



Our reference: FOIREQ24/00481

U.P.

By email: foi+request-12081-74eb542f@righttoknow.org.au

Dear U.P

Freedom of Information Request – FOIREQ24/00481

I refer to your request for access to documents made under the *Freedom of Information Act 1982* (Cth) (the FOI Act). Your Freedom of Information (FOI request) was received by the Office of the Australian Commissioner (OAIC) on 25 September 2024.

I am writing to inform you of my decision.

I have identified one document within the scope of your request. I have made a decision to grant access to that document with irrelevant material removed under s 22 of the FOI Act.

In accordance with section 26(1)(a) of the FOI Act, the reasons for my decision and findings on material questions of fact are provided below.

Background

Scope of your request

Your FOI request sought access to the following information:

Under FOI I request the following information:

- meeting agenda, notes or minute documents for any meetings where the Australian Information Commissioner (past or current), the Freedom of Information Commissioner (past or current) and the Privacy Commissioner (past or current) are all invitees or attendees; and*
- the meeting occurred during the period January 2024 to current; and*

- the document notes the creation of a principal director role/s in the proposed draft future organisational structure of the OAIC, including but not limited to:
- any discussion of the ATO, or any other APS agency recently removing their el2.2 (higher level el2) positions from their enterprise agreements and consideration of this
- any consultation with the APSC that endorsed the idea to create two levels of EL2 within the agency despite this being outside the ILS published by the APSC
- why 3 principal director roles were created specifically
- the proposed salary or salary range of principal directors and why this sits outside of the current OAIC enterprise agreement
- why the 3 principal director roles align to the skillsets of the 3 current acting SES band 1 employees within the OAIC
- whether the principal director roles were created to avoid redundancy or displacement of current acting SES band 1 employees rather than in reflection of what is genuinely good use of public funds.

Request timeframe

A decision on your request is due by 25 October 2024.

Decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests on behalf of the OAIC.

Subject to the following provisions of the FOI Act, I have made a decision to grant access in part to 1 document with irrelevant material removed under s 22 of the FOI Act.

Searches undertaken

The FOI Act requires that all reasonable steps have been taken to locate documents within scope of an FOI request.

In response to your request, the following line areas of the OAIC conducted reasonable searches for documents relevant to your request:

- Transformation team
- Executive

Searches were conducted across the OAIC's various document storage systems including:

- the OAIC's case management system - Resolve
- the OAIC's document holding system – Content Manager
- OAIC's email system
- general computer files

Having consulted with the relevant line areas and undertaken a review of the records of the various search and retrieval efforts, I am satisfied that a reasonable search has been undertaken in response to your request and that all relevant documents have been found.

Reasons for decision

Material taken into account

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

- your FOI request dated 25 October 2024
- the FOI Act, in particular sections 3, 11, 11A, 15, 22 and 26 of the FOI Act
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act to which regard must be had in performing a function or exercising a power under the FOI Act (FOI Guidelines)

Access to edited copies with irrelevant and exempt matter deleted (section 22)

In accordance with section 22 of the FOI Act, an agency must consider whether it would be reasonably practicable to prepare an edited copy of documents subject to an FOI request where material has been identified as exempt or irrelevant to the request.

I have identified the following material within the document to be irrelevant or out of scope of your request:

- notes taken in the meeting that do not relate to the creation of the Principal Director roles.

Accordingly, I have made an edited copy of the document which removes this irrelevant material and grants you **part access** to the material in scope of your request.

Disclosure log decision

Section 11C of the FOI Act requires the OAIC to publish documents released under the FOI Act on the OAIC's disclosure log within 10 days of release, except if they contain personal or business information that would be unreasonable to publish. I

I have made a decision to publish the documents subject to your request on the OAIC's disclosure log.

Release of document

The document is enclosed for release.

The document is identified in the **attached** schedule of documents.

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

Yours sincerely,

Emily Elliott
Senior Lawyer
24 October 2024

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, 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 Review Tribunal (ART).

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 ART 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_10

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, 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 foi@oaic.gov.au. More information is available on the Access our information page on our website.