioner may decide not to undertake an IC review.

Section 57A of the FOI Act provides that, before you can apply to the AAT for review of an FOI decision, you must first have applied for IC review.

Applications for IC review can be submitted online at:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

Alternatively, you can submit your application to:

Office of the Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

Or by email to foidr@oaic.gov.au, or by fax on 02 9284 9666.

Accessing your information

If you would like access to the information that we hold about you, please contact FOI@oaic.gov.au. More information is available on the [Access our information](#) page on our website.

Disclosure log

Section 11C of the FOI Act requires agencies to publish online documents released to members of the public within 10 days of release, except if they contain personal or business information that would be unreasonable to publish.

The documents I have decided to release will be published on our disclosure log in relation to this matter.