



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: <insert FOI#>

<insert decision date>

To <insert applicant name>

<insert position >

<insert organisation>

<insert address if sending by post>

<insert email address>

Dear <insert title, surname>

I refer to your request to the Department of the Prime Minister and Cabinet (the department) under the *Freedom of Information Act 1982*¹ (the FOI Act), received on <insert date>.

The purpose of this letter is to notify you of a decision on your request under the FOI Act².

Scope of request

You set out your request in the following terms:

<insert terms of request>

OPTION: You set out your original request in the following terms:

<insert terms of request>

On <insert date>, you revised the terms of your request as follows:

<insert terms of clarified/revised request>

END OPTION

¹ [Freedom of Information Act 1982 - Federal Register of Legislation](#)

² Section 15(5)(b) of the FOI Act

Timeframe for making a decision

The FOI Act provides a period of 30 days after the date a request is received to notify a decision unless the period is extended in accordance with the FOI Act³.

OPTIONS:

EOT: On <insert date> you agreed to extend the processing period. We thank you for your engagement to maintain the statutory timeframes for processing.

On <insert date> the department notified you the processing period for your request had been extended by the consultation provisions within the FOI Act⁴.

On <insert date> the Office of the Australian Information Commissioner granted the department an extension of time for the processing of your request under section <insert 15AB/15AC> of the FOI Act.

EOT end options

The statutory due date for notifying you of this decision is <insert date>.

OR - Out of time: A decision on your request was due [DATE]. Unfortunately, the department was unable to complete the processing of your request by this date. In these circumstances the department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

Where an access refusal decision is deemed to have been made, the agency or minister is still able to process the request and provide a statement of reasons.⁵

OPTION END

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Secretary of the department under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request
- searches and inquires undertaken by the department
- the document/s relevant to your request

³ See *Extending the decision notification period* at paragraph 3.252 of the Guidelines

⁴ Section 15(6) of the FOI Act

¹ Paragraph 3.270 of the Guidelines

- the FOI Act
- Guidelines⁶ issued by the Information Commissioner⁷ (the Guidelines)
- **Option:** the views of a third party consulted by the department. **End of Option**

Searches

Searches were conducted by <insert area>⁸ who have knowledge of the subject connected to your request. **Option:** Inquiries were also made with <insert area> regarding any records held by their area. **End of Option** - **Option:** As part of the searches, the department undertook a keyword search, using terms from your request in its <insert system>. **End of Option**

Document/s in scope of request

I have identified <insert #> document/s that falls within the scope of your request.

These documents are set out in the Schedule of Documents at Attachment A.

Decision

I have decided to grant access in full to the document(s) identified within the scope of your request, with irrelevant material deleted. Irrelevant material is deleted under section 22 of the FOI Act.

The document/s is/are enclosed.

Reasons for decision

My findings of fact and reasons for deciding certain information is irrelevant is set out below.

1. Deletion of irrelevant matter

Section 22 of the FOI Act provides that an agency may give access to an edited copy of a document where it is reasonably practicable to do so and the edited copy would not disclose information that would reasonably be regarded as irrelevant to the request. In this case, I am satisfied that it is reasonably practicable to prepare edited copies of the documents by deleting material that is irrelevant to the scope of the request.

On <insert date>, the department advised you that, consistent with its usual FOI practice, it treats certain information as irrelevant to the scope of an FOI request. This includes the personal and direct contact details of officers who are not members of the Senior Executive Service (SES), any Ministerial staff, any person's signature, and the mobile or direct telephone numbers of all officers. I am satisfied this information is reasonably regarded as irrelevant to the terms of your request

⁶ [Freedom of information guidelines | OAIC](#)

⁷ Section 93A of the FOI Act

⁸ [PM&C organisation chart](#)

Option: Some documents contain system generated headers and/or footers that did not form part of the documents at the date of your request. I consider this information to be irrelevant, and it has been deleted under section 22 of the FOI Act.

I am satisfied that parts of the requested documents are irrelevant under section 22(1)(a)(ii) of the FOI Act and these parts have been deleted.

OPTION Third party review rights

The department consulted with [a third party/third parties] potentially affected by the release of the documents. [That/Those] [third party/third parties] [has/have] an opportunity to seek a review of my access decision⁹. The time for the third party to apply for an internal or external review is **30 days** from the date the access decision is notified to them, being <insert date>. The timing of review opportunities is explained in the Guidelines¹⁰.

Subject to the outcome of a third party review, access to the documents will be provided after the review time is ended.

OPTION END

Review rights

If you are dissatisfied with my decision, you may apply for either an internal review or a review by the Australian Information Commissioner.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. An application for internal review must be made within **30 days** after the date of this letter.

Where possible, you should include reasons why you believe the decision should be reviewed. An internal review will be conducted by an officer other than the original decision maker, and a decision will be made within 30 days of the department receiving your application.

Applications for review should be sent to foi@pmc.gov.au.

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** after the date of this letter.

⁹ Paragraphs 3.311 to 3.315 of the Guidelines

¹⁰ See *Table 4: When time runs out for third party review* at [Part 3: Processing and deciding on requests for access](#) | OAIC

You may apply online using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹¹

FOI Complaints

If you are dissatisfied with the way the department has managed your FOI request, you may raise your concerns with the department. We welcome feedback and may be able to take steps to address your concerns.

If you are not satisfied with the department's response, you may make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can lodge a complaint using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹²

If you wish to discuss any aspect of your requests, you may contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

<insert name>

Assistant Secretary [insert position]

<insert Branch>

Department of the Prime Minister and Cabinet

¹¹ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

¹² <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: <insert FOI#>

<insert decision date>

To <insert applicant name>

<insert position >

<insert organisation>

<insert address if sending by post>

<insert email address>

Dear <insert title, surname>

I refer to your request to the Department of the Prime Minister and Cabinet (the department) under the *Freedom of Information Act 1982*¹ (the FOI Act), received on <insert date>.

The purpose of this letter is to notify you of a decision on your request under the FOI Act².

Scope of request

You set out your request in the following terms:

<insert terms of request>

OPTION: You set out your original request in the following terms:

<insert terms of request>

On <insert date>, you revised the terms of your request as follows:

<insert terms of clarified/revised request>

END OPTION

¹ [Freedom of Information Act 1982 - Federal Register of Legislation](#)

² Section 15(5)(b) of the FOI Act

Timeframe for making a decision

The FOI Act provides a period of 30 days after the date a request is received to notify a decision unless the period is extended in accordance with the FOI Act³.

OPTIONS:

EOT: On <insert date> you agreed to extend the processing period. We thank you for your engagement to maintain the statutory timeframes for processing.

On <insert date> the department notified you the processing period for your request had been extended by the consultation provisions within the FOI Act⁴.

On <insert date> the Office of the Australian Information Commissioner granted the department an extension of time for the processing of your request under section <insert 15AB/15AC> of the FOI Act.

EOT end options

The statutory due date for notifying you of this decision is <insert date>.

OR - Out of time: A decision on your request was due [DATE]. Unfortunately, the department was unable to complete the processing of your request by this date. In these circumstances the department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

Where an access refusal decision is deemed to have been made, the agency or minister is still able to process the request and provide a statement of reasons.⁵

OPTION END

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Secretary of the department under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request
- searches and inquires undertaken by the department
- the document/s relevant to your request

³ See *Extending the decision notification period* at paragraph 3.252 of the Guidelines

⁴ Section 15(6) of the FOI Act

⁵ Paragraph 3.270 of the Guidelines

- the FOI Act
- Guidelines⁶ issued by the Information Commissioner⁷ (the Guidelines)
- **Option:** the views of a third party consulted by the department. **End of Option**

Searches

Searches were conducted by <insert area>⁸ who have knowledge of the subject connected to your request. **Option:** Inquiries were also made with <insert area> regarding any records held by their area. **End of Option** - **Option:** As part of the searches, the department undertook a keyword search, using terms from your request in its <insert system>. **End of Option**

Document/s in scope of request

I have identified <insert #> document/s that falls within the scope of your request.

