



Our reference: FOIREQ22/00240

Attention: Julie

By Email: foi+request-8989-046c55f4@righttoknow.org.au

Your Freedom of Information Request – FOIREQ22/00240

Dear Julie

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 23 August 2022.

In your request you seek access to the following:

“For the purposes of the FOI Act I request a s 17 created document that lists all for all s 55G decisions received by the OAIC (excluding draft decisions) since 1 January 2020 that provides all Resolve fields able to be produced solely by Resolve's custom reporting functions (such as the agency that produced the s 55G decision, the Resolve reference number, etc).

Fields excluded from scope are the name of an Ic review applicant and those which contain personal information about an Ic review applicant.

I seek the OAIC's assistance with this request by having the OAIC specify what Resolve fields relevant to such s 55G decisions are able to be produced solely by computers so that I can inform you of those that are unnecessary to be included in such a report.”

Decision

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

Pursuant to section 17 of the FOI Act, I have made a decision to create **1 document** in response to your request. I have made a decision to grant you access to the **1 document** 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 dated 23 August 2022;
- the document at issue;
- the FOI Act, in particular ss, 17 and 22 of the FOI Act;
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (the FOI Guidelines); and
- consultation with line area/s of the OAIC in relation to your request.

Requests involving the use of computers (s 17)

Under section 17 of the FOI Act, if an FOI request is made for a document that could be produced by using a computer ordinarily available to the agency for retrieving or collating stored information, an agency is required to deal with the request as if it was a request for written documents to which the FOI Act applies.

Following consultation with the FOI Dispute Resolution line area, the Information Management and Project Team has been able to create a document that lists all s 55G decisions received by the OAIC (excluding draft decisions) since 1 January 2020 up to the date of the FOI request and which includes details for all Resolve fields able to be produced solely by Resolve's custom reporting functions.

Legal has been advised by the line areas that they are able to produce a document to capture 55G decisions received by the OAIC for IC reviews that were closed in a certain period only, at this point in time.

Access to edited copies with irrelevant and exempt matter deleted (section 22)

In accordance with section 22 of the FOI Act, an agency must consider whether it would be reasonably practicable to prepare an edited copy of documents subject to an FOI request where material has been identified as exempt or irrelevant to the request.

I have determined that no exemptions apply to this material. I have found the document to contain irrelevant material, or material outside the scope of your request. This material consists of the names of the IC review applicants.

In your FOI request, you excluded “name of an IC review applicant and those which contain personal information about an IC review applicant.” Accordingly, I am satisfied that this material is irrelevant or outside the scope of your request in accordance with s 22(1)(a)(ii) of the FOI Act. I note that personal information is more than just names and includes OAIC reference numbers.

Accordingly, I have made an edited copy of the documents which removes all irrelevant and exempt material and otherwise grants you full access to the material in scope of your request.

Conclusion

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

Yours sincerely

Alessia Mercuri
Lawyer

23 September 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_

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 FOIDR@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 to you contain business or personal information that would be unreasonable to publish. As a result, the documents will not be published on our disclosure log shortly after being released to you.