



Freedom of Information Business Rules

PURPOSE

This document sets out the key roles, responsibilities and procedures the Department of the Prime Minister and Cabinet (PM&C) will follow in managing and responding to requests made to the Department under the *Freedom of Information Act 1982* (Cth) (FOI Act).

WHAT IS FREEDOM OF INFORMATION?

The FOI Act provides a legally enforceable right of access to government documents subject to certain exemptions. It applies to Australian Government ministers and most agencies (including PM&C).

Complying with the FOI Act is a statutory obligation with enforceable timeframes. An FOI applicant who is dissatisfied with a PM&C decision can ask for the decision to be reviewed internally; by the Office of the Australian Information Commissioner or by the Administrative Appeals Tribunal. FOI decisions can also receive scrutiny by Parliament, parliamentary committees, the media and the general public.

ROLES AND RESPONSIBILITIES

Decision Maker

This is a PM&C employee who is authorised by the Secretary of PM&C to make decisions on PM&C FOI requests. The Secretary has authorised all SES officers to make decisions. Usually, the decision maker for an individual request is identified by the FOI team as the SES officer with the closest connection or interest in the subject matter of the FOI request.

A decision maker is responsible (with the assistance of the FOI team and their line area) for:

- making key decisions under the FOI Act about how PM&C will handle and respond to the request (eg is the request too large to process, should charges be issued or should documents be released);
- ensuring that reasonable searches for documents have been across the department;
- deciding whether other agencies and third parties should be consulted;
- ensuring relevant areas of the department, the Prime Minister's Office and other portfolio Minister's offices are informed as appropriate.

Contact Officer

This is person in the line area that supports the decision maker for a particular FOI request.

The Contact Officer is responsible for:



- supporting (together with the FOI team) the decision maker in responding to the request;
- assisting the Decision Maker to monitor and meet timeframes for the FOI request
- conducting searches and retrieving relevant documents in all areas that may have relevant documents
- consulting internally within PM&C on the handling of the request (including Cabinet Division in relation to any Cabinet related documents);
- keeping records of the searches undertaken and time spent on searches;
- assisting the FOI team in responding to the request by identifying sensitivities and other agencies or third parties that may need to be consulted.

FOI Case Officers

FOI Case Officers work with the decision maker and the line area to respond to the FOI request.

The Case Officer is responsible for:

- supporting (together with the line area) the decision maker in responding to the request;
- providing specialised advice to the decision maker and line area on how the FOI Act applies to the request and documents, including
 - drafting a statement of reasons,
 - preparing the schedule of documents and
 - redacting documents;
- managing consultations with agencies and third parties;
- communicating with the FOI applicant about how the request is being processed (including the scope of the request, providing updates and managing any queries that the FOI applicant may have);
- providing regular progress reports—PM&C executive, the Prime Minister's office and other PM&C portfolio Minister's offices;
- managing the following request types:
 - internal review
 - review by the Office of the Australian Information Commissioner
 - Administrative Appeals Tribunal Review
 - Court appeals

KEEPING FOI APPLICANTS INFORMED

The FOI Act requires the Department to contact an FOI applicant about their request at certain times (eg acknowledge receipt of the request or advise transfer of the request to another agency). The Act also requires an agency to take reasonable steps to assist a person to make a valid FOI request and to take reasonable steps to assist a person to direct their request to the appropriate agency or minister.

Taking account of the Guidelines issued by the Office of the Australian Information Commissioner and, as a matter of good administrative practice, the Department (through the FOI team) will contact the applicant to discuss their request as soon as practicable after receiving the request especially if the scope of the request is not clear or the formal requirements of the FOI Act have not been met.

The Department will also contact the applicant as soon as practicable if a preliminary assessment of the request indicates that:

- there may be a practical refusal reason—such as the request is too large to process or the terms of the request are not clear;
- the estimated charges for processing the request may be high; or
- the Department may not have the documents sought or another agency or minister may be more appropriate.

PROCESSING FOI REQUESTS

How PM&C processes FOI Requests- see Attachment A

PM&C actions FOI requests in three stages:

- Stage 1 – determining validity, assigned the case and undertaking searches
- Stage 2 – assessment of relevant documents within the scope of the request and drafting a decision (after a practical refusal reason is removed and/or any charges have been paid)
- Stage 3 – finalising the request

Attachment A sets out key timeframes and responsibilities.