These documents are set out in the Schedule of Documents at **Attachment A**.

Decision

I have decided to grant access in full to the document/s identified within the scope of your request.

The document/s is/are enclosed.

OPTION Third party review rights

The department consulted with [a third party/third parties] potentially affected by the release of the documents. [That/Those] [third party/third parties] [has/have] an opportunity to seek a review of my access decision⁹. The time for the third party to apply for an internal or external review is **30 days** from the date the access decision is notified to them, being <insert date>. The timing of review opportunities is explained in the Guidelines¹⁰.

Subject to the outcome of a third party review, access to the documents will be provided after the review time is ended.

OPTION END

⁶ [Freedom of information guidelines | OAIC](#)

⁷ Section 93A of the FOI Act

⁸ [PM&C organisation chart](#)

⁹ Paragraphs 3.311 to 3.315 of the Guidelines

¹⁰ See *Table 4: When time runs out for third party review* at [Part 3: Processing and deciding on requests for access | OAIC](#)

Review rights

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Internal review

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Where possible, you should include reasons why you believe the decision should be reviewed. An internal review will be conducted by an officer other than the original decision maker, and a decision will be made within 30 days of the department receiving your application.

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You may apply online using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹¹

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If you are not satisfied with the department's response, you may make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can lodge a complaint using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹²

¹¹ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

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OFFICIAL

If you wish to discuss any aspect of your requests, you may contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

<insert name>

Assistant Secretary [insert position]

<insert Branch>

Department of the Prime Minister and Cabinet

OFFICIAL



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Freedom of Information (FOI) request

Notice of Decision

Reference: <insert FOI#>

<insert decision date>

To <insert applicant name>

<insert position >

<insert organisation>

<insert address if sending by post>

<insert email address>

Dear <insert title, surname>

I refer to your request to the Department of the Prime Minister and Cabinet (the department) under the *Freedom of Information Act 1982*¹ (the FOI Act), received on <insert date>.

The purpose of this letter is to notify you of a decision on your request under the FOI Act².

Scope of request

You set out your request in the following terms:

<insert terms of request>

OPTION: You set out your original request in the following terms:

<insert terms of request>

On <insert date>, you revised the terms of your request as follows:

<insert terms of clarified/revised request>

END OPTION

¹ [Freedom of Information Act 1982 - Federal Register of Legislation](#)

² Section 15(5)(b) of the FOI Act

Timeframe for making a decision

The FOI Act provides a period of 30 days after the date a request is received to notify a decision unless the period is extended in accordance with the FOI Act³.

OPTIONS:

EOT: On <insert date> you agreed to extend the processing period. We thank you for your engagement to maintain the statutory timeframes for processing.

On <insert date> the department notified you the processing period for your request had been extended by the consultation provisions within the FOI Act⁴.

On <insert date> the Office of the Australian Information Commissioner granted the department an extension of time for the processing of your request under section <insert 15AB/15AC> of the FOI Act.

EOT end options

The statutory due date for notifying you of this decision is <insert date>.

OR - Out of time: A decision on your request was due [DATE]. Unfortunately, the department was unable to complete the processing of your request by this date. In these circumstances the department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

Where an access refusal decision is deemed to have been made, the agency or minister is still able to process the request and provide a statement of reasons.⁵

OPTION END

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Secretary of the department under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request
- searches and inquires undertaken by the department
- the document/s relevant to your request

³ See *Extending the decision notification period* at paragraph 3.252 of the Guidelines

⁴ Section 15(6) of the FOI Act

¹ Paragraph 3.270 of the Guidelines

- the FOI Act
- Guidelines⁶ issued by the Information Commissioner⁷ (the Guidelines)
- **Option:** the views of a third party consulted by the department. **End of Option**

Searches

Searches were conducted by <insert area>⁸ who have knowledge of the subject connected to your request. **Option:** Inquiries were also made with <insert area> regarding any records held by their area. **End of Option** - **Option:** As part of the searches, the department undertook a keyword search, using terms from your request in its <insert system>. **End of Option**

Document/s in scope of request

I have identified <insert #> document/s that falls within the scope of your request.

These documents are set out in the Schedule of Documents at **Attachment A**.

Decision

I have decided to grant access in part to the document(s) identified within the scope of your request.

Exemptions applied

My decision is to apply the following exemptions:

- <Insert summary of decision example below>
- Document 1 is exempt under section 33 of the FOI Act
- Documents 2-3 are exempt in part under section 47E of the FOI Act.

Documents released in full

I have decided to grant access in full to document(s) xx.

In making my decision, I have deleted material that is reasonably regarded as irrelevant to the scope of the request, in accordance with section 22 of the FOI Act. I have also deleted material found to be exempt under the FOI Act. Deletions are marked in the documents by way of redaction and include references to the relevant provisions of the FOI Act that have been applied.

Documents found to be exempt in full have not been released. Information about these documents is set out in the Schedule of Documents.

⁶ [Freedom of information guidelines | OAIC](#)

⁷ Section 93A of the FOI Act

⁸ [PM&C organisation chart](#)

Reason for decision

My findings of fact and reasons for deciding certain material is exempt or irrelevant is set out below.

1. <insert title of exemption as per FOI Act>

<insert the exemption relied upon and findings of fact for applying that exemption, use plain English and insert references to relevant parts of the Guidelines where appropriate>

2. **OPTION: Public interest exemption - factors**

The FOI Act requires a conditionally exempt document to be disclosed unless (in the circumstances) its disclosure would, on balance, be contrary to the public interest⁹. To determine these circumstances the FOI Act requires me to consider and weigh up the factors for and against disclosure at the time of making the decision.

As I have found material, as per the 'Decision' section of this letter, is conditionally exempt, I am now required to consider the public interest factors.

Irrelevant factors

In making my decision I have not considered the irrelevant factors of section 11B(4) in the FOI Act, this includes:

- a) *access to the document could result in embarrassment to the Commonwealth Government, or cause a loss in confidence in the Commonwealth Government*
- b) *access to the document could result in any person misinterpreting or misunderstanding the document*
- c) *the author of the documents was (or is) of high seniority in the agency to which the request for access to the document was made*
- d) *access to the document could result in confusion or unnecessary debate*

Factors favouring access

I have noted the objects of the FOI Act¹⁰ and the factors favouring access as per section 11B(3) of the FOI Act. Having regard to the circumstances and the material before me I am satisfied of the following:

- access would promote the objects of the FOI Act;
- access may inform debate on a matter of public importance;
- access may promote effective oversight of public expenditure;
- access will provide you with your personal information.

⁹ Section 11A(5) of the FOI Act

¹⁰ section 3 of the FOI Act

OPTIONS: I find the following factors neutral in the circumstances as specifically identified material found to be conditionally exempt - would appear to be of interest to a limited or narrow section of the public / does not offer any insights into public expenditure / does not contain your personal information. **OR** I am satisfied that your personal information is not contained within the conditionally exempt documents and therefore s 11B(3)(d) is not a relevant factor that would favour access.

I have also considered the Guidelines which further discuss the public interest factors for access and found the following applicable in the circumstances:

- *contribute to the maintenance of peace and order*
- *contribute to the administration of justice generally, including procedural fairness*
- *contribute to the enforcement of the criminal law*
- *contribute to the administration of justice for a person*
- *advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies*
- *reveal environmental or health risks of measures relating to public health and safety and contribute to the protection of the environment*
- *contribute to innovation and the facilitation of research.*

Factors contrary to the public interest

The FOI Act requires me to have regard to the Guidelines to work out if disclosure of the conditionally exempt material is contrary to the public interest.

