3 July 2013



Australian Broadcasting Corporation

Corporate Affairs

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| By email: | | |
|-----------|--|--|
| Dear | | |

FOI REQUEST - REFERENCE NUMBER 2013-28

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your email of 24 April 2013. Specifically, you requested access to the following:

"any documents relating to the cost of promoting news reader Karina Carvalho since February 1, 2013".

I am authorised by the Managing Director under section 23 of the FOI Act to make decisions in respect of requests made under that Act. Following is my decision in relation to your request.

Locating and identifying documents

I have taken reasonable steps to identify and locate all relevant documents. My search for documents involved contacting the relevant marketing employees as well as the Head of Policy and Staff Development within the News Division and requesting that they conduct a search of their respective hard and soft copy records. Those searches were conducted and documents were provided to me.

As a result of those searches, the following 8 documents were identified as relevant to your request:

| Document 1 | Email string (subject line "Brissie Costs") concluding with email dated 8 April 2013 |
|------------|--|
| Document 2 | Online Media Booking Form for Mindbox Communications Pty Limited ("Mindbox") dated 12 March 2013 |
| Document 3 | Quote issued by Michael Cranfield, Photographer dated 15 March 2013 |
| Document 4 | Email string (subject line "Sunday QLD nim") concluding with email dated 20 March 2013 |
| Document 5 | Email exchanges between Doreen Osmo and 'NewsQLD Direct' between 18 and 21 March 2013 |
| Document 6 | Invoice dated 6 May 2013 from Mindbox |
| Document 7 | Invoice from Google Ireland Limited dated 14 June 2013 |

Document 8 Booking Summary for 16 June 2013 from News Australia

Please note that in identifying relevant documents, I have excluded duplicates of the same document. Accordingly, email messages which appear as part of a string have not also been included as separate emails.

In relation to assessing whether the documents 'relate to the cost of promoting news reader Karina Carvalho', I have determined relevance having regard to whether the documents relate to actual costs (rather than estimated or forecast costs). Further, I have not sought to specifically identify and locate documents relating to the potential internal costs (beyond what was provided) associated with the promotion of Ms Carvalho, including any transfer pricing arrangements between divisions

Access to documents

I have decided to grant access to documents 1 to 8 inclusive, subject to the following:

- Document 2 has been redacted to exclude material which is exempt under s47 of the FOI Act.
- Document 7 has been edited to exclude costs associated with other marketing campaigns which are not relevant to this request.

Exempt material - s47 (Commercial value)

Under s47 of the FOI Act, a document is considered exempt if granting access would disclose:

"information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed".

Document 2 contains a breakdown of the costs of digital advertising activity associated with the promotion of Ms Carvalho. This breakdown provides information about the ABC's online marketing strategies and performance. It would potentially enable third parties to identify, copy or learn from the ABC's marketing strategies. This information is current information which is not widely known. It is valuable to the ABC in terms of making decisions about future digital advertising strategies. The ABC's ability to effectively improve and promote its products and services, to increase audience engagement, and to do so in the most cost-effective manner, would be compromised if its competitors could easily see the ABC's advertising strategies in the online space. Further, disclosure of the breakdown of costs may result in digital advertising suppliers revising their pricing structures to the ABC's detriment.

I am satisfied that some of the information in document 2 has a commercial value, and that the value could reasonably be expected to be diminished if that information is disclosed. Accordingly, I consider that information to be exempt under s47 of the FOI Act.

I note that while I consider the breakdown of costs to be exempt material, access is granted to the remained of the information in document 2, including the total cost of the services provided.

Deletion of exempt and irrelevant material - s22

Section 22 of the FOI Act allows access to be granted to an edited copy of a document with exempt or irrelevant matter deleted.

I am satisfied that it is reasonably practicable to remove the exempt material referred to above having regard to the nature and extent of the required modifications. Further, it is not apparent from the request that you would decline access to the edited copy. Accordingly, document 2 has been edited to delete the exempt material.

Document 7 consists of an invoice which itemises the charges for a range of services, some of which are not relevant to your request. This document has also been edited in accordance with s22 to remove that irrelevant material.

Payment of charges

In accordance with Regulation 11(1) of the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulation), the ABC is not permitted to release documents pursuant to an FOI request until the balance owing is paid. Please be advised that the outstanding amount, being \$82.50, is due and payable within 30 days.

In total, ABC staff spent 7½ hours (originally estimated as 6 hours) in reviewing and identifying documents, undertaking consultations, and finalising this FOI decision. In addition, 6 hours (as estimated) was spent in searching for documents, providing advice and undertaking administrative tasks related to this FOI request. I have waived the additional charges associated with the extra processing time as permitted by Regulation 3 of the Charges Regulation. A summary of the time and charges relating to this matter is set out below.

| AMOUNT OUTSTANDING | | \$82.50 |
|-----------------------------------|----------------------------|-----------|
| Deposit Paid | | -\$ 27.50 |
| Total Processing Fees | | \$110.00 |
| Decision Making Time ¹ | 1 hour @ \$20.00 per hour | \$20.00 |
| Search and Retrieval Time | 6 hours @ \$15.00 per hour | \$90.00 |

If you contend that the charge has been wrongly assessed, or should be reduced or not imposed, you must notify the ABC of your contention, providing reasons, and evidence where relevant, to support your submission.

If you are dissatisfied with this decision you can apply for Internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review. Information about your review rights is attached.

Yours sincerely

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Judith Maude Head, Corporate Governance Direct line 02 8333 5316

¹ The first 5 hours of processing time are excluded