STAGE ONE—Determining validity and tasking

WHO	WHAT
FOI team	<ul style="list-style-type: none"> • Determines if request is a valid FOI request. • If valid, identifies the appropriate decision maker by consulting the SES officer likely to be the decision maker. • If a decision maker cannot be identified, the Deputy Secretary Governance will decide who the decision maker will be. • Notify the decision maker, with a copy to FAS Gov Div, Dep Sec Governance, FAS of line area, EA to Line Area FAS, Dep Sec of line area, PMO, relevant Portfolio Minister's Office, AS LPB, Director, Public Affairs and Media, media inbox, and the FOI inbox.
FOI team Contact Officer Decision maker	<ul style="list-style-type: none"> • Meet to discuss: <ul style="list-style-type: none"> ○ Scope and terms of request, including whether it is clear ○ Key timeframes for managing the request ○ The conduct of reasonable initial searches for documents ○ Whether other agencies or third parties should be consulted about request ○ Whether charges should be imposed for processing the request ○ Whether processing the request is likely to be a substantial and unreasonable diversion of resources.
FOI team	<ul style="list-style-type: none"> • Depending on outcome of initial searches and discussions, the FOI team will contact the FOI applicant to: <ul style="list-style-type: none"> ○ Clarify the scope / terms of the FOI request to assist the Department to process, and/or ○ Start a practical refusal consultation process, and/or ○ Advise of an estimate of charges (if necessary), and/or ○ Advise of consultation with third parties.
Contact Officer FOI team Decision maker	<ul style="list-style-type: none"> • Consider what work, if any, can be undertaken while waiting for the FOI applicant to respond to a charges notice or a practical refusal consultation notice (for example, consultations with third parties or other agencies may be able to be commenced).

STAGE TWO—Assessment and Drafting

WHO	WHAT
Contact Officer	<ul style="list-style-type: none"> • Finalises searches - refer to the <u>Assessment Checklist</u>. • Collates documents that fall within the scope of the FOI request, prepares a schedule and sends them to the FOI team. • Together with FOI team and decision maker consider whether any exemptions or redactions should be made to the documents.
FOI team	<ul style="list-style-type: none"> • Carries out consultations with third parties and provides responses to decision maker and line area to be considered. • In consultation with the Decision Maker, drafts statement of reasons for the decision maker to consider. • Prepares documents for release in accordance with instructions from the decision maker.
Decision maker Contact Officer	<ul style="list-style-type: none"> • Manages notification of relevant departmental executives (including the Secretary, Deputy Secretary Governance and relevant Deputy Secretary), PM&C Media and Prime Minister's Office / Ministerial offices regarding sensitivities throughout the management of the request (copying in FOI team).

STAGE THREE—Finalising the Decision

WHO	WHAT
FOI team	<ul style="list-style-type: none"> Continues to assess timeframe to determine if request will be completed on time—in doing so considers issues such as progress of document searches; drafting of the decision and status of third party consultations. If required, consult with decision maker regarding timeframes and any remedial action required—such as extension of time (from applicant or OAIC). If an extension is required, FOI team will contact the applicant or the OAIC.
Decision maker	<ul style="list-style-type: none"> In consultation with the FOI team finalise decision on access to the documents sought under the FOI request. During this time identify sensitivities. Briefs the Deputy Secretary (Governance) on the decision within the following parameters: <ol style="list-style-type: none"> If the decision is a ‘no documents’ or ‘practical refusal’ decision with no sensitivities, use a simple email to notify the DepSec of your intended decision If the decision is to release a small number of documents with no identified sensitivities, use a simple email to notify the DepSec, including the documents proposed for release. <i>If there is any doubt about any possible sensitivities, the DepSec should be briefed as per the protocol below.</i> In any other circumstances, a meeting should be set with the DepSec and FOI case officer, to provide an overview of the proposed decision, decision making process, and any possible sensitivities. The relevant adviser in the Prime Minister’s Office or minister’s office and the Prime Minister’s Office FOI adviser must be given at least 2 business days to consider the proposed decision. The decision is not held for a longer period unless by specific agreement with the Prime Minister’s Office or the relevant Minister’s Office. PM&C Media should be alerted to matters with sensitivities to determine if Talking Points are required.
Decision maker	<ul style="list-style-type: none"> Signs the decision and completes Final Stage Checklist