The Guidelines¹¹ contain a non-exhaustive list of factors against disclosure. In the circumstances I find the following to be relevant (select the options that related to the reasons for deciding material is exempt):

- *could reasonably be expected to prejudice the protection of an individual's right to privacy, including where:*
 - *the personal information is that of a child, where the applicant is the child's parent, and disclosure of the information is reasonably considered not to be in the child's best interests*
 - *the personal information is that of a deceased individual where the applicant is a close family member (a close family member is a spouse or partner, adult child or parent of the deceased, or other person who was ordinarily a member of the person's household) and the disclosure of the information could reasonably be expected to affect the deceased person's privacy if that person were alive*
 - *the personal information is that of a government employee in relation to personnel management and the disclosure of the information could reasonably be considered to reveal information about their private disposition or personal life.*

¹¹ Paragraph 6.233 of the Guidelines

- could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct
- could reasonably be expected to prejudice security, law enforcement, public health or public safety
- could reasonably be expected to impede the administration of justice generally, including procedural fairness
- could reasonably be expected to impede the administration of justice for an individual
- could reasonably be expected to impede the protection of the environment
- could reasonably be expected to impede the flow of information to the police or another law enforcement or regulatory agency
- could reasonably be expected to prejudice an agency's ability to obtain confidential information
- could reasonably be expected to prejudice an agency's ability to obtain similar information in the future
- could reasonably be expected to prejudice the competitive commercial activities of an agency
- could reasonably be expected to harm the interests of an individual or group of individuals
- could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Ombudsman or Auditor-General
- could reasonably be expected to discourage the use of agency's access and research services
- could reasonably be expected to prejudice the management function of an agency
- could reasonably be expected to prejudice the effectiveness of testing or auditing procedures.

Further I have considered the nature of the conditionally exempt material, the role and function of this department in connection to that material, and found the following factors against disclosure to be relevant:

- <insert any other factors against disclosure>

Public interest findings

After careful consideration of all the relevant factors, as set out above, I give the greatest weight to <insert the factor of greatest weight>.

Therefore, I have decided, on balance, the factors against disclosure outweigh those favouring disclosure and I am of the view the disclosure of the conditionally exempt material is contrary to the public interest.

END OF OPTION Public Interest

3. Deletion of irrelevant matter

Section 22 of the FOI Act provides that an agency may give access to an edited copy of a document where it is reasonably practicable to do so and the edited copy would not disclose information that would reasonably be regarded as irrelevant to the request. In this case, I am satisfied that it is

reasonably practicable to prepare edited copies of the documents by deleting material that is irrelevant to the scope of the request.

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Option: Some documents contain system-generated headers and/or footers that did not form part of the documents at the date of your request. I consider this information to be irrelevant, and it has been deleted under section 22 of the FOI Act.

I am satisfied that parts of the requested documents are irrelevant under section 22(1)(a)(ii) of the FOI Act and these parts have been deleted.

OPTION Third party review rights

The department consulted with [a third party/third parties] potentially affected by the release of the documents. [That/Those] [third party/third parties] [has/have] an opportunity to seek a review of my access decision¹². The time for the third party to apply for an internal or external review is **30 days** from the date the access decision is notified to them, being <insert date>. The timing of review opportunities is explained in the Guidelines¹³.

Subject to the outcome of a third party review, access to the documents will be provided after the review time is ended.

OPTION END

Review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. An application for internal review must be made within **30 days** after the date of this letter.

¹² Paragraphs 3.311 to 3.315 of the Guidelines

¹³ See *Table 4: When time runs out for third party review* at [Part 3: Processing and deciding on requests for access](#) | OAIC

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If you wish to discuss any aspect of your requests, you may contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

<insert name>

Assistant Secretary [insert position]

<insert Branch>

Department of the Prime Minister and Cabinet

¹⁴ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

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Freedom of Information (FOI) request

Notice of Decision

Reference: <insert FOI#>

<insert decision date>

To <insert applicant name>

<insert position >

<insert organisation>

<insert address if sending by post>

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Dear <insert title, surname>

I refer to your request to the Department of the Prime Minister and Cabinet (the department) under the *Freedom of Information Act 1982*¹ (the FOI Act), received on <insert date>.

The purpose of this letter is to notify you of a decision on your request under the FOI Act².

Scope of request

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<insert terms of request>

OPTION: You set out your original request in the following terms:

<insert terms of request>

On <insert date>, you revised the terms of your request as follows:

<insert terms of clarified/revised request>

END OPTION

¹ [Freedom of Information Act 1982 - Federal Register of Legislation](#)

² Section 15(5)(b) of the FOI Act

Timeframe for making a decision

The FOI Act provides a period of 30 days after the date a request is received to notify a decision unless the period is extended in accordance with the FOI Act³.

OPTIONS:

EOT: On <insert date> you agreed to extend the processing period. We thank you for your engagement to maintain the statutory timeframes for processing.

On <insert date> the department notified you the processing period for your request had been extended by the consultation provisions within the FOI Act⁴.

On <insert date> the Office of the Australian Information Commissioner granted the department an extension of time for the processing of your request under section <insert 15AB/15AC> of the FOI Act.

EOT end options

The statutory due date for notifying you of this decision is <insert date>.

OR - Out of time: A decision on your request was due [DATE]. Unfortunately, the department was unable to complete the processing of your request by this date. In these circumstances the department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

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OPTION END

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Secretary of the department under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request
- searches and inquires undertaken by the department
- the document/s relevant to your request

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Searches

Searches were conducted by <insert area>⁸ who have knowledge of the subject connected to your request. **Option:** Inquiries were also made with <insert area> regarding any records held by their area. **End of Option** - **Option:** As part of the searches, the department undertook a keyword search, using terms from your request in its <insert system>. **End of Option**

Document/s in scope of request

I have identified <insert #> document/s that falls within the scope of your request.

These documents are set out in the Schedule of Documents at **Attachment A**.

Decision

I have decided to grant access in part to the document(s) identified within the scope of your request and refuse access to part of your request on grounds documents did not exist.

Exemptions applied

My decision is to apply the following exemptions:

- <Insert summary of decision example below>
- Document 1 is exempt under section 33 of the FOI Act
- Documents 2-3 are exempt in part under section 47E of the FOI Act.

Refused access

My decision is to refuse access to the following parts of your request under section 24A of the FOI Act:

- <Insert the extract of the request that is refused>

Documents released in full

I have decided to grant access in full to document(s) xx.

In making my decision, I have deleted material that is reasonably regarded as irrelevant to the scope of the request, in accordance with section 22 of the FOI Act. I have also deleted material found to be

⁶ [Freedom of information guidelines | OAIC](#)

⁷ Section 93A of the FOI Act

⁸ [PM&C organisation chart](#)

exempt under the FOI Act. Deletions are marked in the documents by way of redaction and include references to the relevant provisions of the FOI Act that have been applied.

Documents found to be exempt in full have not been released. Information about these documents is set out in the Schedule of Documents.

Reason for decision

My findings of fact and reasons for deciding certain material is refused, exempt or irrelevant is set out below.

1. Requests may be refused if documents cannot be found, do not exist or have not been received

Section 24A(1) of the FOI Act provides:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and*
- (b) the agency or Minister is satisfied that the document:*
 - (i) is in the agency's or Minister's possession but cannot be found; or*
 - (ii) does not exist.*

In determining whether all reasonable steps have been taken to find documents within the scope of your request, I have had regard to the Guidelines, in particular paragraphs [3.144]-[3.145]⁹.

The Guidelines explain that agencies are required to undertake reasonable searches based on a flexible and common-sense interpretation of the terms of the request, having regard to the circumstances of the particular request and the agency's normal business practices. What constitutes 'all reasonable steps' does not require searches that are extravagant or excessive, but rather searches that are appropriate and suitable to the purpose and context of the request. The Guidelines explain what constitutes effective searches as:

3.152 Ensuring that the search is conducted by the officers most likely to be able to find requested documents, rather than the FOI officer, will increase the effectiveness of the search. Where officers within the agency may have information about the requested documents they should be consulted, and records kept of their advice. Advising FOI applicants of the relevant business areas that conducted the searches may assure them that all reasonable steps have been taken to identify and retrieve the documents they seek and to assist in their consideration of whether to accept the agency's or minister's initial decision.

⁹ [Part 3: Processing and deciding on requests for access](#) | OAIC

Having regard to the subject matter of your request, the department identified the <insert branch> **Branch within the <insert division> Division** as the business area best placed to identify and locate documents that may fall within scope.

