



Australian Government

Department of Communications and the Arts

Our reference: EC19-000908

Ms Angelene Falk
Australian Information Commissioner
Privacy Commissioner

via email: foidr@oaic.gov.au

Dear Ms Falk

I refer to the discussion paper issued by your office on 1 July 2019, in relation to disclosure of public servants' names and contact details in the context of requests made under the *Freedom of Information Act 1982* (FOI Act).

The Department of Communications and the Arts (the Department) endorses the submission by the Australian Public Service Commissioner (APS Commissioner) Mr Peter Woolcott AO, in response to the paper.

Further, I note that the discussion paper seeks to explore agency concerns and practices. I can advise that the Department's default position on receipt of an FOI request is to confirm with the applicant that they exclude the personal information of non-SES public servants from the scope of their request. In general, the Department finds an applicant will agree to this, as their intention in making a request is to receive information on the Government's activities, rather than information to allow identification or contact of an individual public servant.

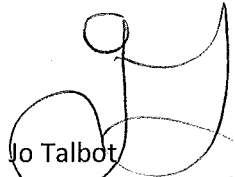
In cases in which the applicant does not agree to exclusion of this information, the Department's recent experience has been similar to the circumstances outlined in paragraph 30 of Attachment A to the APS Commissioner's letter. That is, it often appears that the applicant is seeking to pursue a personal grievance, or pursue a policy interest by personally approaching a non-SES APS employee. Further, these applicants are more likely to be submitting an anonymous or pseudonymous request, and/or submitting the request via the online platform 'Right to Know'.

The Department has noted the concern of its non-SES employees in circumstances where an applicant insists on receiving their personal information. The Department shares this concern, especially where the information does not appear to contribute to the objects of the Act in increasing scrutiny of or participation in the Government's activities.

The Department supports the policy position put forward by the APS Commissioner, which acknowledges that disclosure of personal information of non-SES employees under the FOI Act could be unreasonable where the factors in subsection 47F(2) (personal privacy) are satisfied, without the additional requirement stated in the FOI Guidelines, for agencies to show 'special circumstances' exist in each relevant request.

Thank you for providing the opportunity for the Department to make a submission in this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Talbot', written over a circular stamp.

Jo Talbot
Chief Operating Officer
Corporate Division

9 August 2019