FOI team	<ul style="list-style-type: none"> • Final packaging of documents and internal check to ensure documents are consistent with decision. • Provides documents and decision to applicant. • Arranges for documents to be uploaded to the PM&C FOI disclosure log unless exempt from publication under the FOI Act.
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ATTACHMENT A

Day	FOI Team	Decision Maker (DM)	Line Area Contact Officer (CO)
Day 0 Request Received	<ul style="list-style-type: none"> Determine Validity 		
By day 2 Request Assigned	<ul style="list-style-type: none"> FOI Officer appointed Decision maker appointed Acknowledge Request 	<ul style="list-style-type: none"> Appoint Line Area Contact Officer 	
By Day 7 Document Retrieval	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and CO) If relevant: Prepare and process Practical Refusal Consultation Notice AND/OR Prepare and process Charges Notice 	<ul style="list-style-type: none"> Determine Scope (in consultation with FOI Team and CO) Determine practical refusal reason exists (through review of Assessment stage checklist) AND/OR Agree charges notice 	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and FOI Team) Undertake reasonable searches Complete Assessment stage check list Provide captured documents to FOI Team and complete schedule of documents
CLOCK STOPS FOR CONSULTATION ON PRACTICAL REFUSAL and/or CLOCK STOPS UNTIL CHARGES FINALISED (Paid or Withdrawn)			
Day 8 Charges Assessment	<ul style="list-style-type: none"> Calculate charges Prepare charges notification for DM Issue charges notification 	<ul style="list-style-type: none"> Make decision on charging 	
Day 9-17 Assessment and Drafting	<ul style="list-style-type: none"> Review documents for content and potential third party consultation Consult with CO on likely exempt documents Prepare schedule regarding reviewed and consulted documents 	<ul style="list-style-type: none"> Make any decision about consultation Make any decision on practical refusal grounds 	<ul style="list-style-type: none"> Undertake internal consultations where necessary (keeping FOI Team informed) Provide information regarding exemptions and sensitivities to FOI Team
THIRD PARTY CONSULTATIONS—ADDITIONAL 30 DAYS PROVIDED			
ISSUE PRACTICAL REFUSAL DECISION			
Day 18-20 Draft Decision	<ul style="list-style-type: none"> Draft decision package for consideration and consultation with DM Collates evidence in relation to the proposed decision 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary
Day 21-27 Finalise Decision	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Conducts consultation with DM—amending draft as necessary 	<ul style="list-style-type: none"> Consider decision and revise as necessary—in consultation with the FOI Team Consider any proposed talking points and notifies relevant senior executives—manager (FAS/Dep Sec) Notify the following of proposed decision and any sensitivities: <ul style="list-style-type: none"> Deputy Secretary (Governance) Including CCing and FOI Team, relevant Deputy Secretary/Associate Secretary and FAS Director of Public Affairs and Media 	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Make any changes to talking points as necessary
Day 28-29 Final Decision		<ul style="list-style-type: none"> Finalise and signs decision and completes Final stage checklist Advise PMO / Minister's Office of decision as necessary (including PMO FOI Adviser) Provide talking points to PMO / Minister's office as necessary 	<ul style="list-style-type: none"> Provide decision to the FOI Adviser
Day 30 Issue Decision	<ul style="list-style-type: none"> Issue decision to applicant Notify DM and CO 		
By Day 44 Disclosure Log	<ul style="list-style-type: none"> Publish documents on Departments Disclosure Log 		