Consistent with usual record-keeping and information management practices of the department, searches were undertaken in the following locations where documents relevant to your request would reasonably be expected to be held (select the options that relate to the searches conducted and add any additional searches):

- **Group email account** of the relevant business area, where communications may have been sent or received;
- **Officer email accounts** within the relevant business area, where communications may have been sent or received;
- **Share+**, the department's official records management system, where the Branch's records are stored; and
- The **Parliamentary Document Management System (PDMS)**, which is used to store official correspondence, briefs and submissions to the executive or the Prime Minister.

These searches were undertaken by the relevant business area who are best placed to know whether documents of the kind requested exist.

As a result of these searches, no documents were found to be in the possession of the department that fall within the scope of your request.

I am satisfied that the searches undertaken were appropriate and suitable in the circumstances, and that the department has taken all reasonable steps to locate documents within the scope of your request.

I am satisfied that the documents you have requested cannot be found or do not exist, and I have decided to refuse access under section 24A of the FOI Act.

2. <insert title of exemption as per FOI Act>

<insert the exemption relied upon and findings of fact for applying that exemption, use plain English and insert references to relevant parts of the Guidelines where appropriate>

3. **OPTION: Public interest exemption - factors**

The FOI Act requires a conditionally exempt document to be disclosed unless (in the circumstances) its disclosure would, on balance, be contrary to the public interest¹⁰. To determine these

¹⁰ Section 11A(5) of the FOI Act

circumstances the FOI Act requires me to consider and weigh up the factors for and against disclosure at the time of making the decision.

As I have found material, as per the 'Decision' section of this letter, is conditionally exempt, I am now required to consider the public interest factors.

Irrelevant factors

In making my decision I have not considered the irrelevant factors of section 11B(4) in the FOI Act, this includes:

- a) *access to the document could result in embarrassment to the Commonwealth Government, or cause a loss in confidence in the Commonwealth Government*
- b) *access to the document could result in any person misinterpreting or misunderstanding the document*
- c) *the author of the documents was (or is) of high seniority in the agency to which the request for access to the document was made*
- d) *access to the document could result in confusion or unnecessary debate*

Factors favouring access

I have noted the objects of the FOI Act¹¹ and the factors favouring access as per section 11B(3) of the FOI Act. Having regard to the circumstances and the material before me I am satisfied of the following:

- access would promote the objects of the FOI Act;
- access may inform debate on a matter of public importance;
- access may promote effective oversight of public expenditure;
- access will provide you with your personal information.

OPTIONS: I find the following factors neutral in the circumstances as specifically identified material found to be conditionally exempt - would appear to be of interest to a limited or narrow section of the public / does not offer any insights into public expenditure / does not contain your personal information. **OR** I am satisfied that your personal information is not contained within the conditionally exempt documents and therefore s 11B(3)(d) is not a relevant factor that would favour access.

I have also considered the Guidelines which further discuss the public interest factors for access and found the following applicable in the circumstances:

- *contribute to the maintenance of peace and order*
- *contribute to the administration of justice generally, including procedural fairness*
- *contribute to the enforcement of the criminal law*

¹¹ section 3 of the FOI Act

- contribute to the administration of justice for a person
- advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies
- reveal environmental or health risks of measures relating to public health and safety and contribute to the protection of the environment
- contribute to innovation and the facilitation of research.

Factors contrary to the public interest

The FOI Act requires me to have regard to the Guidelines to work out if disclosure of the conditionally exempt material is contrary to the public interest.

The Guidelines¹² contain a non-exhaustive list of factors against disclosure. In the circumstances I find the following to be relevant (select the options that related to the reasons for deciding material is exempt):

- could reasonably be expected to prejudice the protection of an individual's right to privacy, including where:
 - the personal information is that of a child, where the applicant is the child's parent, and disclosure of the information is reasonably considered not to be in the child's best interests
 - the personal information is that of a deceased individual where the applicant is a close family member (a close family member is a spouse or partner, adult child or parent of the deceased, or other person who was ordinarily a member of the person's household) and the disclosure of the information could reasonably be expected to affect the deceased person's privacy if that person were alive
 - the personal information is that of a government employee in relation to personnel management and the disclosure of the information could reasonably be considered to reveal information about their private disposition or personal life.
- could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct
- could reasonably be expected to prejudice security, law enforcement, public health or public safety
- could reasonably be expected to impede the administration of justice generally, including procedural fairness
- could reasonably be expected to impede the administration of justice for an individual
- could reasonably be expected to impede the protection of the environment
- could reasonably be expected to impede the flow of information to the police or another law enforcement or regulatory agency
- could reasonably be expected to prejudice an agency's ability to obtain confidential information

¹² Paragraph 6.233 of the Guidelines

- could reasonably be expected to prejudice an agency's ability to obtain similar information in the future
- could reasonably be expected to prejudice the competitive commercial activities of an agency
- could reasonably be expected to harm the interests of an individual or group of individuals
- could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Ombudsman or Auditor-General
- could reasonably be expected to discourage the use of agency's access and research services
- could reasonably be expected to prejudice the management function of an agency
- could reasonably be expected to prejudice the effectiveness of testing or auditing procedures.

Further I have considered the nature of the conditionally exempt material, the role and function of this department in connection to that material, and found the following factors against disclosure to be relevant:

- <insert any other factors against disclosure>

Public interest findings

After careful consideration of all the relevant factors, as set out above, I give the greatest weight to <insert the factor of greatest weight>.

Therefore, I have decided, on balance, the factors against disclosure outweigh those favouring disclosure and I am of the view the disclosure of the conditionally exempt material is contrary to the public interest.

END OF OPTION Public Interest

4. Deletion of irrelevant matter

Section 22 of the FOI Act provides that an agency may give access to an edited copy of a document where it is reasonably practicable to do so and the edited copy would not disclose information that would reasonably be regarded as irrelevant to the request. In this case, I am satisfied that it is reasonably practicable to prepare edited copies of the documents by deleting material that is irrelevant to the scope of the request.

On <insert date>, the department advised you that, consistent with its usual FOI practice, it treats certain information as irrelevant to the scope of an FOI request. This includes the personal and direct contact details of officers who are not members of the Senior Executive Service (SES), any Ministerial staff, any person's signature, and the mobile or direct telephone numbers of all officers. I am satisfied this information is reasonably regarded as irrelevant to the terms of your request

Option: Some documents contain system-generated headers and/or footers that did not form part of the documents at the date of your request. I consider this information to be irrelevant, and it has been deleted under section 22 of the FOI Act.

I am satisfied that parts of the requested documents are irrelevant under section 22(1)(a)(ii) of the FOI Act and these parts have been deleted.

OPTION Third party review rights

The department consulted with [a third party/third parties] potentially affected by the release of the documents. [That/Those] [third party/third parties] [has/have] an opportunity to seek a review of my access decision¹³. The time for the third party to apply for an internal or external review is **30 days** from the date the access decision is notified to them, being <insert date>. The timing of review opportunities is explained in the Guidelines¹⁴.

Subject to the outcome of a third party review, access to the documents will be provided after the review time is ended.

OPTION END

Review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. An application for internal review must be made within **30 days** after the date of this letter.

Where possible, you should include reasons why you believe the decision should be reviewed. An internal review will be conducted by an officer other than the original decision maker, and a decision will be made within 30 days of the department receiving your application.

Applications for review should be sent to foi@pmc.gov.au.

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** after the date of this letter.

You may apply online using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹⁵

¹³ Paragraphs 3.311 to 3.315 of the Guidelines

¹⁴ See *Table 4: When time runs out for third party review* at [Part 3: Processing and deciding on requests for access | OAIC](#)

¹⁵ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

FOI Complaints

If you are dissatisfied with the way the department has managed your FOI request, you may raise your concerns with the department. We welcome feedback and may be able to take steps to address your concerns.

