



By email:

Corporate Affairs

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abc.net.au

Dear

I refer to your letter of 14 November 2011 seeking access to documents under the *Freedom* of *Information Act 1982* (the FOI Act). Specifically, you have sought access to "a copy of the report/internal audit on former employee".

I have identified a report dated 1 July 2011 (the Report) which falls within the scope of your request. I am satisfied that the Report is conditionally exempt and that granting access would, on balance, be contrary to the public interest. Accordingly, access to the Report under the FOI Act is refused. Details of the reason for my decision to refuse access are set out below.

Conditional exemption – s.47F (personal privacy)

Under s.47F of the FOI Act, a document is conditionally exempt if its disclosure would "involve an unreasonable disclosure of personal information". I am satisfied that the Report contains personal information about which it would be unreasonable to disclose.

In considering whether disclosure of the information would be unreasonable, I have had regard to a number of matters, including the nature of the information; the fact that the information is not publicly accessible; there is no public purpose achieved through release of the Report; and the Report has no demonstrable relevance to the affairs of government. On balance, I consider that the need to protect personal privacy in this case warrants a finding that the Report is conditionally exempt.

I note that, while it may be possible to redact the Report to remove identifying information, the fact that your request specifies the individual who is the subject of the Report means that personal information would be apparent and clearly ascertainable.

Public interest

Section 11A(5) of the FOI Act requires access to be granted to a document that is conditionally exempt unless access to the document at that time would, on balance, be contrary to the public interest.

For the reasons set out above, I consider that the Report is conditionally exempt.

I have considered and weighed the public interest factors favouring and against disclosure. In favour of disclosure, I note that the FOI Act promotes disclosure which would enhance the scrutiny of government decision making, or reveal the reason for a government decision and any background or contextual information about that decision. However, disclosure of an internal ABC report relating to an employee does not provide a relevant insight into the affairs of government or into decisions which affect members of the public. Disclosure of such a document does not inform debate on matters of public importance, nor does it promote effective oversight of public expenditure.

Balanced against these factors is the protection of	's right to
privacy. Disclosure of the personal information in the Rep	port could reasonably be expected to
prejudice the protection of	's privacy. I am unable to provide
further details of the nature and extent of that prejudice without disclosing	
's personal information.	-

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

FOI Coordinator

Direct line 02 8333 5316