

Our ref: ID : A1147582

CR (via [Righttoknow.org.au](https://www.righttoknow.org.au))

Email: foi+request-12122-c4173d8d@righttoknow.org.au

Dear CR

FREEDOM OF INFORMATION REQUEST – NOTICE OF ACCESS DECISION - F281

This notice contains my decision in relation to access to documents in the possession of the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA) that were requested under the *Freedom of Information Act 1982* (the FOI Act). The request was for (paraphrased):

1. The most recent 30 notices of charges issued to FOI applicants [1 July 2022 to 1 October 2024].
2. For each of these 30 notices, any subsequent decisions regarding charges following applicant contention.
3. For each of these 30 notices, any subsequent decisions regarding charges following internal or external review

You also requested the exclusion of the following information:

- personal information of FOI applicants (including supporting evidence or details of personal circumstances in a financial hardship contention; and
- Emails attaching charges notices/decision letters.

I am the decision maker in this matter, having been authorised under section 23 of the FOI Act.

Decision

I identified 31 documents which fall within the scope of the request. I am required to undertake reasonable searches to find requested documents in accordance with the above request. What constitutes a 'reasonable' search will depend on the circumstances of each request. For this request, I confirm that I took comprehensive steps to locate documents, having regard to:

- The subject matter of the documents;
- NOPSEMA's record management systems; and
- Assistance from officers within the agency to locate documents.

Given the nature of the scope of the request, I undertook both a key word search and manual searches of all FOI files within the time period provided (1 July 2022 to 1 October 2024) in NOPSEMA's electronic records management system. The reason for this was to ensure that no documents within the scope were missed due to document filing or naming errors. Following these searches, I retrieved all documents identified as a notice of charge or decision relating to charges. Our interpretation of your request

categories resulted in retrieving decision notices where NOPSEMA had exercised its discretion not to impose a charge, as well as subsequent (final) access decisions following applicant contentions where charges were reduced.

I also manually reviewed all FOI review files (those that had proceeded to internal or external (OAIC/AAT) review and did not identify any documents relating to the scope categories above. I am satisfied that the searches conducted were thorough and all reasonable steps have been taken to locate any document relevant to your request.

After reviewing each of the documents in issue, I have decided to grant access to 31 documents in part. A schedule of the documents located is enclosed at Attachment A. Specifically, I have decided that of these 31 documents:

- Access is granted in part to all documents with irrelevant matter deleted under s 22; and
- access is granted in part to 14 documents (marked in the schedule) with exempt matter deleted under section 22 and conditionally exempt under section 47E of the FOI Act (Agency operations).

My detailed reasons for this decision are set out below.

Reasons for Decision

Section 22 of the FOI Act – irrelevant to request

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for NOPSEMA to prepare an edited copy of the document, modified by deletions.

I am satisfied that the information contained in each of the 31 documents, namely personal information of FOI applicants, would reasonably be regarded as irrelevant to the request, on the basis that you agreed to its exclusion in your request. Accordingly, I have deleted names, specific job titles (where it would be possible to identify an individual) and email address information from the documents pursuant to s 22(1)(a)(ii) of the FOI Act.

In addition, documents ID **2.F253** and **3a.F248** contain extensive information relating to final decisions on access to documents, including an assessment of the contents of the documents being assessed for disclosure to certain FOI applicants. As your request relates to decisions on charges only, I am satisfied that the information not relating to the decision on charges can reasonably be regarded as irrelevant and has therefore been deleted pursuant to s 22(1)(a)(ii) of the FOI Act, with the remaining information being released to you.

Section 47E – Public Interest conditional exemption – operations of agencies

Paragraph 47E(d) of the FOI Act provides:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

In relation to 14 documents within the scope of your request, I identified that NOPSEMA's bank account number was recorded in the notices. I appreciate that a BSB number is publicly available, however, individual account numbers are generally not locatable publicly due to risks of scams and other unauthorised or fraudulent uses (such as creating fraudulent direct debits). Whilst I acknowledge that NOPSEMA routinely provides its bank account number directly to various parties it has dealings with, including FOI applicants, I consider that in such circumstances it has been provided for a specific purpose and not distributed widely for general business use (as opposed to an ABN, ACN or other type of identifying number).

Noting that documents released under the FOI Act are not protected from further dissemination once they are released and published online, I consider that it is reasonable to expect that publishing such information would lead to inappropriate or unauthorised use of its banking details. This would result in a major operational and security issues for the agency and require significant internal resources to rectify. As such, I am satisfied that disclosure of NOPSEMA's bank account number could reasonably be expected cause a substantial adverse effect on NOPSEMA's proper and efficient operations and is therefore conditionally exempt under 47E(d) of the FOI Act.

The public interest – s 11A of the FOI Act

As I have decided that parts of the documents are conditionally exempt, I am now required to consider whether access to the conditionally exempt information would be contrary to the public interest. In summary, the test is whether access to the conditionally exempt part of the document would be, on balance, contrary to the public interest.

Having regard to the factors set out in s 11B(3) of the FOI Act, I am satisfied that;

- Access to the part of the document would promote the objects of the FOI Act;
- The subject matter of the documents is not a matter of public importance, and has a very limited scope given it identifies an account NOPSEMA holds with a financial institution used for administrative purposes only;
- The limited nature of the information does not promote effective oversight of public expenditure (by way of contrast, the remaining information in the documents such as amounts charged and received under FOI requests will be released); and
- You do not require this information to access your own personal information.

In addition, I have also considered the following factors that weigh against the release of conditionally exempt information in the documents:

- That the FOI Act does not control, restrict or limit the subsequent use or further dissemination under the FOI Act, and such information as deemed conditionally exempt above could be easily misused or misappropriated for fraudulent purposes if access to it is readily available online, and there is a strong public interest in NOPSEMA having the ability to conduct its administrative affairs (such as banking) efficiently and securely.

I have also had regard to s 11B(4) irrelevant factors, including:

- Access to the document could result in embarrassment to the Commonwealth Government, or cause loss of confidence in the Commonwealth Government;

- Access to the document could result in any person misinterpreting or misunderstanding the document;
- The author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- Access to the document could result in confusion or unnecessary debate.

I confirm that I have not taken any of these (irrelevant) factors into account in making this decision.

Upon balancing all of the above relevant public interest considerations, I have concluded that the disclosure of the conditionally exempt information in the documents is not in the public interest and therefore exempt from disclosure under the FOI Act.

Release of documents

On 29 October 2024 NOPSEMA agreed to waive the charges for processing your request. Further, as there are no third parties who have review rights applying to this decision, NOPSEMA will provide you with a secure file link shortly to facilitate your access to the documents.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner Review. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Any application for an internal review of the decision must be made in writing within 30 days of receipt of this decision. No fee is required for an application for internal review. A request for internal review should be directed to the following address:

The Internal Reviewer, Freedom of Information
NOPSEMA
GPO Box 2568
PERTH WA 6001
Email: information@nopsema.gov.au.

No particular form is required but it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed.

Information Commissioner review

Alternatively, you may make an application to the Information Commissioner under section 54L of the FOI Act. An application for review to the Information Commissioner must be made in writing within 60 days of receipt of this decision. An application can be made in one of the following ways:

online: [Information Commissioner Review Application form \(business.gov.au\)](https://business.gov.au)
email: enquiries@oaic.gov.au
post: GPO Box 5218, Sydney NSW 2001
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go [to Information Commissioner review - Home \(oaic.gov.au\)](https://www.oaic.gov.au).

Yours sincerely

Michela Giubilato

Freedom of Information Authorised Officer

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07 November 2024

Attachments

- A. Schedule of documents