If you are not satisfied with the department's response, you may make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can lodge a complaint using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹⁶

If you wish to discuss any aspect of your requests, you may contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

<insert name>

Assistant Secretary [insert position]

<insert Branch>

Department of the Prime Minister and Cabinet

¹⁶ <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>



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Attachment A

Freedom of Information (FOI) request

Schedule of Documents

Reference: **FOI/2026/XXX**

Number	Date	Size (pages)	Description (document reference)	Decision on release
1.				
2.				
3.				
4.				
5.				
6.				

OFFICIAL



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Freedom of Information (FOI) request

Notice of Decision

Reference: <insert FOI#>

<insert decision date>

To <insert applicant name>

<insert position >

<insert organisation>

<insert address if sending by post>

<insert email address>

Dear <insert title, surname>

I refer to your request to the Department of the Prime Minister and Cabinet (the department) under the *Freedom of Information Act 1982*¹ (the FOI Act), received on <insert date>.

The purpose of this letter is to notify you of a decision on your request under the FOI Act².

Scope of request

You set out your request in the following terms:

<insert terms of request>

OPTION: You set out your original request in the following terms:

<insert terms of request>

On <insert date>, you revised the terms of your request as follows:

<insert terms of clarified/revised request>

END OPTION

¹ [Freedom of Information Act 1982 - Federal Register of Legislation](#)

² Section 15(5)(b) of the FOI Act

OFFICIAL

Timeframe for making a decision

The FOI Act provides a period of 30 days after the date a request is received to notify a decision unless the period is extended in accordance with the FOI Act³.

OPTIONS:

EOT: On <insert date> you agreed to extend the processing period. We thank you for your engagement to maintain the statutory timeframes for processing.

On <insert date> the department notified you the processing period for your request had been extended by the consultation provisions within the FOI Act⁴.

On <insert date> the Office of the Australian Information Commissioner granted the department an extension of time for the processing of your request under section <insert 15AB/15AC> of the FOI Act.

EOT end options

The statutory due date for notifying you of this decision is <insert date>.

OR - Out of time: A decision on your request was due [DATE]. Unfortunately, the department was unable to complete the processing of your request by this date. In these circumstances the department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

Where an access refusal decision is deemed to have been made, the agency or minister is still able to process the request and provide a statement of reasons.⁵

OPTION END

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Secretary of the department under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request

³ See *Extending the decision notification period* at paragraph 3.252 of the Guidelines

⁴ Section 15(6) of the FOI Act

⁵ Paragraph 3.270 of the Guidelines

- searches and inquires undertaken by the department
- the document/s relevant to your request
- the FOI Act
- Guidelines⁶ issued by the Information Commissioner⁷ (the Guidelines)
- **Option:** the views of a third party consulted by the department. **End of Option**

Documents in scope of request

I have identified <insert #> document/s that falls within the scope of your request.

These documents are set out in the Schedule of Documents at **Attachment A**.

Decision

I have decided to refuse access to the document(s) identified within the scope of your request **Option:** and refuse access to part of your request on grounds documents did not exist.

Exemptions applied

My decision is to apply the following exemptions:

- <Insert summary of decision example below>
- Document x is exempt under section xx of the FOI Act

Documents found to be exempt in full have not been released. Information about these documents is set out in the Schedule of Documents.

Option: Refused access

My decision is to refuse access to the following parts of your request under section 24A of the FOI Act:

- <Insert the extract of the request that is refused>

End option

Reason for decision

My findings of fact and reasons for deciding documents are exempt or refused is set out below.

⁶ [Freedom of information guidelines | OAIC](#)

⁷ Section 93A of the FOI Act

1. OPTION: Requests may be refused if documents cannot be found, do not exist or have not been received

Section 24A(1) of the FOI Act provides:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

In determining whether all reasonable steps have been taken to find documents within the scope of your request, I have had regard to the Guidelines, in particular paragraphs [3.144]-[3.145]⁸.

The Guidelines explain that agencies are required to undertake reasonable searches based on a flexible and common-sense interpretation of the terms of the request, having regard to the circumstances of the particular request and the agency's normal business practices. What constitutes 'all reasonable steps' does not require searches that are extravagant or excessive, but rather searches that are appropriate and suitable to the purpose and context of the request. The Guidelines explain what constitutes effective searches as:

3.152 Ensuring that the search is conducted by the officers most likely to be able to find requested documents, rather than the FOI officer, will increase the effectiveness of the search. Where officers within the agency may have information about the requested documents they should be consulted, and records kept of their advice. Advising FOI applicants of the relevant business areas that conducted the searches may assure them that all reasonable steps have been taken to identify and retrieve the documents they seek and to assist in their consideration of whether to accept the agency's or minister's initial decision.

Having regard to the subject matter of your request, the department identified the <insert branch> Branch within the <insert division> Division as the business area best placed to identify and locate documents that may fall within scope.

Consistent with usual record-keeping and information management practices of the department, searches were undertaken in the following locations where documents relevant to your request would reasonably be expected to be held (select the options that relate to the searches conducted and add any additional searches):

⁸ Part 3: Processing and deciding on requests for access | OAIC

- **Group email account** of the relevant business area, where communications may have been sent or received;
- **Officer email accounts** within the relevant business area, where communications may have been sent or received;
- **Share+**, the department's official records management system, where the Branch's records are stored; and
- The **Parliamentary Document Management System (PDMS)**, which is used to store official correspondence, briefs and submissions to the executive or the Prime Minister.

These searches were undertaken by the relevant business area who are best placed to know whether documents of the kind requested exist.

As a result of these searches, no documents were found to be in the possession of the department that fall within the scope of your request.

I am satisfied that the searches undertaken were appropriate and suitable in the circumstances, and that the department has taken all reasonable steps to locate documents within the scope of your request.

I am satisfied that the documents you have requested cannot be found or do not exist, and I have decided to refuse access under section 24A of the FOI Act.

END OF OPTION: No documents

2. <insert title of exemption as per FOI Act>

<insert the exemption relied upon and findings of fact for applying that exemption, use plain English and insert references to relevant parts of the Guidelines where appropriate>

3. **OPTION: Public interest exemption - factors**

The FOI Act requires a conditionally exempt document to be disclosed unless (in the circumstances) its disclosure would, on balance, be contrary to the public interest⁹. To determine these circumstances the FOI Act requires me to consider and weigh up the factors for and against disclosure at the time of making the decision.

As I have found material, as per the 'Decision' section of this letter, is conditionally exempt, I am now required to consider the public interest factors.

⁹ Section 11A(5) of the FOI Act

Irrelevant factors

In making my decision I have not considered the irrelevant factors of section 11B(4) in the FOI Act, this includes:

- a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss in confidence in the Commonwealth Government
- b) access to the document could result in any person misinterpreting or misunderstanding the document
- c) the author of the documents was (or is) of high seniority in the agency to which the request for access to the document was made
- d) access to the document could result in confusion or unnecessary debate

Factors favouring access

I have noted the objects of the FOI Act¹⁰ and the factors favouring access as per section 11B(3) of the FOI Act. Having regard to the circumstances and the material before me I am satisfied of the following:

- access would promote the objects of the FOI Act;
- access may inform debate on a matter of public importance;
- access may promote effective oversight of public expenditure;
- access will provide you with your personal information.

OPTIONS: I find the following factors neutral in the circumstances as specifically identified material found to be conditionally exempt - would appear to be of interest to a limited or narrow section of the public / does not offer any insights into public expenditure / does not contain your personal information. **OR** I am satisfied that your personal information is not contained within the conditionally exempt documents and therefore s 11B(3)(d) is not a relevant factor that would favour access.

I have also considered the Guidelines which further discuss the public interest factors for access and found the following applicable in the circumstances:

- *contribute to the maintenance of peace and order*
- *contribute to the administration of justice generally, including procedural fairness*
- *contribute to the enforcement of the criminal law*
- *contribute to the administration of justice for a person*
- *advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies*

¹⁰ section 3 of the FOI Act

- reveal environmental or health risks of measures relating to public health and safety and contribute to the protection of the environment
- contribute to innovation and the facilitation of research.

