



7 August 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 – Response

I refer to your request for information dated 1 July 2024 originally received by Services Australia on 1 July 2024 and transferred to Hearing Australia on 16 July 2024 (the **Request**).

The purpose of this letter is to provide you with a response to your Request.

Scope of the Request

You have requested access to the following documents:

“The NALguide Pro in digital format licensed under NALguide Pro. As listed [here](#)¹.”

Resources

In reviewing your Request, I have consulted the following:

- the Commonwealth *Freedom of Information Act* 1982 (**FOI Act**) [[available at https://www.legislation.gov.au/Series/C2004A02_562](https://www.legislation.gov.au/Series/C2004A02_562)]; and
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the **FOI Guidelines**).

Access response

The right to obtain access under the FOI Act does not apply to all documents that are in the possession of agencies subject to the FOI Act.

Accordingly, on 23 July 2024, I wrote to you seeking clarification whether your application for access was intended to be processed pursuant to the FOI Act. To date, I have not received a response from you regarding this matter.

Section 12(1)(c) of the FOI Act states that a document is exempt from access if it is ‘*made available for purchase by the public in accordance with arrangements made by an agency*’.

Having regard to your Request and the types of documents that may fall within the scope of your request, I am satisfied that:

1. The document you requested can be purchased directly from National Acoustic Laboratories (**NAL**) website using the very same link² as provided in your Request; and

¹ 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%7C627250e63e294861a084aad68ccc%7C0%7C0%7C638554265761378785%7CUnknown%7CTWFpbGZsb3d8eyJWJjoiMC4wLjAwMDAiLlQjQjoiV2luMzIiLlCjBTIiI6Ik1haWwiLlCjXVCi6Mn0%3D%7C2000%7C%7C&sdata=HtZRzOCbKYU3XrNez3ATj51Rss2tkAL2kclmgXOp904%3D&reserved=0

² As above.



2. The document you requested was available for purchase on 1 July 2024, being the date of your Request.

Therefore, it is my position that the FOI Act is not a suitable avenue for your Request given that the document is readily accessible for purchase by you and the general public from NAL's website.

Contacting the Privacy Team

Should you wish to discuss this response letter or are unable to access the FOI Act through the website provided above, please do not hesitate to contact me at privacy@hearing.com.au.

If you have any difficulties accessing or purchasing the document, please do not hesitate to contact NAL by telephone on **(02) 9412 7026** or alternatively by visiting their website at <https://www.nal.gov.au/contact-us/>.

Yours sincerely,

Matthew de Pree
Privacy Officer
privacy@hearing.com.au