FREEDOM OF INFORMATION

Team Fact Sheet

ROLES AND RESPONSIBILITIES

Decision Maker and Line Area

- Coordinating and conducting reasonable searches for relevant documents within PM&C.
- Providing copies of relevant documents to the FOI adviser, within 8 business days, along with the following advice:
 - A summary of searches undertaken;
 - The time spent searching for documents;
 - The number of documents and pages; and
 - The third parties that should be consulted on the documents.
- Identifying third parties that should be consulted on the documents, where the documents contain personal information of an individual, the business information of a business or information that originated from a State or Territory, Minister, another Department or foreign government.
- Consulting internally, including with the Cabinet Secretariat, regarding the sensitivities in relation to the request and applicable exemptions.
- Following consideration and consultations, identifying sensitivities in relation to the release of the documents and providing advice to the FOI adviser on whether the document should be released or exempted.
- Advise and/or consult with their FAS, Executive and PMO advisers (or other internal parties) on the FOI request, before finalising the decision. The decision-maker and action officer are responsible for drafting and providing email notification to the Deputy Secretary Governance (copying the relevant Deputy Secretary and FAS) on the proposed decision and documents for release (if applicable), at least 3 days before finalising the decision.

FOI Adviser

The **FOI adviser** is responsible for:

- Providing advice to the decision-maker and the line contact action officer on the application of FOI exemptions and the processing of the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).
- Working with the decision-maker in determining most appropriate exemptions (if any) and consulting throughout the drafting of decisions.
- Liaising with the FOI applicant and external third parties in accordance with the *Freedom of Information Act 1982* (Cth)—this includes providing final decisions, updating the applicant on application progress and third party consultation notices
- Completing weekly reports to the Executive Leadership Group on the progress and status of the FOI request and reporting the statistics in relation to the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).

PROCESS

Key Steps for FOI Officer

DAY
Day 0 Request Received
By day 2 Request Assigned
By Day 7 Document Retrieval
Day 8 Charges Assessment
Day 9-17 Process
Day 18-20 Draft Decision
Day 21-27 Finalise Decision
Day 28-29 Final Decision
Day 30 Issue Decision
By Day 44 Disclosure Log



FREEDOM OF INFORMATION

Decision Maker and Contact Officer Fact Sheet

ROLES AND RESPONSIBILITIES OVERVIEW

Decision Maker and Line Area

The **decision-maker** and **line area contact officer** are responsible for:

- Coordinating and conducting reasonable searches for relevant documents within PM&C.
- Within 8 business days, provide copies of relevant documents to the FOI adviser, along with a complete Assessment Stage Checklist—this includes:
 - A summary of searches undertaken;
 - The time spent searching for documents;
 - The number of documents and pages; and
 - The third parties that should be consulted on the documents.
- Identifying third parties that should be consulted on the documents, where the documents contain personal information of an individual, the business information of a business or information that originated from a State or Territory, Minister, another Department or foreign government.
- Consulting internally, including with the Cabinet Secretariat, regarding relevant exemptions.
- Following consideration and consultations, identifying sensitivities in relation to the release of the documents and providing advice to the FOI adviser on whether the document should be released or exempted.
- Advise and/or consult with their FAS, Executive and PMO advisers (or other internal parties) on the FOI request, before finalising the decision (including completing the Final Stage Checklist).
 - the decision-maker and action officer are responsible for drafting and providing email notification to the Deputy Secretary Governance (CCing the relevant Deputy Secretary and FAS), ensuring relevant other senior officers are included, on the proposed decision and documents for release, at least 3 days before finalising the decision.

FOI Adviser

The **FOI adviser** is responsible for:

- Providing advice to the decision-maker and the line area contact action officer on the application of FOI exemptions and the processing of the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).
- Working with the decision-maker in determining most appropriate exemptions (if any) and consulting throughout the drafting of decisions.
- Liaising with the FOI applicant and external third parties in accordance with the *Freedom of Information Act 1982* (Cth)—this includes providing final decisions, updating the applicant on application progress and third party consultation notices
- Completing weekly reports to the Executive Leadership Group on the progress and status of the FOI request and reporting the statistics in relation to the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).

