



Corporate Affairs

ABC Ultimo Centre 700 Harris Street Ultimo NSW 2007 GPO Box 9994 Sydney NSW 2001

Tel. +61 2 8333 5261

abc.net.au

By email:

Dear

FOI REQUEST - REFERENCE NUMBER 2014-023

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your email of 16 September 2014. Specifically, you have sought access to the following documents:

"...[documents containing] the details and amounts of expenses submitted by the media team, including Michael Millet, Nick Leys, Sally Jackson [from 1 January to 16 September 2014]"

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 these documents involved contacting the following relevant people, who in turn consulted with relevant managers and staff within their respective teams:

- Executive Assistant to the Director, Corporate Affairs
- Executive Assistant to the Director, News.

I requested that searches be conducted of all hard and soft copy records for documents which fall within the scope of your request. As a result of those searches, the following 10 documents were identified:

Document 1	Entertainment Form for entertainment expense incurred by M Millett on 30 January 2014 (including	2 pages	20 Feb 2014
	attachment)		
Document 2	Payment Request Form for reimbursement of	20 pages	13 Mar 2014
	internet expenses incurred by M Millett (including		
	attachment)		
Document 3	Payment Request Form for reimbursement of taxi	1 page	13 Mar 2014
	expenses incurred by N Leys		

Document 4	Payment Request Form for reimbursement of subscription expenses incurred by N Leys	2 pages	13 Mar 2014
Document 5	Entertainment Form for entertainment expense incurred by N Leys on 14 March 2014 (including attachment)	2 pages	17 Mar 2014
Document 6	Payment Request Form for reimbursement of taxi expenses incurred by N Leys	1 page	3 Apr 2014
Document 7	Payment Request Form for reimbursement of telephone expenses incurred by N Leys (including attachment)	11 pages	5 May 2014
Document 8	Payment Request Form for reimbursement of internet expenses incurred by M Millett (including attachment)	9 pages	11 Jun 2014
Document 9	Entertainment Form for reimbursement of entertainment expense incurred by N Leys on 10 June 2014	1 page	16 Jun 2014
Document10	Payment Request Form for reimbursement of telephone expenses incurred by N Leys (including attachment)	2 pages	16 Jun 2014

Access granted

Access is granted in full to Documents 1, 3, 5, 6 and 9. Copies of those documents are attached.

Access is granted in part to Documents 2, 4, 7, 8 and 10. Those documents contain information that, for the reasons set out below, is conditionally exempt under s.47F of the FOI Act, being personal privacy.

Section 22 of the FOI Act allows access to be granted to an edited copy of a document if it is reasonably practicable to remove exempt material. Accordingly, Documents 2, 4, 7, 8 and 10 have been redacted to remove exempt material, or to exclude pages which contain exempt material which is not reasonably practicable to redact. Copies of the redacted documents are also attached.

Access refusal – s47F (personal privacy)

Access to parts of Documents 2, 4, 7, 8 and 10 is refused on the basis that those Documents are conditionally exempt under s47F of the FOI Act. In my view, disclosure of parts of Documents 2, 4, 7, 8 and 10 under the FOI Act would involve the unreasonable disclosure of personal information about a person. I am further satisfied that, on balance, it would be contrary to the public interest to disclose that material at this time.

In determining whether the disclosure of the information in Documents 2, 4, 7, 8 and 10 would involve the unreasonable disclosure of personal information, I have had regard to the matters listed in s.47F(2) of the FOI Act. The Documents contain personal information about ABC employees, including their home address, account numbers, telephone call history, and telephone billing history. This information is not well known, nor is it available from publicly accessible sources

I have also had regard to the Guidelines issued by the Australian Information Commissioner under s.93A of the FOI Act (the Guidelines), in particular *Part 6 – Conditional Exemptions*. Paragraph 6.133 of the Guidelines states:

"...in Colakovski v Australian Telecommunications Corp, Heerey J considered that '...if the information disclosure were of no demonstrable relevance to the affairs of government and was likely to do no more than excite or satisfy the curiosity of people about the person whose personal affairs were disclosed...disclosure would be unreasonable.¹"

In subsequent paragraphs the Guidelines draw a distinction between personal information about an employee's usual duties and responsibilities (access to which would not be unreasonable), and access to personal information which is not about their duties and responsibilities as a public sector employee (access to which may be unreasonable).

In my view, the personal information in Documents 2, 4, 7, 8 and 10 is irrelevant both to the affairs of government, and to the usual duties and responsibilities of the employees to whom the information relates. I am satisfied that it would be unreasonable to disclose that information.

Public interest

Section 11A(5) of the FOI Act requires the ABC to provide access to a conditionally exempt document unless, in the circumstances, access to the document would, on balance, be contrary to the public interest.

I have had regard to the factors set out in s.11B of the FOI Act which favour disclosure, specifically whether disclosure would promote the objects of the FOI Act, inform debate on a matter of public importance, promote effective oversight of public expenditure, or allow a person to access his or her personal information. Having regard to the nature of the personal information, I do not consider that any of those factors are served by disclosure of the information.

Balanced against those factors is the public interest in protection of personal privacy. In light of the consideration of factors set out in s.11B, I consider that the benefits of protecting personal privacy outweigh any other factors.

I am satisfied that the material contained in the Documents is conditionally exempt under s47F of the FOI Act, and that disclosure of that material at this time would be, on balance, contrary to the public interest.

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

Head, Corporate Governance

¹ Colakovski v Australian Telecommunications Corporation (1991) 29 FCR 429.