



Our reference: FOIREQ22/00351

By email: foi+request-9372-2147e233@righttoknow.org.au

Your Freedom of Information Request- FOIREQ22/00351

Dear Ms 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 30 October 2022.

In your request you seek access to the following:

"I seek copy of document D2022/003261.

In the event of a practical refusal consultation I do not withdraw or vary my foi."

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 1 document within the scope of your request. I have decided to grant access in full to the 1 document identified.

Material taken into account

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

- All material within the scope of your request on the OAIC's Records management system Content Manager (TRIM)
- the FOI Act
- relevant case law
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act

Whether reasonable steps were taken to find documents – s 24A

Section 24A requires that an agency take 'all reasonable steps' to find a requested document before refusing access to it on the basis that it cannot be found or does not exist.

I have considered the search and retrieval efforts in processing your FOI requests. As previously advised to you, this involved:

- A search and retrieval request to the relevant line area, who conducted searches and located a document on the OAIC's Records management system Content Manager (TRIM)

On the basis of the search conducted, I am satisfied that under s 24A of the FOI Act, all reasonable steps have been taken by the OAIC to find the documents that fall within the scope of your request. I am also satisfied that the 1 document identified during the search and retrieval process is the only document within the scope of your request.

Conclusion

As noted above, I have granted access in full to the 1 document found within the scope of your request.

Please see the following page for information about your review rights.

Yours sincerely

Alessia Mercuri

Lawyer

Legal Services

25 November 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.

I am not of the view that the documents I have decided to release to you contain personal and business information that would be unreasonable to publish. As a result, the documents will be published on our disclosure log.