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26 July 2019

Office of the Australian Information Commissioner  
By email: foidr@oaic.gov.au

Dear Commissioner Falk

**Disclosure of Public Servants' Names and Contact Details**

I refer to the Office of the Australian Information Commissioner (OAIC) discussion paper on disclosure of public servants’ names and contact details in the context of Freedom of Information (FOI) requests.

The OAIC has invited agencies to comment on their experience in the FOI context and will use the information gathered as part of this consultation to consider the GOI Guidelines.

The Commonwealth Director of Public Prosecutions (CDPP) is an office established by the *Director of Public Prosecutions Act 1983*, being an Act of the Parliament of Australia. The powers and functions of the CDPP are prescribed by that Act. The primary function of the CDPP is to prosecute persons charged with offences against the laws of the Commonwealth. Prosecutions are carried on by prosecutors for and on behalf of the Director of Public Prosecutions.

The CDPP complies with the OAIC’s view, as expressed in the FOI Guidelines, that it would not be unreasonable to disclose public servants’ personal information unless special circumstances exist.

Prosecutors generally appear in public court proceedings and identify themselves to the court. The CDPP generally does not have concerns about releasing the names and contact details of its staff in response to FOI requests. However, occasionally there are particular instances when the CDPP holds concerns about releasing its officer’s names and contact details.

The CDPP suggests that the OAIC Guidelines might be expanded to shed more light on what is meant by ‘special circumstances’, and include a non-exhaustive list of the factors that may be taken into account to determine whether the threshold for making out special circumstances has been met, for example:

* an applicant’s prior history of behaving in a menacing, harassing or offensive way towards an agency and its officers or towards others
* the likelihood of an applicant embarking on a course of conduct directed towards the identified public servant that could have an impact on the public servant’s mental wellbeing
* the likelihood of the applicant disseminating the identified public servant’s personal information on an internet platform, or publishing belligerent, misleading or defamatory comments about the identified public servant on internet platforms etc.

The CDPP has a duty of care to ensure the health and safety of its employees. The CDPP’s view is that that this consideration may, in particular circumstances, be the deciding factor in a decision not to release a public servant’s personal information.

Please do not hesitate to contact me if you wish to discuss this further.

Yours sincerely



James Carter  
Deputy Director  
International Assistance Specialist Agencies