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By Day 7 Document Retrieval	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and CO) If relevant: Prepare and process Practical Refusal Consultation Notice 	<ul style="list-style-type: none"> Determine Scope (in consultation with FOI Team and CO) Determine practical refusal reason exists (through review of Assessment stage checklist) 	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and FOI Team) Undertake reasonable searches Complete Assessment stage check list Provide captured documents to FOI Team and complete schedule of documents
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Day 9-17 Assessment and Drafting	<ul style="list-style-type: none"> Review documents for content and potential third party consultation Consult with CO on likely exempt documents Prepare schedule regarding reviewed and consulted documents 	<ul style="list-style-type: none"> Make any decision about consultation Make any decision on practical refusal grounds 	<ul style="list-style-type: none"> Undertake internal consultations where necessary (keeping FOI Team informed) Provide information regarding exemptions and sensitivities to FOI Team
THIRD PARTY CONSULTATIONS—ADDITIONAL 30 DAYS PROVIDED			
ISSUE PRACTICAL REFUSAL DECISION			
Day 18-20 Draft Decision	<ul style="list-style-type: none"> Draft decision package for consideration and consultation with DM Collates evidence in relation to the proposed decision 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary
Day 21-27 Finalise Decision	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Conducts consultation with DM—amending draft as necessary 	<ul style="list-style-type: none"> Consider decision and revise as necessary—in consultation with the FOI Team Consider any proposed talking points and notifies relevant senior executives—manager (FAS/Dep Sec) Notify the following of proposed decision and any sensitivities: <ul style="list-style-type: none"> Deputy Secretary (Governance) Including CCing and FOI Team, relevant Deputy Secretary/Associate Secretary and FAS 	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Make any changes to talking points as necessary
Day 28-29 Final Decision		<ul style="list-style-type: none"> Finalise and signs decision and complete Final stage checklist Advise PMO / Minister's Office of decision as necessary (including PMO FOI Adviser) Provide talking points to PMO / Minister's office as necessary 	<ul style="list-style-type: none"> Provide decision to the FOI Adviser
Day 30 Issue Decision	<ul style="list-style-type: none"> Issue decision to applicant Notify DM and CO 		
By Day 44 Disclosure Log	<ul style="list-style-type: none"> Publish documents on Departments Disclosure Log 		



DECISION-MAKER'S CHECKLIST—ASSESSMENT STAGE

Document 4

No.	DESCRIPTION	YES/NO	COMMENTS
1.	Are the terms of the request clear and unambiguous (that is, can I clearly identify which documents are being sought)?		
2.	Are any relevant documents likely to be held in other areas of the department? If so, where?		
3.	Are any relevant documents known to be held in by another agency or Ministers Office, including the Prime Ministers Office (other than copies of documents already held by PM&C)?		
4.	Is the subject-matter of the request more closely connected with the functions of another agency (including any minister's office)?		
5.	Does the request seem too large to process within existing resources and within the statutory time frame?		
6.	Who will be the primary contact officer in my Branch for this request?		
7.	Is it likely we will need to consult with other agencies, other governments, individuals or business entities? If so, see 12 below.		
8.	Is this a sensitive matter that requires consultation with the Secretary, the Prime Minister's office and/or another portfolio Minister's office?		
9.	Is it likely charges will be imposed for processing the request? If so, see 13 below.		
10.	Have milestone dates for completion of searches and document analysis been identified and communicated to the FOI action officer? What are these dates?		
11.	<p>Have all reasonable searches been conducted? In locating relevant material, consider searching all possible locations:</p> <ul style="list-style-type: none">• PDMS• Legacy Systems—ie slipstream and TRIM (RMU)• IT (e.g. backups of emails)• Team emails <p>Paper source searches:</p> <ul style="list-style-type: none">• Office files & other records held by my area or by other areas of PM&C• Filing cabinets and safes• Desk & desk drawers of relevant officers• Bookshelves & cupboards• Personal folders, notebooks, calendars & diaries of relevant officers• Offsite locations, e.g. contractors, files in storage (specify) <p>Electronic source searches:</p> <ul style="list-style-type: none">• Computer (electronic documents on group and personal drives and e-mails) Including G Drive and Sharehub• Personal electronic notebooks, calendars & diaries• USBs, disks, CDs and other storage devices		
12.	<p>Has the FOI action officer been advised what consultations are required with third parties in relation to:</p> <ul style="list-style-type: none">• Commonwealth/State relations• Personal information• Business affairs• Documents that originated from other Commonwealth departments or agencies• Documents that may impact foreign relations		
13.	<p>Has the following information been provided to the FOI action officer (to calculate charges or assess practical refusal reason)? Estimates of:</p> <ul style="list-style-type: none">• time spent on search and retrieval• number of relevant files• number of relevant pages• number of relevant documents• number of pages that may be exempt in full• number of pages that may be released with deletions• number of third parties that may need to be consulted		



