



Australian Government

Department of Health

Department Reference: FOI<-XX>

<Title> < Name>

<Position>

< Organisation>

<Address>

<SUBURB> < STATE> < Postcode>

Via email : < >

Dear <Title> < Surname>

NOTICE OF DECISION

I refer to your request of <date> to the Department of Health (department) seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

"INSERT exact request wording"

I am authorised under section 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

Decision

I have identified <number> documents falling within the terms of your request. The documents are set out in the schedule at Attachment A.

I have decided to <SELECT and INSERT from the below box the option applicable and then DELETE the box containing the inapplicable options>

Option 1

give access to all documents subject to the deletion of irrelevant information as indicated in the attached schedule.

Option 2

give access to all documents subject to the deletion of exempt material as indicated in the attached schedule.

Option 3

give access to all documents subject to the deletion of exempt and irrelevant material as indicated in the attached schedule.

Option 4

give access to <number> documents in their entirety and to a further <number> subject to the deletion of irrelevant information.

Option 5

give access to all documents in their entirety.

Option 6

give access to <number> documents in their entirety and to a further <number> subject to the deletion of exempt material as indicated in the attached schedule.

give access to <number> documents in their entirety and to a further <number> subject to the deletion of

- exempt material as indicated in the attached schedule, and
- irrelevant information as indicated in the attached schedule.

Option 7

refuse access to all documents.

My reasons for this decision are set out at Attachment B. - **DELETE where Option 5 is chosen**

Charges - INSERT only where relevant

The department notified of your liability to pay a charge of \$XX.XX on <date>.

As you have paid a deposit of <Amount>, the outstanding balance of your charges is <Amount>. Your payment for the outstanding balance of charges should be received within 30 days by way of cheque (made payable to the Department of Health), money order or credit card.

Where you choose to pay by cheque (personal or bank) or money order it should be sent to the following:

Mail: FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Where you wish to pay by credit card you should contact the department's FOI Unit on (02) 6289 1666 to be further advised.

Access to documents released to you under this decision will be provided when the balance of the outstanding charges is received and receipted by the department.

Third Party Consultation - INSERT ONLY WHERE RELEVANT

You were informed on <date> that consultation with <a third party> <third parties> would be necessary. A contention was put to me that <certain documents> <parts of documents><the document> should be exempt. My decision, however, has been to grant access to that material. Accordingly, the relevant <third party> <third parties> <has><have> review rights under the FOI Act. I am therefore unable to provide you with access to <those documents><parts of documents><the document> until these review rights have been exhausted.

Where applicable, the material not subject to third parties will be provided to you on the payment of any outstanding charges.

Review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this department within 30 days. An application for an internal review should be addressed to:

Email: FOI@health.gov.au

OR

Mail: FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>

You may also make a complaint to the Information Commissioner about action taken by the department in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website: <https://www.legislation.gov.au/Details/C2019C00288>

Publication

You should be aware that where I have decided to release documents to you, the department may also publish the released material on its Disclosure Log. The department will however, not publish information (such as personal or business information) where it would be unreasonable to do so.

For your reference the department's Disclosure Log can be found at: <https://www.health.gov.au/resources/foi-disclosure-log>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact Freedom of Information Unit on (02)6289 1666 or at FOI@health.gov.au

Yours sincerely

<Name of Decision Maker>

<Position>

<Branch>

<Date>

SCHEDULE OF DOCUMENTS - FOI-XXXX

ATTACHMENT A

Document no.	Date	Number of pages	Description	Decision on access ¹	Portion Exempt
EXAMPLE 1	35	12.3.14	Report - Health and Sport in Australia	RiE	<p>s47B Page 3 - para. 2: 1st and 2nd sentence.</p> <p>s47F Pages 5-29 - all Page 33 - para. 2 and para.4 Page 34 - address block and signature</p>
EXAMPLE 2	3	13.3.14	Email - Confirmation of Receipt of Report 'Health and Sport in Australia'	R	
EXAMPLE 3	5	14.3.14	Report on Genetic Modification within Humans	E	s33(b) - all

¹ E = Exempt, R = Release, RI = Release with irrelevant information removed, RE = Release with exempt information removed.

ATTACHMENT B

REASONS FOR DECISION

Material taken into account

In making my decision, I had regard to the following:

- the terms of your request;
- the content of the documents sought;
- advice from departmental officers with responsibility for matters relating to the documents sought;
- submissions from third parties - **DELETE if not relevant**
- the relevant provisions of the FOI Act; and
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Finding of facts and reasons for decision

My findings of fact and reasons for deciding that the exemptions identified in the schedule of documents apply to the relevant documents or parts of documents are set out below.

Where a public interest conditional exemption is applied (Part IV Division 3 of the FOI Act), please include:

Discussion of the conditional exemption and why it applies followed by:

Section XXX is a conditional exemption. Pursuant to section 11A(5) of the FOI Act, the department is required to give access to a conditionally exempt document at a particular time unless access to the document at that time would, on balance, be contrary to the public interest.

In considering whether disclosure would be in the public interest, I considered the following factors favouring disclosure: ...

I considered the following factors against disclosure: ...

I have determined that disclosure of Document(s) ... would, on balance, be contrary to the public interest. The document is OR The documents are therefore exempt under section 31B(b) of the FOI Act.

Where a full exemption is applied (Part IV Division 2 of the FOI Act), please insert:

Discussion of the exemption and why it applies followed by:

The information is exempt from disclosure under section XXX of the FOI Act. Under section 11A(4) of the FOI Act, an agency is not required by the FOI Act to give a person access to a document if it is an exempt document.

Section 22 - deletion of irrelevant and/or exempt material

Section 22 of the FOI Act applies to documents containing exempt material (22(1)(a)(i)) and irrelevant information (s22(1)(a)(ii)) and allows an agency to delete such material from a document.

I have deleted <exempt AND/OR irrelevant> material from the <document/s> and prepared an edited copy for release. AND/OR The documents contain the names and telephone numbers of Department of Health employees. As outlined when your request was acknowledged, this material is considered irrelevant to the scope of your request and I have deleted it.

This document was released under the Freedom of Information Act 1982 by the Department of Health