



8 July 2022

Verity Pane
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nbn Ref: FOI2122039.007

Dear Ms Pane

FOI Act Application – Access Decision

I am writing in relation to your application made under the *Freedom of Information Act, 1982 (FOI Act)* seeking access to documents regarding proof of identity in **nbn**'s FOI processes.

The Statement of Reasons (**attached**) outlines the specific terms of the FOI request, the decision-maker's findings, and the access decision.

An FOI decision may be reviewed, subject to sections 53A and 54 of the FOI Act. Please refer to the Office of the Australian Information Commissioner's website at the following [link](#), which provides details about your rights of review and other avenues of redress under the FOI Act.

Please feel free to contact me on (02) 9031 3022 if you have any questions, or if you would like to discuss your FOI application.

Yours sincerely

Rohan Singh
Freedom of Information Officer



FREEDOM OF INFORMATION REQUEST – FOI2122039.007

ACCESS DECISION

STATEMENT OF REASONS – 8 JULY 2022

Application Chronology and Terms of Request

1. On 13 April 2022, **nbn** received an email from Verity Pane (**Applicant**) asking **nbn** to advise the answers to the following questions:

- *how the disclosure of the distance of a service property to its nearest fibre node could constitute 'personal information' given it might disclose information about property infrastructure but not an individual*
- *how the sole identity verification method sending of certified copies of birth certificates and drivers' licences via unsecure postal service is not unreasonably intrusive and excessive (given the personal information such documents contain) for the purposes of confirming a person resides at the service property in question.*

2. On 26 April 2022, I responded to the Applicant answering the above questions. In my response, I commented that the Applicant's request did not appear to be a request for documents under the Freedom of Information Act (Cth) (**FOI Act**) and it therefore did not appear to be an FOI Act application as such.

3. On 3 May 2022, the Applicant responded via email which included the following, which I understood to be in relation to prior correspondence:

"Given the nature of my application, it reasonably sought copies of NBN Co documents that directed the verification of identity for access to copies of documents identifying NBN nodes and service distances.

It also sought copies of NBN Co's record of consideration of APP 11 in relation to NBN Co directing collection of certified birth certificates and drivers licences via unsecure means only."

4. On my reading, the Applicant's 13 April 2022 email did not seek access to documents, and accordingly I sought to clarify the Applicant's 3 May response. On 17 May 2022, I sent an email to the Applicant that included the following:

*Your email below suggests that you have made a request for documents. Are you referring to your email sent to **nbn's** FOI Officer email address on 13 April 2022? That email did not seek any documents but instead asked some questions, which I answered in my email sent on 26 April 2022.*

Is there another email that you are referring to which contains your FOI request?

5. On 10 June 2022, the Applicant clarified her request via email to the effect that she sought:

- *copies of NBN Co documents that directed the verification of identity for access to copies of documents identifying NBN nodes and service distances.*



- *copies of NBN Co's record of consideration of APP 11 in relation to NBN Co directing collection of certified birth certificates and drivers licences via unsecure means only.*

6. I interpret the Applicant's request in the context of the above email and earlier correspondence which referred to **nbn** seeking certified birth certificates and drivers licences via unsecured methods for the purposes of FOI requests seeking "access to copies of documents identifying NBN nodes and service distances". I therefore interpret the Applicant's request to be in relation to documents that fall within the scope of these criteria for **nbn**'s FOI application processes.

7. On the date above, I completed my FOI decision and subsequently forwarded this decision to the Applicant.

Access Decision

8. Following receipt of the Applicant's request, **nbn** staff undertook searches and enquiries to locate any relevant documents falling within the scope of the Applicant's request.

9. Per section 24A(1) of the FOI Act, all reasonable steps have been taken to find relevant documents within the scope of this request and I am satisfied that such documents **do not exist**.

10. By way of further comment, **nbn** does not routinely request proof of identity in relation to FOI application relating solely to the distance between a premise and a node. I point out that exemptions to the release of that information may apply, however, if the Applicant wishes to make such an FOI application, **nbn** will not request proof of identity.

11. Given that the FOI Group and **nbn** staff identified no documents falling within the scope of the Applicant's request, as well as the short time involved in drafting this decision, I have determined to waive all processing fees in relation to this FOI application. This is permitted by Regulation 3 of the *Freedom of Information (Charges) Regulations 1982*, which provides decision-makers with a general discretion to impose or not impose a charge or impose a reduced charge for the processing of an FOI request.

12. If you are dissatisfied with this decision, you have certain rights of review. Details regarding your rights of review and appeal are outlined in the covering letter, provided with this Statement of Reasons.