



Wednesday, 5 February 2025

Mr Glenn Hamiltonshire  
foi+request-12491-68c350ff@righttoknow.org.au.

Dear Glenn,

**Freedom of information request no. REQ-0021099**

**I refer to your request for access to documents under the *Freedom of Information Act 1982 (FOI Act)*.**

On 6 December 2024, you requested via the right to know website:

*I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Australian Digital Health Agency,*

And you also provided approval for a 30 day extension given the holiday period, meaning our decision is due by 5 February 2025.

*Given the upcoming holiday period for the APS (happy holidays to you reading this), I forecast my consent for any required 30 day extension to deal with the request at this time.*

I identified 1 document in total which fell within the scope of your request:

- Australian Digital Health Agency Brand Guidelines. This is a consolidated document containing style, brand and writing guides.

I did this by requesting the Agency's Communications team to search for documents within the scope of your request.

**DECISION AND REASONS FOR DECISION**

With regard to the documents identified in the attached schedule, I have decided to grant access in part to these documents, relying on the exemption under s47E(d) of the FOI Act.

More information, including my reasons for my decision, is set out below.

**Material considered:**

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

- the content of the documents that fall within the scope of your request
- the FOI Act (specifically sections s47E(d) and s 11A(5))
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

## **Conditional exemption**

### **Section 47E – operations of agencies**

- Section 47E(d) conditionally exempts a document where disclosure would, or could reasonably be expected to, prejudice or have a substantial adverse effect on certain identified agency operations.
- According to paragraph 6.101 of the FOI Guidelines, a reasonable expectation must be more than merely an assumption or allegation that damage may occur if the document were to be released.
- The Brand Guidelines document falls into 3 sections:
- **Section 1 – The Agency Brand** (pages 4-7) contains information on the Digital Health Agency brand. The Agency follows the Australian Government style manual [Home | Style Manual](#) that is readily available online.
- **Section 2 - Core brand elements (pages 9- 22) and Section 3 (pages 25-37)- Product service and initiative elements** contain detailed information about the positioning, spacing, and sizing of the Australian Digital Health Agency's logo, the My Health Record logo and other Agency products, graphic devices, and iconography as well as the typeface and colour palette to be used when creating official documents.
- As the system operator of the My Health Record system, security is at the centre of our operations.
- Release of Sections 2 and 3 could be reasonably expected to provide information that could allow an individual or organisation to impersonate the Agency or its products and/or compromise the security of personal health information and/or undermine trust in the Agency's genuine operations.

### **Public interest test**

- Where a document is conditionally exempt, access must be given unless in the circumstances giving access would, on balance, be contrary to the public interest (s11A(5) of the FOI Act) and part 6 of the FOI guidelines.
- One factor in favour of access is that disclosure could promote the objects of the FOI Act.
- With regard to the public interest factors set out in the FOI Guidelines, I consider the relevant factors against disclosure are that disclosure could reasonably be expected to:
  - provide information that could allow an individual or organisation to impersonate the Agency or its products and/or compromise the security of personal health information and/or undermine trust in the Agency's genuine operations. harm the interests of an individual or group of individuals, through access to personal health information.
- Based on the scope of the request, which is access to the Style Guides/Brand Guides/Writing Guides currently used for the Australian Digital Health Agency the factors against disclosure of the conditionally exempt material, **Sections 2 (core brand elements) and 3 (product service and initiative elements)** outweigh the factor in favour of disclosure.
- This is because the public benefit that lies in disclosure is outweighed by the adverse effects on public health and safety and the Australian Digital Health Agency's operational and regulatory responsibilities.

## **Your review rights**

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

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

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.

### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian 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: [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR\\_10](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: GPO Box 5218 Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

### **FOI Complaints**

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

online: [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA\\_1](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1)

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: GPO Box 5218 Sydney 2001

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the Office of the Australian Information Commissioner has more information at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

I enclose the documents you requested.

Yours sincerely



Kerri Burden  
Branch Manager Governance

### **Attachments**

1. Schedule of documents

**Attachment 1: REQ-0021099 – Schedule of documents**

<b>No.</b>	<b>Document</b>	<b>Decision on release</b>	<b>Exemption applied</b>
1	Australian Digital Health Agency Brand Guidelines	Release in part	s47E(d), s 11A(5) part 6 of the FOI Guidelines