



17 January 2025  
FOI ref: 3766

Ms Dale Webster  
By email: [foi+request-12198-71f15b13@righttoknow.org.au](mailto:foi+request-12198-71f15b13@righttoknow.org.au)

Dear Ms Webster,

### **FREEDOM OF INFORMATION REQUEST – DECISION**

I refer to your request to Treasury on 22 October 2024 for access, under the *Freedom of Information Act 1982 (FOI Act)*, to the following:

*I request any correspondence or documents referencing the closure of the Katoomba, Murwillumbah, Bega and Portland ANZ branches following the signing of the Suncorp acquisition deal on June 28, 2024.*

I am an authorised decision maker under section 23 of the FOI Act.

#### ***Decision***

The Treasury has identified 14 documents within scope of your request. I have decided to grant access to one of these documents in full. I have also decided to grant access to the remaining 13 documents in part. The documents for release are attached, edited under section 22 of the FOI Act to remove exempt and irrelevant material. The reasons for my decision follow.

#### ***Material Considered***

The material to which I have had regard in making this decision includes the scope of the request and content of the documents subject to your request, the relevant provisions in the FOI Act and Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines), and advice from subject matter experts within the Treasury.

#### ***Reasons for decision***

##### Material deleted pursuant to Section 22

Section 22 of the FOI Act allows information that is irrelevant to your request to be deleted.

The documents in scope of your request contain the names of government employees. We informed you in our acknowledgement email that it is our usual practice not to include the personal information of government employees and invited you to inform us if you did not agree with us processing the request on this basis. As we did not hear from you, the personal information of government employees has been deleted under section 22 of the FOI Act.

The documents also contain material that is irrelevant to your request. This material has been deleted under section 22 of the FOI Act.

#### Agency operations – section 47E(d)

Section 47E(d) of the FOI Act provides that a document is conditionally exempt if its disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient operations of an agency.

Documents 10 and 12 contain the preliminary views of the Treasury that relate to internal decision-making processes. These preliminary views do not constitute the finalised views of the Treasury. Further, I find that disclosure of this information would detract from the ability of the Treasury to effectively deliberate over the nature and timing of its proposed policies and reforms.

I am satisfied that disclosure of this information would have a substantial adverse effect on the proper and efficient conduct of the operations of the Treasury. I therefore find that Documents 10 and 12 are conditionally exempt in part under section 47E(d) of the FOI Act.

#### Personal privacy – section 47F

Section 47F of the FOI Act provides that a document is conditionally exempt if its release would involve the unreasonable disclosure of personal information about any person. The test of unreasonableness implies a need to balance the public interest in disclosure of government-held information, and the privacy of individuals.

Documents 2 to 5 and 7 to 11 contain the personal information of members of the public, and of individuals employed in the private sector. Section 6.125 of the OAIC Guidelines notes that personal information may include the names, addresses and contact details of private citizens. It can also comprise information that could be used, or reasonably used, to identify an individual.

This information contained in these documents is not well known, and is not available through publicly accessible sources. Accordingly, I am satisfied that the information contained in the documents constitutes personal information, and that documents 2 to 5 and 7 to 11 are conditionally exempt in part under section 47F of the FOI Act.

My consideration of the public interest is set out below.

#### Public Interest Test

Section 11A(5) of the FOI Act provides that conditionally exempt material must be released unless its disclosure would, on balance, be contrary to the public interest. Section 11B(3) sets out public interest factors favouring release, and section 11B(4) sets out factors that must not be taken into account. The FOI Guidelines set out factors in favour of, and against, releasing conditionally exempt material.

Paragraph 6.5 of the FOI Guidelines provides that the public interest test is considered to be something that is of serious concern or benefit to the public, not merely of individual interest, and related to matters of common concern or relevance to all members of the public, or a substantial section of the public.

In favour of disclosure, I consider access to the conditionally exempt material under s47E(d) would promote the objects of the FOI Act. However, I discern no specific public interest to be served by disclosure of the personal information that is conditionally exempt under s47F of the FOI Act.

Against release, I have considered the public interest in maintaining the Treasury's ability to deliberate before providing advice for government consideration. Against the release of personal information, I have considered the public interest in protecting an individuals' right to privacy to be a significant factor against release.

On balance, I consider the public interest factors against disclosure outweigh the factors in favour of disclosure. I have therefore decided Documents 10 and 12 are exempt in part under section 47E(d) of the FOI Act, and that Documents 2 to 5 and 7 to 11 are exempt in part under 47F of the FOI Act.

***Rights of Review***

A statement setting out your rights of review in this matter is attached.

***Disclosure Log***

The Treasury publishes documents disclosed in response to FOI requests on the Treasury website. This is consistent with the arrangements established by section 11C of the FOI Act. In this instance, I consider that the documents released to you are appropriate for publication on the Treasury's FOI disclosure log.

Yours sincerely,



Adam Woodstock-Mezhvinsky  
A/g Assistant Secretary  
Financial System Division

## INFORMATION ON RIGHTS OF REVIEW

### 1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

An application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

An application for a review of the decision should be emailed to [FOI@Treasury.gov.au](mailto:FOI@Treasury.gov.au).

**OR**

### 2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the FOI Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

An application for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

**AND/OR**

### 3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the FOI Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.