



NATIONAL ARCHIVES OF AUSTRALIA

NATIONAL ARCHIVES OF AUSTRALIA - Response

Disclosure of public servants' names and contact details

Discussion Paper by

Office of the Australian Information Commissioner

Overview

The National Archives of Australia (the National Archives) is pleased to provide this response to the discussion paper on *Disclosure of public servants' names and contact details*. The National Archives supports the Office of the Australian Information Commissioner's (OAIC) efforts to provide clear direction under the Freedom of Information (FOI) Guidelines on the disclosure of public servants names and contact details.

The National Archives operates under the legislative framework of the *Archives Act 1983* which is pro-disclosure in nature having synergy with the *Freedom of Information Act 1982* (FOI Act) and more broadly the Open Government remit through the Australia's Open Government partnerships. From this context, the National Archives is acutely aware of the importance of promoting government accountability and transparency to enhance Australia's democracy. The National Archives embraces the objectives of the FOI Act in its own FOI practice and can provide insights into exemptions claimed under S33 of the *Archives Act 1983*. The National Archives, is uniquely positioned from a whole-of-government perspective. In responding to the discussion paper the National Archives has drawn from the long standing experience of managing a particular vexatious Applicant. The protracted nature of the National Archives engagement with this Applicant, with evidence and a submission to the Office of the Australian Information Commissioner, resulted in the Information Commission declaring the Applicant to be vexatious.

Public servants' names and contact details

The National Archives recent experience in dealing with this Applicant highlights the potential issues and consequences of releasing staff names and contact details. In this instance, the National Archives followed the FOI guidelines leaving the names of staff and their contact details within the released information. The Applicant began targeting those staff who were identified in these documents and/or those staff who were managing the FOI matter. **Confidential**

Confidential



Confidential

The National Archives reassessed the appropriateness of releasing staff names and contact details in light of the Applicant's behaviour. Whilst the names and contact details of staff already disclosed could not be exempted, the National Archives began exempting any unknown staff names and contact details from any future requests. Staff who had been directly targeted voiced their preference for names and contact details to be redacted.

This particular example demonstrates the risks and vulnerabilities that may result from the release of staff member's names and contact details. In the information age, armed with few personal details a malicious actor can open up potential threats, or perceived threats, to staff. This feature of the information age was not necessarily envisioned in 1994 when Freedom of Information Memorandum No.94 was created. The observations and experiences of the National Archives FOI team indicates that the FOI Guidelines do need further clarification with these considerations in mind.

In conclusion and based on the experience of the National Archives, the preference would be that staff names and numbers, for those staff working on a particular request or matter and are not the decision maker or delegate, be exempted because it is difficult to retract information retrospectively. This view was further reinforced in early July, when the National Archives FOI team received an overt death threat from another FOI applicant. The results of which upon reporting to the Australian Federal Police saw the National Archives Building located in Parkes, ACT locked down for a period of time until a threat assessment was undertaken.

I would like to thank you for this opportunity to respond to the discussion paper on *Disclosure of public servants' names and contact details*.

Sincerely yours



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