Factors contrary to the public interest

The FOI Act requires me to have regard to the Guidelines to work out if disclosure of the conditionally exempt material is contrary to the public interest.

The Guidelines¹¹ contain a non-exhaustive list of factors against disclosure. In the circumstances I find the following to be relevant (select the options that related to the reasons for deciding material is exempt):

- could reasonably be expected to prejudice the protection of an individual's right to privacy, including where:
 - the personal information is that of a child, where the applicant is the child's parent, and disclosure of the information is reasonably considered not to be in the child's best interests
 - the personal information is that of a deceased individual where the applicant is a close family member (a close family member is a spouse or partner, adult child or parent of the deceased, or other person who was ordinarily a member of the person's household) and the disclosure of the information could reasonably be expected to affect the deceased person's privacy if that person were alive
 - the personal information is that of a government employee in relation to personnel management and the disclosure of the information could reasonably be considered to reveal information about their private disposition or personal life.
- could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct
- could reasonably be expected to prejudice security, law enforcement, public health or public safety
- could reasonably be expected to impede the administration of justice generally, including procedural fairness
- could reasonably be expected to impede the administration of justice for an individual
- could reasonably be expected to impede the protection of the environment
- could reasonably be expected to impede the flow of information to the police or another law enforcement or regulatory agency
- could reasonably be expected to prejudice an agency's ability to obtain confidential information

¹¹ Paragraph 6.233 of the Guidelines

- could reasonably be expected to prejudice an agency's ability to obtain similar information in the future
- could reasonably be expected to prejudice the competitive commercial activities of an agency
- could reasonably be expected to harm the interests of an individual or group of individuals
- could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Ombudsman or Auditor-General
- could reasonably be expected to discourage the use of agency's access and research services
- could reasonably be expected to prejudice the management function of an agency
- could reasonably be expected to prejudice the effectiveness of testing or auditing procedures.

Further I have considered the nature of the conditionally exempt material, the role and function of this department in connection to that material, and found the following factors against disclosure to be relevant:

- <insert any other factors against disclosure>

Public interest findings

After careful consideration of all the relevant factors, as set out above, I give the greatest weight to <insert the factor of greatest weight>.

Therefore, I have decided, on balance, the factors against disclosure outweigh those favouring disclosure and I am of the view the disclosure of the conditionally exempt material is contrary to the public interest.

END OF OPTION Public Interest

Review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. An application for internal review must be made within **30 days** after the date of this letter.

Where possible, you should include reasons why you believe the decision should be reviewed. An internal review will be conducted by an officer other than the original decision maker, and a decision will be made within 30 days of the department receiving your application.

Applications for review should be sent to foi@pmc.gov.au.

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** after the date of this letter.

You may apply online using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹²

FOI Complaints

If you are dissatisfied with the way the department has managed your FOI request, you may raise your concerns with the department. We welcome feedback and may be able to take steps to address your concerns.

If you are not satisfied with the department's response, you may make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can lodge a complaint using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹³

If you wish to discuss any aspect of your requests, you may contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

<insert name>

Assistant Secretary [insert position]

<insert Branch>

Department of the Prime Minister and Cabinet

¹² <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

¹³ <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: <insert FOI#>

<insert decision date>

To <insert applicant name>

<insert position >

<insert organisation>

<insert address if sending by post>

<insert email address>

Dear <insert title, surname>

I refer to your request to the Department of the Prime Minister and Cabinet (the department) under the *Freedom of Information Act 1982*¹ (the FOI Act), received on <insert date>.

The purpose of this letter is to notify you of a decision on your request under the FOI Act².

Scope of request

You set out your request in the following terms:

<insert terms of request>

OPTION: You set out your original request in the following terms:

<insert terms of request>

On <insert date>, you revised the terms of your request as follows:

<insert terms of clarified/revised request>

END OPTION

¹ [Freedom of Information Act 1982 - Federal Register of Legislation](#)

² Section 15(5)(b) of the FOI Act

Timeframe for making a decision

The FOI Act provides a period of 30 days after the date a request is received to notify a decision unless the period is extended in accordance with the FOI Act³.

OPTIONS:

EOT: On <insert date> you agreed to extend the processing period. We thank you for your engagement to maintain the statutory timeframes for processing.

On <insert date> the department notified you the processing period for your request had been extended by the consultation provisions within the FOI Act⁴.

On <insert date> the Office of the Australian Information Commissioner granted the department an extension of time for the processing of your request under section <insert 15AB/15AC> of the FOI Act.

EOT end options

The statutory due date for notifying you of this decision is <insert date>.

OR - Out of time: A decision on your request was due [DATE]. Unfortunately, the department was unable to complete the processing of your request by this date. In these circumstances the department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

Where an access refusal decision is deemed to have been made, the agency or minister is still able to process the request and provide a statement of reasons.⁵

OPTION END

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Secretary of the department under section 23 of the FOI Act.

Material taken into account

In reaching my decision I have had regard to the following:

- the terms of your request

³ See *Extending the decision notification period* at paragraph 3.252 of the Guidelines

⁴ Section 15(6) of the FOI Act

⁵ Paragraph 3.270 of the Guidelines

- searches and inquires undertaken by the department
- the FOI Act
- Guidelines⁶ issued by the Information Commissioner⁷ (the Guidelines)

Decision

I have decided to refuse access to your request on the grounds documents **cannot be found/do not exist**, under section 24A of the FOI Act.

Reason for decision

My findings of fact and reasons for deciding to refuse your request for access is set out below.

1. Documents cannot be found or do not exist

Section 24A(1) of the FOI Act provides:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and*
- (b) the agency or Minister is satisfied that the document:*
 - (i) is in the agency's or Minister's possession but cannot be found; or*
 - (ii) does not exist.*

In determining whether all reasonable steps have been taken to find documents within the scope of your request, I have had regard to the Guidelines, in particular paragraphs [3.144]-[3.145]⁸.

The Guidelines explain that agencies are required to undertake reasonable searches based on a flexible and common-sense interpretation of the terms of the request, having regard to the circumstances of the particular request and the agency's normal business practices. What constitutes 'all reasonable steps' does not require searches that are extravagant or excessive, but rather searches that are appropriate and suitable to the purpose and context of the request. The Guidelines explain what constitutes effective searches as:

3.152 Ensuring that the search is conducted by the officers most likely to be able to find requested documents, rather than the FOI officer, will increase the effectiveness of the search. Where officers within the agency may have information about the requested documents they should be consulted, and records kept of their advice. Advising FOI applicants of the relevant business areas that conducted the searches may assure them that all reasonable steps have

⁶ [Freedom of information guidelines | OAIC](#)

⁷ Section 93A of the FOI Act

⁸ [Part 3: Processing and deciding on requests for access | OAIC](#)

been taken to identify and retrieve the documents they seek and to assist in their consideration of whether to accept the agency's or minister's initial decision.

Having regard to the subject matter of your request, the department identified the <insert branch> **Branch within the <insert division> Division** as the business area best placed to identify and locate documents that may fall within scope.

Consistent with usual record-keeping and information management practices of the department, searches were undertaken in the following locations where documents relevant to your request would reasonably be expected to be held (select the options that relate to the searches conducted and add any additional searches):

- **Group email account** of the relevant business area, where communications may have been sent or received;
- **Officer email accounts** within the relevant business area, where communications may have been sent or received;
- **Share+**, the department's official records management system, where the Branch's records are stored; and
- The **Parliamentary Document Management System (PDMS)**, which is used to store official correspondence, briefs and submissions to the executive or the Prime Minister.

These searches were undertaken by the relevant business area who are best placed to know whether documents of the kind requested exist.

As a result of these searches, no documents were found to be in the possession of the department that fall within the scope of your request.

I am satisfied that the searches undertaken were appropriate and suitable in the circumstances, and that the department has taken all reasonable steps to locate documents within the scope of your request.

I am satisfied that the documents you have requested cannot be found or do not exist, and I have decided to refuse access under section 24A of the FOI Act.

Review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. An application for internal review must be made within **30 days** after the date of this letter.

