



Australian Government
Department of Social Services

Mr Arun Dohle

By email: arundohle@gmail.com

Dear Mr Dohle

Freedom of Information (FOI) Request No. 18/19-102

1. I refer to your correspondence received by the Department of Social Services (the department) on 20 May 2019, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to:

... the final report, or a similar document which ISS made regarding the 516,000 AUD received from the Department.

2. On 24 May 2019, you were advised that:

... duplicate documents and non-Senior Executive Service (SES) employees names, contact details and signatures, as well as mobile phone numbers and signatures of SES employees, will be excluded from the scope of your request under s22(1)(a)(ii) of the FOI Act.

3. On 3 June 2019, the department advised you of an extension of 30 days in which to undertake consultation with a third party as some of the requested documents contain business and personal information.
4. I am authorised to make decisions under subsection 23(1) of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.
5. The Schedule of Documents at **Attachment A** summarises my decision as it applies to the documents covered by your request.

Decision on access to documents

6. A search for documents has located three documents that fall within the scope of your request.
7. Having considered these documents, I have decided to grant access in part to three documents in accordance with section 22 of the FOI Act [access to edited copies with exempt or irrelevant matter deleted], on the grounds that the deleted material is considered exempt under section 47F [conditional exemption – personal privacy] of the FOI Act.

8. In reaching my decision, I have taken the following material into account:
- the scope of your request;
 - the documents provided to you in response to your previous FOI request (17/18-055)
 - documents falling within the scope of your request;
 - the FOI Act;
 - submissions made by third parties;
 - consultations with departmental officers;
 - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Reasons for decision

Section 47E of the FOI Act – conditional exemption – certain operations of agencies

9. Section 47E(d) of the FOI Act provides that:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to...

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

10. One of the documents contains material relating to discussions held by the Intercountry Adoption Tracing and Reunification Advisory Group. This information is shared between government agencies and private providers in the intercountry adoption sector.
11. Release of the identified material could reasonably be expected to have a substantial adverse effect on the proper and efficient operations of the department in providing policy regarding intercountry adoption. Disclosing some of the material discussed at a stakeholder meeting could compromise the ability of the department to collect and share information with other agencies, where beneficial, to undertake activities in this sector.
12. For the reasons set out above, I am satisfied that the material is of such a nature that it is exempt under section 47E(d) of the FOI Act.

Section 47F of the FOI Act – conditional exemption – personal privacy

13. Subsection 47F(1) of the FOI Act provides that:

A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

14. The term 'personal information' is defined for the purposes of section 4 of the FOI Act to mean:

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

- a) *whether the information or opinion is true or not; and*
- b) *whether the information or opinion is recorded in a material form or not.*

15. Upon examination of the documents, I have identified personal information, specifically names, signatures, contact details, and case breakdowns that identify cohorts of cases by origin where the number of cases is less than five and could allow identification of the individuals involved.
16. In accordance with subsection 47F(2) of the FOI Act, in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, I had regard to:
 - a. the extent to which the information is well known;
 - b. whether the persons to whom the information relates are known to be (or to have been) associated with the matters dealt with in the documents; and
 - c. the availability of the information from publicly accessible sources.
17. I am satisfied the personal information specified above is not well known, the individuals are not known to be associated with the matters dealt with in the documents and the information is not available from publically available sources. As a result, the disclosure of the identified information would be unreasonable.
18. In light of the above, I find the identified personal information is conditionally exempt under section 47F of the FOI Act.

The public interest test

19. Section 11A(5) provides that the department must provide access to the material identified as conditionally exempt unless, in the circumstances it would be, on balance, contrary to the public interest.
20. In assessing whether disclosure of the conditionally exempt material is contrary to the public interest, I considered the FOI guidelines together with a range of factors that favour access to a document set out in section 11B(3) of the FOI Act.
21. I consider that disclosing the material may be in the public interest as information held by the government is a national resource.
22. However, I hold the view that disclosure of the identified information would not increase public participation in government processes, nor would it increase scrutiny or discussion of government activities.
23. Paragraph 6.22 of the FOI guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that disclosure of the documents could reasonably be expected to:
 - prejudice the protection of an individuals right to privacy;
 - prejudice the agency's ability to obtain similar information in the future; and
 - harm the interests of an individual or group of individuals.
24. Based on these factors I have decided that, in the circumstances of this particular matter, the public interest in disclosing the information is outweighed by the public interest against disclosure.

25. I have not taken into account any of the irrelevant factors set out under subsection 11B(4) of the FOI Act in making this decision.

26. As a result, I find the material exempt under section 47E and section 47F of the FOI Act.

Release of documents

27. Documents for release are enclosed.

FOI Disclosure Log

28. In accordance with the requirements of section 11C of the FOI Act, the department is required to publish details of information released under the FOI Act. Documents will be published on the Disclosure Log within ten working days of receipt by you.

Rights of review

29. I have set out your rights to seek a review of my decision at **Attachment B**.

30. Should you have any enquiries concerning this matter please do not hesitate to contact me.

Yours sincerely



Dr Melanie Beacroft
Assistant Director, Freedom of Information
Government and Executive Services Branch

8 July 2019

Schedule of Documents

Document Number	Page Number	Date	Description	Decision
1.	1-17	16 July 2017	DSS Stocktake 12 Month Report 1 July 2016 – 30 June 2017 Attachment: 2016-17 Activity work plan report	Release in part with deletions made in accordance section 22 [irrelevant material] with deletions made under section 47F (personal privacy) of the FOI Act.
2.	18-28	19 July 2017	Intercountry Adoption and Reunification Service Report Attachments: ICATRS Cases June 2017 ICTRAS Enquiries June 2017	Release in part with deletions made in accordance section 22 [irrelevant material] with deletions made under section 47E (operations of an agency) and section 47F (personal privacy) of the FOI Act. 17 pages deleted in full have been removed.
3.	29-30	31 October 2017	International Social Service Australia Financial Declaration 2016-17	Release in part with deletions made in accordance section 22 [irrelevant material] with deletions made under section 47F (personal privacy) of the FOI Act.

Your rights of review

Internal review

Section 54 of the FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review in writing within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you clearly state why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: Freedom of Information (FOI) Team
Government and Executive Services Branch
Department of Social Services
GPO Box 9820
CANBERRA ACT 2601

Email: foi@dss.gov.au

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218
SYDNEY NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

Email: enquiries@oaic.gov.au

In person: Level 3
175 Pitt Street
SYDNEY NSW 2000