

24 March 2015



Australian
Broadcasting
Corporation

Mr Fred Domrange

Corporate Affairs

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By email: foi+request-911-0e30b921@righttoknow.org.au

Dear Mr Domrange

FOI REQUEST - REFERENCE NUMBER 2015-006

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your email of 5 February 2015. Specifically, you have sought access to the following documents:

- *The raw dataset and/or database of all the Hottest 100 votes for the 2014 countdown.*
- *Any lists of the top songs, which include the total number of votes.*

I am authorised by the Managing Director under section 23 of the FOI Act to make decisions in respect of requests made under that Act. Following is my decision in relation to your request.

The ABC is specifically excluded from the operation of the FOI Act in relation to its program material by virtue of s7(2) and Part II, Schedule 2 of the FOI Act. 'Program material' for the purposes of that Part has been interpreted to mean:

"the program and all versions of the whole or any part of the program, any transmission broadcast or publication of the program, and includes a document of any content or form embodied in the program and any document acquired or created for the purpose of creating the program, whether or not incorporated into the completed program." [emphasis added]

In my view, the documents you have requested were created for the purposes of creating the *triplejHottest100*, a program that was broadcast on the ABC on 26 January 2015. Accordingly, they fall within the definition of 'program material' and the ABC is exempt from the operation of the FOI Act in relation to them. In those circumstances, a decision regarding access is not required.

If you are dissatisfied with this decision you can apply for Internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review. Information about your review rights is attached.

Yours sincerely

A handwritten signature in blue ink that reads "jmaude." with a period at the end. The signature is written in a cursive, lowercase style.

Judith Maude
Head, Corporate Governance