DECISION-MAKER'S CHECKLIST—FINAL STAGE

Document 5

No.	DESCRIPTION	YES/NO	COMMENTS
1.	Has the Assessment Stage checklist been completed and provided to the FOI action officer?		
2.	Have all external third parties requiring consultation been consulted and their submissions considered in reaching my decision?		
3.	<p>Have the following internal parties been advised or consulted as appropriate with regards to sensitivities on the potential release of information:</p> <ul style="list-style-type: none">• Executive• Other areas of PM&C (please identify)• PMO• Other Ministerial offices in the portfolio (please identify) <p>Note: foi@pmc.gov.au should be copied into any such consultation.</p>		
4.	Have my FAS and Deputy Secretary (any other relevant officer) been kept informed of sensitivities and consultations relevant to those sensitivities?		
5.	Has an assessment of all documents been completed (against the FOI Act) and relevant documents/information been collated in consultation with the FOI officer?		
6.	<p>Have the following been notified of the intended decision and provided with copies of documents intended for release?</p> <ul style="list-style-type: none">• Deputy Secretary (Governance)• Relevant Deputy Secretary• PMO Policy and FOI Adviser• Other Ministerial Offices Policy and FOI Advisers		

[First name, last name]

[Title]

Department of the Prime Minister and Cabinet

[Month] [Year]

Freedom of Information and privacy

This section of the Intranet concerns the Department's policies, practices and guidelines dealing with Freedom of Information (FOI) and Privacy.

Freedom of Information

Application of the Freedom of Information Act 1982

The FOI Act provides the public with a right of access to documents the Department holds. Anything produced in the context of work can potentially be released under FOI (e.g. briefs, reports, emails).

When an FOI request is made to the Department, there are strict time limits for processing the request. The Department has developed new business process rules for all those involved in processing FOI requests. The new rules and checklists are now available.

[FOI Business Rules](#)

[Decision maker's checklist - Stage 1](#)

[Decision maker's checklist - Stage 2](#)

Queries about FOI can be directed to the Department's FOI coordinator on 6271 5849.

Guidance material and related links

[Guidelines issued by the Australian Information Commissioner](#) can be found on the Office's website.

Other information relating to the FOI Act can be found at:

- [Freedom of Information Act 1982](#)
- [Office of the Australian Information Commissioner](#)

Privacy

The Department's obligations under the Privacy Act 1988

As an Australian Government agency, the Department is bound by the standards, rights and obligations in relation to the handling and maintenance of personal information in the [Privacy Act 1988](#) (Privacy Act). The Privacy Act defines personal information as information or an opinion about an identified individual, or an individual who is reasonably identifiable whether it is true or not and whether it is recorded in a material form or not.

The Australian Privacy Principles (APPs) contained in the Privacy Act regulate how the Department may collect, use, store and disclose personal information, and how individuals may access and correct personal information held about them. Schedule 1 of the Privacy Act outlines the APPs:

- APP 1 – open and transparent management of personal information

- APP 2 – anonymity and pseudonymity
- APP 3 – collection of solicited personal information
- APP 4 – dealing with unsolicited personal information
- APP 5 – notification of the collection of personal information
- APP 6 – use or disclosure of personal information
- APP 7 – direct marketing
- APP 8 – cross-border disclosure of personal information
- APP 9 – adoption, use or disclosure of government related identifiers
- APP 10 – quality of personal information
- APP 11 – security of personal information
- APP 12 – access to personal information
- APP 13 – correction of personal information

For information and guidance on the APPs, the Office of the Australian Information Commissioner (OAIC) issues guidelines and information to assist agencies and organisations comply with the Privacy Act. This material can be found at [OAIC guidance material](#). Alternatively, you can contact the Department's Privacy Contact Officer on s22 or at privacy@pmc.gov.au for assistance.

