

Attachment A – Reasons – Internal Review: Freedom of Information Request No. LEX3489

Authority

As a Senior Government Lawyer, I am an authorised decision-maker under section 23 of the FOI Act.

Retrieval process

To identify documents for your request, I arranged for relevant staff likely to be able identify documents to undertake a comprehensive search of the relevant electronic holdings used by the AEC.

Relevant Documents

With regard to the Relevant Document identified in the retrieval process, I have decided to grant access to an edited copy of the Relevant Document from which exempt matter and irrelevant information has been deleted under section 22 of the FOI Act:

Material taken into account

I have taken the following material into account in making my decision:

- a) the content of the documents that fall within the scope of your FOI Request;
- b) the FOI Act, specifically section 47F;
- c) the guidelines ('[FOI Guidelines](#)') issued by the Australian Information Commissioner under section 93A of the FOI Act;
- d) the [FOI Guidance Notes](#), July 2011 issued by the Department of Prime Minister and Cabinet; and
- e) the *Privacy Act 1988*.

Detailed Reasons

My reasons for refusing or granting access are given below.

Section 47F – personal privacy (Documents 1-7)

Section 47F of the FOI Act conditionally exempts a document if its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (with certain exceptions regarding the disclosure to a person of their own personal information). This requires the decision-maker to balance the public interest factors in s 11B of the FOI Act with the potential harm of releasing the personal information of an individual in accordance with s 47F of the FOI Act.

I consider that the public interest in releasing the contact details of these individuals is extremely low. I have considered the relevant factors in s 11B of the FOI Act, and the release of this information would not aid the public in scrutinising, commenting or reviewing the activities of the

AEC, nor would it further inform any public debate on a matter of importance (s11B(3)(b)). While there is a public interest in ensuring that the APS is apolitical, efficient and effective, it is difficult to consider how the disclosure of individuals names promotes this purpose, particularly in these circumstances (see Warren; Chief Executive Officer, Services Australia and (Freedom of Information) [2020] AATA 2557).

I have also balanced this public interest with the consideration of whether this disclosure of personal information would be unreasonable. The disclosure of this information could reasonably be considered to prejudice the relevant individuals' right to privacy.

Therefore, having regard to the above considerations and the factors set out in sections 11 and 47F of the FOI Act, I have decided that the balancing of considerations weighs in favour of not releasing the personal information in the released documents. I am satisfied that the redacted parts of the Relevant Document is exempt from disclosure under s 47 of the FOI Act. However, with consideration of s 22 of the FOI Act, I have prepared an edited version of the Relevant Document that redacts the sections that refer to the personal information of individuals and are therefore conditionally exempt under s 47F of the FOI Act.