



OSI reference: FOI24/20; ACON24/51

16 December 2024

Mr Glenn Hamiltonshire  
By email: [foi+request-12352-5bac1af9@righttoknow.org.au](mailto:foi+request-12352-5bac1af9@righttoknow.org.au)

Dear Mr Hamiltonshire

## Freedom of Information Request FOI24/20 – Decision letter

This letter provides you a decision on your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Office of the Special Investigator (OSI).

### Background

On 19 November 2024, you requested to access:

*Style Guides/Brand Guides/Writing Guides currently used for the Office of the Special Investigator.*

On 3 December 2024, the OSI acknowledged your request.

A decision on your request is due on 19 December 2024.

### My decision

I am authorised to make decisions in relation to FOI requests made to the OSI.

I have identified one document which falls within the scope of your request. I did this by making inquiries of staff likely to be able to identify relevant documents and arranging for comprehensive searches of relevant OSI holdings.

In making my decision, I have taken the following material into account:

- the terms of your request
- the content of the documents identified as within scope of your request
- relevant provisions of the FOI Act
- the [FOI Guidelines](#) issued by the Australian Information Commissioner under s 93A of the FOI Act.

I have decided to grant access in part to one document. The schedule of documents at **Attachment A** sets out brief information about the one document within the scope of your request and my decision in relation to it. The one document to which I have decided to grant partial access is at **Attachment B**.

## My decision

### **Section 47E: Public interest conditional exemption—certain operations of agencies**

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 conduct of the operations of an agency.

I have decided to apply s 47E(d) to the one document for your request. My reasons for applying this conditional exemption are set out below. I have turned my mind to whether disclosure of the information would be contrary to the public interest and have included my reasoning below under the header '*Section 11A(5): Public interest test*'.

Certain material within the document comprises identity branding unique to OSI documentation and correspondence – namely:

- Colour values and Pantone numbers for the OSI colour palette, including instructions for when those colours are required to be used.
- Typefaces, including font size and type, and instructions required for each when used.

The above information is not publicly available; it is used by the OSI and trusted third parties for internal and operational reasons only, such as for publication of annual and corporate reports and preparation of other official documents and correspondence. Noting that, generally<sup>1</sup>, nothing in the FOI Act limits what may be done with documents released under the Act<sup>2</sup>, I consider disclosure of the information in this instance would, or could reasonably be expected to, result in its misuse – such as in malicious fraud<sup>3</sup> and scam emails, letters and websites. I also consider it would increase the likelihood of sophisticated and targeted incidents<sup>4</sup> against the OSI and its staff, as well as members of the community, undermining confidence in the OSI and its ability to maintain the security of its information.

As such, I am satisfied that the relevant material is conditionally exempt under s 47E(d) of the FOI Act.

### **Section 11A(5): Public interest test**

Access to a conditionally exempt document must generally be given unless doing so would be contrary to the public interest. The FOI Guidelines provide at paragraph 6.5 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,*
- *not something of interest to the public, but in the interest of the public,*
- *not a static concept, where it lies in a particular matter will often depend on a balancing of interests,*
- *necessarily broad and non-specific, and*
- *related to matters of common concern or relevance to all members of the public, or a substantial section of the public.*

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<sup>1</sup> An FOI applicant who disseminates defamatory or copyright material in any document received following an FOI request has no FOI Act protection against an action for defamation or breach of copyright.

<sup>2</sup> FOI Guidelines, paragraph 3.36

<sup>3</sup> Including social engineering or impersonation and phishing

<sup>4</sup> The Protective Security Policy Framework<sup>4</sup> – to which the OSI is subject – relevantly defines a security incident to mean an event that harms, or may harm the security of Australian Government people, information or resources.

In deciding whether to disclose conditionally exempt material, I have considered the factors favouring access set out in s 11B(3) of the FOI Act. I have not considered the irrelevant factors listed under s 11B(4) of the FOI Act, which are whether:

- *access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;*
- *access to the document could result in any person misinterpreting or misunderstanding the document;*
- *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.*

Of the factors favouring disclosure, I consider release of the conditionally exempt material identified for your request would:

- Promote the objectives of the FOI Act, including by informing the community of the Government's operations.
- Assist with recognition that information held by government is to be managed for public purposes and is a national resource.

The FOI Act does not list any specific factors weighing against disclosure. However, I have considered the non-exhaustive list of factors against disclosure in the FOI Guidelines as well as the particular circumstances relevant to the conditionally exempt material. I consider the release of the conditionally exempt material could reasonably be expected to prejudice the OSI's ability to meet its obligations to prevent security incidents and misuse of official information, and also ensure that the community is protected from fraudulent and scam activity.

On balance, I consider the factors against disclosure outweigh the factors favouring access and providing access to the conditionally exempt material identified for your request would be contrary to the public interest.

## Your rights

If you are unhappy with the way we have handled this FOI request, you can make an FOI complaint to the Information Commissioner.

More information about making an FOI complaint is available on the Office of the Australian Information Commissioner website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints>.

### Internal review

Applications for internal review must be made:

- within 30 days of the date of this letter, and
- in writing to: [foiandprivacy@osi.gov.au](mailto:foiandprivacy@osi.gov.au).

You should also explain why you believe the internal review is needed.

### *Information Commissioner review*

You can apply to the Information Commissioner for review of this decision. An application for review by the Information Commissioner must be made to the OAIC:

- within 60 days of the date of this decision letter
- be made in writing – for further information, access:
  - [Apply for an Information Commissioner review](#)
  - [Your freedom of information rights](#).

### **Additional information**

You may find the following publicly available information to be of interest:

- The Australian Government Branding Guidelines<sup>5</sup> published by the Department of the Prime Minister and Cabinet.
- The Australian Government Style Manual<sup>6</sup> published by the Australian Public Service Commission.

### **Questions about this decision**

If you wish to discuss this decision, please contact [foiandprivacy@osi.gov.au](mailto:foiandprivacy@osi.gov.au).

Yours sincerely

*[Signed electronically]*

#### **Caroline**

Position #: 2508699

Office of the Special Investigator

#### **Attachments**

Attachment A: Schedule of documents

Attachment B: Document released in response to FOI24/20

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<sup>5</sup> <https://www.pmc.gov.au/resources/australian-government-branding-guidelines>

<sup>6</sup> <https://www.stylemanual.gov.au/>



**Australian Government**  
**Office of the Special Investigator**

**Attachment A: Freedom of Information Request FOI24/20 – Schedule of documents**

<b>Document number</b>	<b>Document date</b>	<b>No. of pages</b>	<b>Description/title</b>	<b>Decision on access</b>	<b>Exemptions/deletions</b>
1	12/05/2022	6	OSI brand guidelines	Grant access in part	s 47E(d)