

ABC Australian Broadcasting Corporation

ABC Ultimo Centre 700 Harris Street Ultimo NSW 2007

GPO Box 9994 Sydney NSW 2001 Tel. +61 2 8333 1500 abc.net.au

FOI APPLICATION

Dear

I refer to your letter of 5 May 2011 in which you sought access to documents under the *Freedom of Information Act 1982* (the FOI Act).

Specifically, you have requested access to "documents in relation to [yourself] [held] by the ABC". More generally you have stated that you would like to "review what information was gathered about [you] personally and [your] family and be able to correct anything that is being kept on file about [yourself]".

I have decided to refuse access on the basis that any documents which contain information about you and which were created in the course of researching for the formation about (or any other program) fall outside the scope of the FOI Act.

Under section 7(2) and Part 2 of Schedule II of the FOI Act, the ABC is exempt from the operation of the Act in relation to documents that relate "to its program material and datacasting content". The Federal Court of Australia considered the scope of this exclusion in *Australian Broadcasting Corporation v The University of Technology, Sydney* [2006] FCA964, and decided that the exclusion applies to "program material" (such as scripts and tapes) as well as any document that has a "direct or indirect relationship to program material".

I am satisfied that research material for **sector and the sector a**

If you have concerns regarding the factual accuracy of [identifying information redacted], you may contact the ABC's Audience and Consumer Affair's unit. The unit is separate to the content making areas of the ABC, and is responsible for assessing and considering written complaints. The unit will investigate complaints which raise serious editorial issues. Information about the ABC Editorial Policies is available on the ABC's website at www.abc.net.au/corp/

I note that, in some cases, the FOI Act allows applications to be made to access and amend documents which contain personal information. Section 48 enables a person to apply for access to

amend a document which they believe contains personal information about them which is "incomplete, incorrect, out of date or misleading". However, this section applies only to documents which are used by the ABC "for an administrative purpose". The ABC does not hold any documents relating to you which would fall into this category.

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

Judith Maude FOI Coordinator Direct line 02 8333 5316