Where possible, you should include reasons why you believe the decision should be reviewed. An internal review will be conducted by an officer other than the original decision maker, and a decision will be made within 30 days of the department receiving your application.

Applications for review should be sent to foi@pmc.gov.au.

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** after the date of this letter.

You may apply online using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).⁹

FOI Complaints

If you are dissatisfied with the way the department has managed your FOI request, you may raise your concerns with the department. We welcome feedback and may be able to take steps to address your concerns.

If you are not satisfied with the department's response, you may make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can lodge a complaint using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).¹⁰

⁹ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

¹⁰ <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

If you wish to discuss any aspect of your requests, you may contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

<insert name>

Assistant Secretary [insert position]

<insert Branch>

Department of the Prime Minister and Cabinet

DRAFT



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: <insert FOI#>

<insert decision date>

To <insert applicant name>

<insert position >

<insert organisation>

<insert address if sending by post>

<insert email address>

Dear <insert title, surname>

I refer to your request to the Department of the Prime Minister and Cabinet (the department) under the *Freedom of Information Act 1982*¹ (the FOI Act), received on <insert date>.

The purpose of this letter is to notify you of a decision on your request under the FOI Act².

Scope of request

You set out your request in the following terms:

<insert terms of request>

OPTION: You set out your original request in the following terms:

<insert terms of request>

On <insert date>, you revised the terms of your request as follows:

<insert terms of clarified/revised request>

END OPTION

¹ [Freedom of Information Act 1982 - Federal Register of Legislation](#)

² Section 15(5)(b) of the FOI Act

Request consultation process

On *insert date*, the department wrote to you under section 24AB of the FOI Act as part of a request consultation process. A copy of this notice is at **Attachment A**.

The purpose of the request consultation process was to notify you of the intention to refuse your request under section 24 of the FOI Act on grounds a practical refusal reason exists in relation to your request. This occurs when the work involved in processing a request would substantially and unreasonably divert the resources of the department from its usual duties or operations, or the terms of the request were unclear and did not provide sufficient information for the department to identify the requested documents.

As part of the request consultation process you were invited to revise the terms of your request, the department included advice on how you could approach making a revised request.

On *insert date*, you revised your request in the following terms:

insert terms of request

Timeframe for making a decision

The FOI Act provides a period of 30 days after the date a request is received to notify a decision unless the period is extended in accordance with the FOI Act³.

The request consultation period is not counted as part of the above processing period and as per section 24AB(8) the period from the date you received the notice to the date you revised your request was not counted when working out the timeframe for making the decision.

OPTIONS:

EOT: On *insert date* you agreed to extend the processing period. We thank you for your engagement to maintain the statutory timeframes for processing.

On *insert date* the department notified you the processing period for your request had been extended by the consultation provisions within the FOI Act⁴.

On *insert date* the Office of the Australian Information Commissioner granted the department an extension of time for the processing of your request under section *insert 15AB/15AC* of the FOI Act.

EOT end options

³ See *Extending the decision notification period* at paragraph 3.252 of the Guidelines

⁴ Section 15(6) of the FOI Act

The statutory due date for notifying you of this decision is <insert date>.

OR - Out of time: A decision on your request was due [DATE]. Unfortunately, the department was unable to complete the processing of your request by this date. In these circumstances the department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

Where an access refusal decision is deemed to have been made, the agency or minister is still able to process the request and provide a statement of reasons.⁵

OPTION END

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Secretary of the department under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the original terms of your request.
- the request consultation notice at **Attachment A**.
- the revised request terms of <insert date> **OR: your advice to the department that you did not agree to revise the terms of your request.**
- searches **and inquires** undertaken by the department.
- a sample of documents relevant to the terms of your request.
- the FOI Act.
- Guidelines⁶ issued by the Information Commissioner⁷ (the Guidelines).

Decision

I have decided to refuse access under section 24 of the FOI Act.

My decision to refuse your request is made on grounds a practical refusal reason continues to exist under section 24AA of the FOI Act.

¹ Paragraph 3.270 of the Guidelines

⁶ [Freedom of information guidelines | OAIC](#)

⁷ Section 93A of the FOI Act

Reason for decision

My findings of fact and reasons for deciding to refuse your request for access is set out below.

1. Power to refuse request – diversion of resources

Section 24(1) of the FOI Act provides:

(1) If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section [24AA](#)), the agency or Minister:

(a) must undertake a request consultation process (see section [24AB](#)); and

(b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists--the agency or Minister may refuse to give access to the document in accordance with the request.

Request consultation process

Before I refuse access, I must be satisfied the department undertook a request consultation process in accordance with section 24AB of the FOI Act. The department provided you with a written request consultation notice (**Attachment A**) which:

- notified you of the department's **intention to refuse access** to the request.
- clearly identified the **practical refusal reason(s)** relied upon.
- provided **contact details** to enable you to consult with the department during the consultation period.
- specified the **request consultation period**, during which you could revise your request or indicate that you did not wish to do so.

I have reviewed the consultation notice and am satisfied that it met the requirements of section 24AB.

Whether a practical refusal reason continues to exist

Following completion of the request consultation process, I must now consider whether the practical refusal reason continues to exist.

The request consultation notice was issued because the department formed the view that your request **(choose the relevant options below)**:

- would require a substantial and unreasonable diversion of the department's resources from its other operations (section 24AA(1)(a)); and/or

- did not provide sufficient information to enable an officer of the department to identify the documents sought, as required by section 15(2)(b) of the FOI Act (section 24AA(1)(b)).

<Insert a concise description of steps taken following consultation, for example: consideration of any revised scope, further clarification attempts, sampling exercises, or additional searches undertaken, and explain why those steps did not resolve the practical refusal issue.>

Example option: Substantial and unreasonable diversion of resources

Following the consultation process, revised searches identified at least X documents that may fall within the scope of the request. Each document would need to be retrieved and individually assessed for access under the FOI Act.

The department undertook a sampling exercise to estimate the time required to process the request, which included:

- X minutes per document to retrieve and prepare for assessment.
- X minutes per document/page for decision-making.
- X hours to undertake third party consultation(s) under the FOI Act.
- X hours to undertake consultations with other agencies, as the authors or owners of the information.
- X minutes per document to prepare a schedule of documents.

I have also had regard to the complexity of the documents, noting that they include material such as intertwined personal and third-party business information, confidential material, deliberative content, and sensitive information (including information relating to international relations).

On this basis, the department estimates that it would take at least X hours for a single officer to process your request in its current form. This estimate does not include time already spent processing the request prior to refusal. **End example option**

Assessment of reasonableness

I acknowledge that processing requests for access to documents is a legitimate and important function of the department, and that FOI requests may require the reallocation of resources in some circumstances.

However, having regard to the estimated processing time, the complexity of the material, and the department's other operational responsibilities (including the processing of other FOI requests), I am satisfied that processing the request in its current form would constitute a substantial and unreasonable diversion of the department's resources from its other operations.

In reaching this view, I have had regard to the public interest in promoting access to government information. I consider, however, that in the circumstances of this request, that interest is outweighed by the competing public interest in the department being able to perform its ordinary functions without substantial interference.

For the reasons set out above, I am satisfied that a practical refusal reason continues to exist in relation to your request.

Accordingly, I have decided to refuse your request under section 24 of the FOI Act.

Assistant to make a revised request

You are welcome to make a new request for access to documents relating to this subject matter.

If you choose to do so, you may wish to have regard to the advice previously provided by the department in its request consultation notice, which was intended to assist you to frame a request that could be processed under the FOI Act. You may wish to consider (choose the relevant options below):

- **Narrowing the scope of the request**, for example by seeking specific categories of documents (such as correspondence or briefs relating to the subject matter), rather than all documents.
- **Reducing the number of third parties** where correspondence is sought, to limit the volume of material subject to external consultation.
- **Breaking the request into multiple, smaller requests**, submitted over time, to allow the department to allocate appropriate resources to each request.
- **Reducing the timeframe** covered by the request.
- **Consider if you have directed your request to the correct agency**, directing your request to the correct agency may reduce the requirement of external agency consultation, and allow the document authors to be directly engaged in making the access decision for their information.

