



Our reference: FOIREQ22/00379

By email: [foi+request-9542-b3159315@righttoknow.org.au](mailto:foi+request-9542-b3159315@righttoknow.org.au)

## **Your FOI Application - FOIREQ22/00379**

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 8 November 2022.

In your request you seek access to the following:

*The OAIC has appeared (via videolink or in person) before the Legal and Constitutional Affairs Legislative Committee (Senate Estimates) on 7 November 2022 (Angelene Falk, Leo Hardiman, Elizabeth Hampton).*

*As part of the appearance of the above named OAIC officials, to enable these above named OAIC officials to address any issues or questions Committee members might raise, the OAIC prepares a 'Commissioner briefing book' or 'briefing folder' for each official appearing, that typically consists of a 'corporate folder', a 'privacy folder', an 'FOI folder', and other folders that contain 'Commissioner Briefs', 'Hot Topic Briefs', and other documents.*

*Excluding drafts and duplicates, I seek copy of the Index for the ComBrief book/s.*

*Personal information of private individuals (not Commonwealth officials) is irrelevant.*

### 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 3 documents within the scope of your request. I have decided to grant you access in full to all 3 documents. The document and schedule of documents are attached to this decision.

Material taken into account

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

- material on the OAIC's content management system TRIMM
- relevant provisions of 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 the following:

- Officers in the legal team conducted a preliminary search on the OAIC's content management system TRIMM and located documents in scope
- A search and retrieval request to the relevant line area, who conducted further searches and located documents in scope on TRIMM

On the basis of the searches conducted, I am satisfied that under s 24A of the FOI Act that all reasonable steps have been taken by the OAIC to find the documents that fall within the scope of your request and the attached 3 documents are the only documents relevant to your request.

Conclusion

Please find attached a document schedule and documents released to you as part of this decision.

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

Yours sincerely

Alessia Mercuri  
Lawyer  
Legal Services  
8 December 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](mailto: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](mailto: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](mailto: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 do not contain personal or business information that would be unreasonable to publish. As a result, the documents will be published on our disclosure log.