



Victoria - Southbank

ABC Southbank Centre 120 Southbank Boulevard Southbank VIC 3006 GPO Box 9994 Melbourne VIC 3001

Tel. +61 3 9626 1600 abc.net.au

Dear

Freedom of Information Act request – Internal review

I refer to your email and attached letter, both dated 23 May 2011, requesting an internal review of the ABC's original decision to refuse your request under the *Freedom of Information Act 1982 (Cth)* (FOI Act) for access to:

Both a hard and soft copy of my full interview with Hagar Cohen for her *Background Briefing* program

I am authorised by the Managing Director, under section 23 of the FOI Act, to make decisions on requests for internal review. I have conducted a review of the original access refusal decision in accordance with section 54 of the FOI Act and make a fresh decision.

Having reviewed your request, I have determined that it falls outside the operation of the FOI Act. Interviews which are recorded for the purpose of program-making relate directly to the ABC's program material and are accordingly exempt from disclosure under the FOI Act by virtue of section 7(2) and Schedule II, Part 2.

Access otherwise than under the FOI Act

You indicate in your letter that you are aware that the ABC is not obliged to release this material and request that, as a matter of courtesy, a copy of the full interview between yourself and the ABC be given to you. You also note that you have lodged an editorial complaint in relation to the Background Briefing program for which you were interviewed and suggest having a copy of the transcript and recording would assist in having this complaint appropriately assessed.

The ABC's usual practice, when either a complainant or someone referred to in a program requests access to program content, is to give access, usually at cost, to the content which went to air. It is not the ABC's usual practice, however, to give access to research and other material gathered in the course of creating programs – including unedited interview recordings.

In any event, your ______ interview no longer exists in our systems. The ABC does not generally retain unedited recordings which, unless specifically selected for longer term retention, are automatically purged from our systems when they are no longer required for content-making in line with our archival obligations. Having consulted with the Radio Division, I am advised that your interview recording was automatically purged from our systems in March 2011.

The edited portion of your interview which was included in the broadcast program is, as you are aware, available on our website and both the audio recording and transcript can still be accessed at

Rights of review

If you are dissatisfied with this decision, you can ask for a review by the Australian Information Commissioner, whose contact details are:

Office of the Australian Information Commissioner GPO Box 2999 Canberra ACT 2601 (or) GPO Box 5218 Sydney NSW 2001

Tel: 1300 363 992 | Fax: 02 9284 9666

Email: enquiries@oaic.gov.au
Website: www.oaic.gov.au

In making your application to the Information Commissioner, you should provide:

- an address for notices to be sent (this can be an email address); and
- a copy of this decision.

You may also wish to inform the Information Commissioner of the reasons for seeking review.

Yours sincerely,

Michelle Fisher

FOI Internal Reviewer Authorised pursuant to s 23 FOI Act