

23 July 2024

John Smith
c/- OpenAustralia Foundation
Right to Know Project

BY EMAIL: foi+request-11597-cc221a1a@righttoknow.org.au

Dear Mr Smith

Freedom of Information (FOI) request – Clarification

On 16 July 2024 Hearing Australia accepted full transfer of your request for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**), originally received by Services Australia on 1 July 2024.

The purpose of this letter is to contact you to confirm whether the request was intended to be made under the FOI Act.

1 Scope of request

You have requested access to the following documents:

1. *'The NALguide Pro in digital format licensed under NALguide Pro.*

As listed here:

https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.nal.gov.au%2Fnal_products%2Fnalguide-hearing-aid-features-explained%2F&data=05%7C02%7Cfreedomofinformation%40servicesaustralia.gov.au%7C6df60607c8c0446e21fb08dc99b8a70f%7C627250e63e294861a084aad68ccfcccc%7C0%7C0%7C638554265761378785%7CUnknown%7CTWfPbGZsb3d8eyJWljoIMC4wLjAwMDAlLCJQljoIV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C20000%7C%7C%7C&sdata=HtZRzOCbKYU3XrNez3ATj51Rss2tkAL2kclmgXOp904%3D&reserved=0.

2 Requirements

Upon reviewing your request, it is unclear on the facts whether this is a request for the purposes of the FOI Act, since the request does not explicitly state that it is made pursuant to the FOI Act.

The FOI Act requires an agency to assist applicants to ensure their request meets the required formal requirements. Sections 15(2) and 15(2A) of the FOI Act set out the requirements for a FOI request to be valid under the FOI Act. Notably, s15(2)(aa) of the FOI Act states that a request must identify in writing that it is made under the Commonwealth Freedom of Information Act.

To ensure we process your request accurately and in accordance with the appropriate legislation, we would like to explain the different ways you can request information from us and seek clarification on what exactly you are seeking.

3 Freedom of Information Act 1982 (FOI Act)

The FOI Act allows individuals to request access to documents held by government

agencies, including documents containing personal information. These documents can include information about a particular subject, organisation, or a general matter.

A copy of the FOI Act is available at: https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/foia1982222/. If you are unable to access the legislation through this website, please contact our office for a copy.

4 Privacy Act 1988

The Privacy Act provides individuals with the right to access their own personal information held by organisations.

If you are seeking access to your own personal data, this request would be handled under the *Privacy Act* 1988. Please confirm if this is the nature of your request, consult our Privacy Policy available on our website and specify the personal information you wish to access.

5 Clarification

To assist us in processing your request appropriately, could you please clarify the following:

1. Are you seeking access to the entirety of documents listed at 1.1 (**above**) pursuant to the FOI Act? Please define what information it is you are seeking access to with as much detail as possible;
2. Are you seeking information about a particular subject or a general matter regarding the NALguide Pro, which NAL's customer team could assist you with?;
3. Alternatively, are you requesting access to your own personal information held by Hearing Australia or NAL, which would be processed under the *Privacy Act 1988*?; and
4. The purpose of your request so that we can better understand and fulfill your needs. This will help us ensure that we provide you with the correct information in accordance with the relevant legislation.

If your request encompasses both types of information, please specify the distinct parts of your request that should be treated under each Act.

Please provide this clarification at your earliest convenience so that we may proceed with assessing your request without delay. If you need any assistance in understanding the differences between these types of requests, please do not hesitate to contact me.

We look forward to your response.

Yours faithfully,

Matthew de Pree

Privacy Officer

privacy@hearing.com.au