Changes to the Privacy Act

PM & C has made a commitment to raise awareness of the Privacy Act, and the significant changes which came into force on 12 March 2014. These changes are outlined in the [Australian Privacy Principles slides - PPTX 4.3MB](#) produced by the Office of the Australian Information Commissioner.

What can you do?

Take some time in your work to familiarise yourself with these Privacy Principles.

Add some time to your team meeting to discuss the changes.

Make contact with the Privacy Contact Officer with any questions at privacy@pmc.gov.au.

Privacy Impact Assessments

If you are developing a project or proposal a Privacy Impact Assessment can help identify what needs to be done to ensure compliance with the Privacy Act. Privacy Impact Assessments can also be useful when considering programmes, legislation, surveys, funding agreements or contracts to ensure that privacy issues are taken into account. See [OAIC Privacy Impact Assessment Guide](#).

Privacy Impact Assessments should be conducted at an early stage, so that there is time to address any relevant privacy issues in the design of the project.

The role of the Privacy Contact Officer

The Department's Privacy Contact Officer is the first point of contact for the Department on privacy matters related to the Department.

Generally, the role of the Privacy Contact Officer will include:

- providing advice on the general application of the Privacy Act;

- handling, or providing advice on the handling of privacy complaints or inquiries;
- assisting staff with information about aspects of the Privacy Act that apply to their day-to-day activities; and
- being the primary privacy contact for the OAIC on behalf of the Department.

Queries and complaints about the Department's handling of personal information

Having a clearly expressed and up-to-date Privacy Policy is a requirement under APP 1 of the Privacy Act. It is available on the Department's website at: [Privacy Policy](#). The Department's Privacy Policy outlines:

- how the Department manages personal information (including the types of personal information collected, how it is collected and held, the purpose for its collection, use and any disclosures;
- how an individual may access and seek correction to their personal information; and
- how an individual may complain about a breach of the APPs and how the Department will deal with such a complaint.

If your area handles personal information outlined in schedule 1 of the Department's Privacy Policy and that information need to be updated, please alert the Department's Privacy Contact Officer.

The Privacy Act allows a person to make a complaint about the handling of their personal information either to the Department directly or to the OAIC.

If you receive a complaint from an individual about the Department's handling of their personal information, or if you are contacted by the OAIC in relation to a privacy complaint, please refer the matter to the Privacy Contact Officer at privacy@pmc.gov.au or s22

Requests received from current employees of the Department

Requests for access to personal information by current employees seeking access to their personnel files should first be referred to the Department's People, Capability and Performance Branch (PCP Branch) at HRHelp@pmc.gov.au. PCP Branch will determine if the matter can be dealt with informally pursuant to PCP Branch's normal administrative arrangements as an easier and less formal means of dealing with particular requests.

Requests received from members of the public

Requests from members of the public complaining about the Department's handling of their personal information or seeking access or correction to their personal information should be referred directly to the Department's Privacy Contact Officer for handling and advice.

How requests will be dealt with by the Privacy Contact Officer

The Department's Privacy Contact officer will liaise with individuals about the most appropriate avenue for their inquiry. This may include guidance on whether the matter is most appropriately dealt with informally, pursuant to the Privacy Act or pursuant to the Freedom of Information Act 1982 (FOI Act).

The Privacy Act stipulates that where an individual seeks access to, correction of, or to make a complaint pursuant to the Privacy Act, certain minimum requirements will apply in responding. These minimum requirements include:

- responding to a request within 30 calendar days;
- giving access to the information in the manner requested by the individual (if practicable);
- the prohibition on imposing charges; and
- giving written notice where access or the correction is refused, or not provided in the manner requested.

Requests for access or correction will be handled along similar lines to the processes the Department has in place for processing Freedom of Information requests (see [FOI Business Rules](#)). This means the Privacy Contact Officer will coordinate a response in consultation with line areas and decisions will be made applying the same approval of arrangements as in place for the purpose of the FOI Act.

There are certain grounds outlined in the Privacy Act about when the Department is not required to give access to the information sought, or to refuse the request. The Privacy Contact Officer will provide advice in these situations on a case by case basis.