

Disclosure of public servants' names and contact details

Response to OAIC Discussion Paper

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Introduction

The Australian eSafety Commissioner (eSafety) welcomes the opportunity to provide this response to the Discussion paper issued by the Office of the Australian Information Commissioner on the Disclosure of public servants' names and contact details. Our responses to several of the consultation questions raised in the Discussion paper are set out below.

Overview of eSafety

The Australian eSafety Commissioner was established in July 2015 under the *Enhancing Online Safety Act 2015* (Cth) (the Act). At the time, the Act gave eSafety a remit of enhancing online safety for children. This remit was expanded in July 2017 to include promoting online safety for *all* Australians. Under the Act, eSafety has a powerful combination of functions. These functions range from prevention through education, research and awareness raising, to early intervention and harm minimisation through three statutory schemes addressing Cyberbullying, Image-Based Abuse and Offensive and Illegal Online Content.

Responses to Consultation Questions

- 1. Does your agency have concerns about releasing the names and contact details of staff in response to FOI requests? If so, what are your concerns? Has your agency experienced any specific work health and safety issues as a result of a person's name or contact details being released in response to an FOI request?**

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- 2. Have your agency's views on this issue changed over time? If so, please describe any factors that have affected your agency's approach, including technological, environmental or legal factors.**

No, our views have remained the same since we began operating.

- 3. Does your agency advise staff, including contractors undertaking functions on behalf of the agency, that names and contact details may be released in response to an FOI request as part of your agency's training and induction programs?**

When new staff and contractors are engaged by eSafety, they are advised that their work-related written communications and documents may be publicly released in response to an FOI request. In addition, the ACMA internal guidelines for FOI procedures, available to all staff and contractors, state that, generally, the publication of the names of ACMA staff in connection with their official duties will not be unreasonable.

- 4. How do you balance work health and safety considerations with the objects of the FOI Act, which include increasing public participation in Government processes with a view to promoting better-informed decision making and increasing scrutiny, discussion, comment and review of the Government's activities?**

We do not consider that providing a staff member's name assists in achieving appropriate scrutiny, discussion and review of eSafety's activities. eSafety staff do not generally make decisions which affect individual rights due to the nature of its regulatory remit. In circumstances where individual rights may be affected, this may be a consideration towards including information about a public servant's name and contact details.

5. If your agency considers that disclosure of a public servant's name or contact details will negatively impact their health or safety, what evidence do you require before deciding that their name or contact details are exempt from disclosure?

Nil response

6. Do you consider the FOI Guidelines provide enough guidance for agencies when considering these issues?

It may be helpful to consider the impact of changing technologies in any revision of the Guidelines. In particular, the increasing use of social media by government departments and agencies and the greater exposure of staff through social media are factors which might need to be taken into account as arguments against the release of public servants' personal information.

7. In what circumstances do you consider that a public servant's personal information (name and contact details) are irrelevant to the FOI request?

With respect to the FOI requests we have received, the personal information of eSafety staff has not been material to the information being sought and has therefore been considered to be irrelevant.

8. Where you have withheld the names and contact details of public servants, what impact does deleting this information from documents have on the time it takes to process FOI requests?

This depends on the nature and scope of the particular FOI request. Generally speaking, removing these details does not add significantly to the time needed to process a request.