



Our reference: FOIREQ22/00206

Attention: Verity Pane

By Email: foi+request-9201-661bff56@righttoknow.org.au

Your Freedom of Information Request – FOIREQ22/00206

Dear Verity Pane,

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 29 July 2022.

In your request you seek access to the following:

“Attn Office of the Australian Information Commissioner,

Copy of the decision of Justin Lodge, Director of Freedom of Information dated 29 July 2022 in MR18/00860, and the related email received by the FOIDR inbox on 12 July 2022 from myself are applied for.

As personal information can include email addresses, my email address is to be redacted under s 47F given these documents will be published.

Verity Pane”

Decision

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

I have identified 2 documents within the scope of your request. I have decided to give you access to these 2 documents in full.

A schedule describing the documents and the access decisions I have made is attached to this decision.

Reasons for decision

Material taken into account

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

- your freedom of information request dated 29 July 2022;
- the documents at issue;
- the FOI Act, in particular s 22, and;
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (the FOI Guidelines).

Access to edited copies with exempt or irrelevant matter deleted (s 22)

I have found material, being your email address, irrelevant under s 22 of the FOI Act. Section 22(1)(a)(ii) explains that section 22 applies where access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access.

Having reviewed the documents at issue, I am of the view that these documents would ordinarily be releasable in full with no material redacted given that you are requesting documents concerning your own matters with the OAIC. Accordingly, I do not consider application of exemption to this material is appropriate.

We note that you have requested removal of this material from the documents including your personal information, including your email address. I have taken into account that this material will be published on a public forum, as well as your specific request for the redaction of this material. Hence, based on the material before me at this time, I am of the view that this material consisting of your personal information including your email address, which you are not seeking access to, is

irrelevant and outside the scope of your request pursuant to s 22(1)(a)(ii) of the FOI Act.

On this basis, I have prepared the documents for release by removing irrelevant material in accordance with section 22(1)(a)(ii) of the FOI Act.

If you do wish to obtain a copy of the documents without the deletions, please kindly contact the OAIC through a private email address so that the OAIC can provide the document to you accordingly.

Conclusion

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

Yours sincerely



Margaret Sui
Senior Lawyer

26 August 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 personal information that would be unreasonable to publish. As a result, an edited version of the documents released will be published on our disclosure log.