

15 March 2023

Ref:NLA22/1606/12

Mr Consuela de Amarrvo

By email: foi+request-9934-a3583d89@righttoknow.org.au

Dear de Amarrvo

Freedom of Information Request – Access Decision and Statement of Reasons

I refer to your request for access to information under the *Freedom of Information Act 1982* (FOI Act).

I, Alison Dellit, am authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests made to the National Library of Australia (**Library**).

Background

1. By email on 13 February 2023, you requested access to the following documents:
 - (a) Further to the FOI disclosure log reference no. 13/21, all notes, emails, summaries of discussions, reports, and relevant explanatory details which justify the banning of usernames which contain the potential name and/or surname of a user. Please provide the explanation or authority which enables a blanket decision to be made where a user can have details blocked purely because of their name. This decision goes against the fairness and impartiality of a government institution such as the National Library.
 - (b) Why are there documents which have been requested via previous FOI requests which are currently in circulation on the internet which were released by your organisation that contain personal information, such as first or last name, email addresses and health information of users? Please provide all correspondence, emails, submissions and other relevant documents identifying which documents were released with these personal details not fully redacted and what action has been taken to resolve these issues.
2. On 24 February 2023, we wrote to you seeking further clarification and an explanation as to what you are referring in paragraph (b) of your FOI request. We have not received a response.

Material taken into account

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

- a. the terms of your request;
- b. the relevant provisions of the FOI Act;
- c. the FOI Guidelines issued under section 93A of the FOI Act by the Office of the Australian Information Commissioner (Guidelines); and
- d. information provided by the relevant business areas within the Library.

Documents within the scope of your request

3. The Library has taken all reasonable steps to find documents which are held by the Library and which fall within the scope of your FOI request.
4. The Library identified no documents that fall within the scope of your FOI request.
5. In relation to paragraph (a) of your FOI request, the Library has never had a policy or practice of banning usernames.

Decision

6. Section 24A(1) of the FOI Act states:

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

- (1) An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document;
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

7. Therefore, in accordance with section 24A(1) of the FOI Act I have decided to refuse your FOI request.

Review Rights

8. If you are dissatisfied with my decision, you may apply for internal review or to the Office of the Australian Information Commissioner to review of my decision.

Internal Review

9. Under section 54 of the FOI Act, you may apply in writing to the National Library of Australia at foi@nla.gov.au for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.
10. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another authorised Library officer within 30 days.

Information Commissioner review

11. Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter, and can be lodged in one of the following ways:

online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10
email: foidr@oaic.gov.au
post: Director of FOI Dispute Resolution, GPO Box 5218, Sydney, NSW 2001
fax: send it to 02 9284 9666

12. More information about Information Commissioner Review is available at the Office of the Australian Information Commissioner website. Go to <https://oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review>

Questions about the decision

13. If you wish to discuss this decision, please contact the Library's Legal Counsel, Peter Hutchison on 02 6262 1621 or foi@nla.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alison Dellit', with a long horizontal stroke extending to the right.

Alison Dellit
Assistant Director-General
National Library of Australia

