



30 January 2025

Glenn Hamiltonshire

By email to: foi+request-12441-11da584e@righttoknow.org.au

Dear Mr Hamiltonshire

Decision on your Freedom of Information Request

I refer to your email to Export Finance Australia (**EFA**) dated 2 December 2024 seeking access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following:

“the Style Guides/Brand Guides/Writing Guides currently used for the Export Finance and Insurance Corporation”

Timeframe for processing your request

Your request was received by EFA on 2 December 2024. The statutory period for processing your request is ordinarily 30 days. However, with your consent, as confirmed by us in our email of 13 December 2024, this was extended by 30 days, pursuant to section 15AA of the FOI Act, and therefore the time for processing your request expires on 31 January 2025.

Summary of decision

I am an authorised decision maker under section 23 of the FOI Act and this letter sets out my decision on your request for access.

I have identified four documents within the scope of the terms of your request which are listed in Schedule 1 to this letter (**Schedule**). I have decided to release two documents in full and to release two documents in part (subject to redactions for personal privacy and irrelevant information).

Detailed reasons for my decision are set out below.

Relevant information

In reaching my decision, I have had reference to:

- the terms of your request;
- the FOI Act;
- Guidelines issued by the Information Commissioner under section 93A of the FOI Act (**Guidelines**);
- consultations with relevant EFA employees/officers; and
- targeted searches on relevant parts of EFA's IT systems.

Reasons for decision

Documents released in full

I have decided to release two documents in full as listed in Items 1 and 2 of the Schedule.

Section 22(1)(a)(ii) – documents with irrelevant matter

Two documents contain the names and contact details of a number of EFA staff (Items 3 and 4 of the Schedule). As foreshadowed in our acknowledgement email to you dated 13 December 2024, I have decided to release those two documents subject only to minor redactions (pursuant to section 22(1)(a)(ii) of the FOI Act) of those staff details, on the basis that those details would reasonably be considered as irrelevant to your request. The staff details which have been redacted are:

- names of non-SES equivalent staff (except where those names already appear on publicly accessible documents),
- contact details of non-SES equivalent staff, and
- mobile numbers of SES equivalent level staff.

Section 47F – documents affecting personal privacy

Two documents contain the name and contact details of a third-party individual (page 17 of Items 3 and 4 of the Schedule) and a photograph of a third-party individual (page 24 of Items 3 and 4 of the Schedule), where I have determined that disclosure of such personal information would be unreasonable. As noted above, I have decided to release those two documents. However, in addition to the redaction of irrelevant details under section 22(1)(a)(ii) set out in the preceding paragraph, I have also decided to redact the small amount of personal information about third-party individuals referred to in this paragraph on the basis that the documents affect personal privacy and are exempt, in part, under section 47F(1) of the FOI Act.

Personal information

For the purposes of section 4 of the FOI Act, ‘personal information’ is:

“information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not
- (b) whether the information or opinion is recorded in a material form or not.”

The elements of ‘personal information’ are:

- it relates only to a natural person (not, for example, a company);
- it says something about the individual;
- it may be in the form of an opinion, it may be true or untrue, and it may form part of a database; and
- the individual’s identity is known or is reasonably ascertainable using the information in the document.

I am satisfied that the two documents referred to above include personal information (e.g. names, telephone numbers, email addresses, photographs) of or about third-party individuals.

Application of section 47F of the FOI Act

Section 47F(1) of the FOI Act conditionally exempts a document to the extent that its disclosure would involve the unreasonable disclosure of personal information about any person.

Section 47F(2) provides that in determining whether the disclosure of a document would involve the unreasonable disclosure of personal information, an agency must have regard to the following:

- the extent to which the information is well known;

- whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- the availability of the information from publicly accessible sources; and
- any other matters that the agency considers relevant.

Personal information where disclosure is reasonable

You will note that in most cases I have not made redactions of photographs and names of third-party individuals included in Items 3 and 4 of the Schedule and have decided to release this personal information under section 47F(1). In those cases, I have determined that release of the photographs and names is reasonable because:

- the personal information is otherwise available from publicly accessible EFA sources; and
- the relevant individuals have consented to the disclosure of this personal information in EFA's publicly accessible content.

Personal information where disclosure unreasonable

I consider that the disclosure of the specific personal information identified in this section, being the name and contact details of a third-party individual on page 17 and a photograph of a third-party individual on page 24 (in both Items 3 and 4) would be unreasonable given:

- the information is not well known;
- the information is not readily available from publicly accessible sources; and
- the individuals have not consented to the disclosure of their personal information.

However, in accordance with section 11A(5) of the FOI Act, I must nevertheless give access to these parts of the two documents unless, in the circumstances, it would, on balance, be contrary to the public interest to do so.

Public interest considerations

I have considered the factors favouring access at section 11B(3) of the FOI Act and, as required, have not considered those factors that are irrelevant at section 11B(4) of the FOI Act. Therefore, in balancing the public interest considerations in this case, I have considered the following factors for and against disclosure.

I have identified the following factor in favour of disclosure (but no other factor in favour listed in section 11B(3) applies):

- disclosure would promote the objects of the FOI Act: section 11B(3)(a).

I consider this to have relatively low weighting in my balancing of factors because the personal information at issue is so small in volume and irrelevant to the purpose of the two documents (as Brand Guidelines). I do not consider that redacting such a limited amount of personal information would detract from achieving the objects of the FOI Act.

I have identified the following main factor against disclosure (after considering the Guidelines, as I am required to do):

- disclosure would prejudice the protection of individuals' right to privacy.

I consider that this factor against disclosure outweighs the factor favouring disclosure in this case, noting that the two documents are internal policy documents, and the individuals should be entitled to have their personal information protected from public release. Thus, I have determined that

disclosure of the conditionally exempt personal information would, on balance, be contrary to the public interest and I have redacted that personal information accordingly.

Conclusion

I enclose with this decision each of those four documents which I have decided to release in full or in part, as set out in the Schedule.


Review rights

You are entitled to seek review of this decision.

Attachment A to this letter sets out your rights to apply for review if you are dissatisfied with my decision.

Please contact me at the email address below if you have any questions about my decision.

Yours sincerely,

DocuSigned by:

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Katherine Stevens

Deputy General Counsel, Enterprise & Board Secretary

Email: foi@exportfinance.gov.au

Attachment A

If you are dissatisfied with my decision, you may apply for internal review or to the Information Commissioner for review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to EFA for internal review of my decision. The internal review application must be made within 30 days of the date of this letter to:

email: foi@exportfinance.gov.au; or

post: Level 11, Export Finance House, 22 Pitt Street, Sydney NSW 2000

Where possible, please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days.

Australian Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: please refer to the information and online form available at:
<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/>

email: foidr@oaic.gov.au

post: Director of FOI Dispute Resolution
GPO Box 5288,
SYDNEY NSW 2001

Complaint rights

If you are dissatisfied about any action taken by EFA in the performance of functions, or the exercise of powers, under the FOI Act, you may make a complaint by:

- writing to the Information Commissioner in one of the ways provided above; and
- identifying EFA as the agency in respect of which the complaint is made.

SCHEDULE 1

Item No.	Title of document	Date	FOI Act decision summary
1	Board paper style guide	May 2023	Release in full
2	Export Finance Australia - Writing style guidelines	October 2023	Release in full
3	Export Finance Australia - Brand guidelines (General)	April 2023	Release in part, subject to redactions under sections 22 and 47F
4	Export Finance Australia - Brand guidelines (Marketing)	April 2023	Release in part, subject to redactions under sections 22 and 47F