The department remains willing to assist you, where appropriate, to frame a revised request that would be capable of being processed under the FOI Act.

Review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. An application for internal review must be made within **30 days** after the date of this letter.

Where possible, you should include reasons why you believe the decision should be reviewed. An internal review will be conducted by an officer other than the original decision maker, and a decision will be made within 30 days of the department receiving your application.

Applications for review should be sent to foi@pmc.gov.au.

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** after the date of this letter.

You may apply online using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).⁸

FOI Complaints

If you are dissatisfied with the way the department has managed your FOI request, you may raise your concerns with the department. We welcome feedback and may be able to take steps to address your concerns.

If you are not satisfied with the department's response, you may make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can lodge a complaint using the OAIC web form available on the Office of the Australian Information Commissioner's website at [OAIC Web Form](#).⁹

⁸ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

⁹ <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

If you wish to discuss any aspect of your requests, you may contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

<insert name>

Assistant Secretary [insert position]

<insert Branch>

Department of the Prime Minister and Cabinet

DRAFT



OFFICIAL

Freedom of Information (FOI) request

Notice of Revised Decision under s 55G of the FOI Act

Reference: ^ ref ^

To: ^ applicant ^

^ email ^

cc: Office of the Australian Information Commissioner

foidr@oaic.gov.au

Dear ^ applicant ^

I refer to your request under the *Freedom of Information Act 1982* (the FOI Act) to the Department of the Prime Minister and Cabinet (the Department) of ^ date of FOI request ^, seeking access to documents in the following terms:

Insert FOI request text.

Your FOI request was ^ deemed to have been ^ ^ refused ^ by the Department pursuant to section XX of the FOI Act ^ on ^ insert date of Primary decision ^.

On ^ date ^ the Office of the Australian Information Commissioner (OAIC) notified the Department that you applied for Information Commissioner (IC) review of the Department's ^ deemed ^ decision.

The purpose of this letter is to provide you with a revised decision in relation to your FOI request.

Section 55G of the FOI Act

Section 55G(1)(a) of the FOI Act provides that after an application is made to the IC for review, an agency or Minister may (at any time during IC review) revoke or vary an access refusal decision to favour the applicant by giving access to a document in accordance with the request.

Section 55G(2) of the FOI Act provides that an agency must notify the IC of the new decision (section 55G(2)(a)) and the revised decision will be the decision under review (section 55G(2)(b)).

Authorised decision-maker

I am authorised to make this revised decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

I have reviewed this matter, and consider that I am in a position to grant access **in part** to documents responsive to your request made under the FOI Act. Accordingly, I have decided to make this revised decision under section 55G of the FOI Act.

Documents in scope of request

I have identified **XX** documents responsive to your request, using **describe search responsive to the FOI request terms**. I have determined that the documents at issue are suitable for disclosure in part. A schedule detailing my decision on access for each document is provided at **Attachment A**.

Material taken into account

In reaching my decision, I referred to the following:

- your FOI request;
- documents identified by the Department;
- your request for IC review;
- **consultation comments received by the Department**;
- the FOI Act; and
- the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).¹

Revised decision and reasons

I have decided to **grant access in part to relevant documents**, **with certain material exempt under section XX** and **conditionally exempt under section XX of the FOI Act**. Irrelevant material has been deleted under section 22(1)(a)(ii) of the FOI Act.

insert substantive reasons

¹ Guidelines issued by the Information Commissioner under section 93A of the FOI Act (FOI Guidelines)

Having found the material to be conditionally exempt, I am required to apply the public interest test as set out in section 11B of the FOI Act. This is discussed below, under heading three.

Public interest considerations

Section 11A(5) of the FOI Act provides that a conditionally exempt material must nevertheless be disclosed to the applicant unless its disclosure would, on balance, be contrary to the public interest. In determining whether disclosure would be contrary to the public interest, the FOI Act requires a decision-maker to balance the public interest factors.

As I have decided that certain material within the document is conditionally exempt under section ^{^insert exemption^} of the FOI Act, I am now required to consider the public interest factors. In doing so, I have not taken into account the irrelevant factors as set out in section 11B(4) of the FOI Act.

In applying the public interest test, I have noted the objects of the FOI Act² and the factors favouring access as listed in section 11B(3) of the FOI Act. Having regard to the material before me and the circumstances of the material found to be conditionally exempt, I am satisfied that access would:

- ^{^insert examples^}

The FOI Act does not set out any public interest factors against disclosure and require agencies to have regard to the FOI Guidelines in order to work out if disclosure would, on balance, be contrary to the public interest.³

The FOI Guidelines contain a non-exhaustive list of factors that may weigh against disclosure⁴. Having regard to the circumstances of the material found to be conditionally exempt, I am satisfied that disclosure could reasonably be expected to:

- ^{^insert examples^}

After careful consideration of all relevant factors, I have decided that, on balance, the factors ^{^against^} disclosure outweigh those ^{^favouring^} disclosure. Accordingly, I am of the view that disclosure of the conditionally exempt material would be contrary to the public interest.

Publication of documents

Under section 11C of the FOI Act, the Department will make arrangements to publish the documents released to you on the Department's FOI Disclosure Log.⁵

Review rights

The FOI Guidelines state that:

² FOI Act, s 3.

³ FOI Act, s 11B(5).

⁴ FOI Guidelines [6.233]

⁵ <https://www.pmc.gov.au/about-us/accountability-and-reporting/information-and-privacy/foi-disclosure-logs>

*A revised decision does not automatically conclude the IC review. The revised decision will be the decision under review (s 55G(2)(b)). The OAIC will generally consult the applicant as to whether they wish to continue the IC review on the basis of the revised decision.*⁶

Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the IC must be made in writing. More information about complaints is available [here](#).⁷

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

XX

Assistant Secretary

^Branch^

Department of the Prime Minister and Cabinet

2024

⁶ FOI Guidelines [10.79].

⁷ <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints>



Official

Freedom of Information (FOI) request

Internal Review decision and reasons under section 54 of the *Freedom of Information Act 1982*

Reference: ^ref^

To: ^applicant^

^email^

cc: Office of the Australian Information Commissioner

foidr@oaic.gov.au

Dear ^applicant^

I refer to your email requesting an internal review of an access refusal decision made under the *Freedom of Information Act 1982* (the FOI Act) by the Department of the Prime Minister and Cabinet (the Department) dated ^date^.

Section 54(2) of the FOI Act allows an applicant to apply for internal review of a decision refusing to give access to a document in accordance with the request.

Scope of internal review

On ^internal review request date^ you set out your request for review in the following terms (extract):

Insert internal review request.

Authorised decision-maker

The FOI Act provides an agency must arrange for a person (other than the person who made the original decision) to review the decision¹.

I am authorised to make this review decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Internal review decision

I have decided **^not to affirm^** **^to affirm^** the original decision on access. I am satisfied that **^insert reasons overview^**.

In reaching my decision I referred to the following:

- the terms of your request for internal review;
- the original FOI request;
- a review of document searches undertaken by the Department in the original FOI request;
- the FOI Act; and
- the Guidelines issued by the Information Commissioner² (the FOI Guidelines).

Background

Original FOI request

On **^date of original request^** you made a request under the FOI Act to the Department **^and on the same dated revised the terms etc^** to seek access to the following:

Insert FOI request

Summary of original decision

Access to the requested documents was refused **^in full^^in part^** under **^insert section^** of the FOI Act on the grounds that **^insert grounds^**.

Reasons for Internal Review Decision

^insert reasons^

Other information

^insert other information if relevant otherwise delete^

¹ s 54C(2) of the FOI Act

² s 93A of the FOI Act

Review rights

If you disagree with my review decision, you may apply for Information Commissioner review of the decision.

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 after the date of this letter.

More information about Information Commissioner review is available at

<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.

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 wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely

XX

First Assistant Secretary

XX

Department of the Prime Minister and Cabinet

XX XX 20XX