

***Commonwealth Department of Health, Department of Foreign
Affairs and Trade and ACT Health Directorate [2021] ACTOFOI 18
(20 December 2021)***

**Decision and reasons for decision of Acting Senior Assistant Ombudsman,
Symone Andersen**

Application number:	AFOI-RR/21/20001
Decision reference:	[2021] ACTOFOI 18
Applicants:	Commonwealth Department of Health, Department of Foreign Affairs and Trade
Respondent:	ACT Health Directorate
Date:	20 December 2021
Catchwords:	<i>Freedom of Information Act 2016</i> (ACT) – deciding access – whether disclosure of information is contrary to the public interest – third party consultation – whether information is in scope – security of the Commonwealth, the Territory or a State – promote open discussion of public affairs and enhance the government’s accountability – contribute to positive and informed debate on matters of public interest – reveal health risks or measures relating to public health and safety – prejudice a person’s right to privacy under the <i>Human Rights Act 2004</i> (ACT) – prejudice intergovernmental relations

Decision

1. I am a delegate of the ACT Ombudsman for the purposes of s 82 of the ACT *Freedom of Information Act 2016* (**FOI Act**).
2. Under s 82(2)(b) of the FOI Act, I **vary** the decision of the ACT Health Directorate (**AHD**), dated 15 January 2021.

Background of Ombudsman review

3. On 25 November 2020, an applicant (**FOI applicant**) applied to AHD for access to:

... any documents and/or emails and/or correspondence between the chief health officer Kerryn Coleman and/or members of the ACT Health executive to the Department of Foreign Affairs and Trade between January 1, 2020 and November 24, 2020 concerning returning foreign diplomats from overseas and/or quarantine arrangements.

I also seek any briefing materials prepared/created by ACT Health/ACT COVID taskforce to DFAT in relation to foreign diplomats returning to Canberra from overseas during 2020.

Third party consultation

4. On 18 December 2020, AHD undertook third party consultation with the Commonwealth Department of Health (**CDoH**) and the Department of Foreign Affairs and Trade (**DFAT**) (**the review applicants**), under s 38 of the FOI Act.
5. In its third party consultation notice to CDoH, AHD identified 1 document, comprising 2 pages, as containing information that may reasonably be expected to be of concern to CDoH.
6. On 24 December 2020, CDoH submitted to AHD that the document was out of scope, and advised AHD it objected to the release of any information in the document pertaining to CDoH, or in the alternative, the release of any identifying information of CDoH staff.
7. In its third party consultation to DFAT, AHD identified 4 documents, comprising 17 pages, as containing information that may reasonably be expected to be of concern to DFAT.
8. On 12 January 2021, DFAT advised AHD it objected to the release of 1 document because it considered it to be out of scope and objected to the release of information identifying some DFAT staff contained in the remaining 3 documents.

Decision on access

9. On 15 January 2021, AHD advised the FOI applicant that it had identified 4 documents as falling within the scope of the access application. AHD gave the FOI applicant access to 1 document in full and 3 documents in part. In making its decision, AHD relied on Schedule 2, ss 2.1(a)(i) and 2.2(a)(ii) of the FOI Act.
10. On 18 January 2021, AHD advised the review applicants of its decision.

Application for Ombudsman review

11. On 1 March 2021, following an agreed extension of time with the Ombudsman, the review applicants sought Ombudsman review of AHD's decision under s 73 of the FOI Act.

12. On 23 November 2021, I provided my preliminary views about AHD's decision to the parties in a draft consideration.
13. On 6 December 2021, DFAT advised it had no further submissions to make.
14. On 7 December 2021, AHD and CDoH both advised they accepted my draft consideration and had no further submissions.

Information at issue

15. The information at issue in this Ombudsman review is the information AHD decided to grant the FOI applicant access to; that is, the 4 documents identified by AHD holding information within the scope of the access application:
 - email correspondence from DFAT to AHD dated 17 June 2020, enclosing information about the quarantine process for incoming diplomatic arrivals (pages 1-3)
 - email correspondence between DFAT and AHD dated 3 July 2020, regarding diplomatic arrivals into the ACT (pages 4-8)
 - email correspondence between AHD and DFAT dated 3 July 2020, regarding diplomatic arrivals into the ACT (pages 9-14), and
 - email correspondence between DFAT, CDoH and AHD dated 30 October 2020, regarding a question on notice (pages 15-17).
16. The issue to be decided in this Ombudsman review is whether giving the FOI applicant access to the information at issue would be contrary to the public interest. The review applicants sought Ombudsman review on the basis they believed it would be.
17. In making my decision, I have had regard to:
 - the review applicants' submissions to AHD
 - AHD's decision notice issued to the FOI applicant
 - AHD's decision notices issued to the review applicants
 - the review applicants' review applications and submissions
 - AHD's submissions in support of its decision
 - the FOI Act, in particular ss 7, 9, 38, 72, 73, Schedule 1, s 1.13 and Schedule 2, ss 2.1(a)(i), 2.1(a)(ii), 2.1 (a)(xi), 2.2(a)(ii) and 2.2(a)(x)
 - the *Human Rights Act 2004 (ACT) (Human Rights Act)*, particularly s 12
 - AHD's FOI processing file relating to the access application
 - an unedited copy of the information at issue, and
 - relevant case law, including *Re Timothy Edward Anderson and Australian Federal Police* [1986] AATA 79, *Attorney-General's Department v Cockroft* (1986) 64 ALR 97, *Murphy and Treasury Department* (1995) 2 QAR 744, *Re B and Brisbane North Regional Health Authority*

(1994) 1 QAR 279, *'AE' and Health Directorate* [2019] ACTOFOI 9 (27 November 2019), *Alistair Coe and Chief Minister, Treasury and Economic Development Directorate* [2019] ACTOFOI 3 (29 January 2019), *Dan Conifer and National Disability Insurance Agency* [2020] AICmr 33 and *Chief Executive Officer, Services Australia and Justin Warren* [2020] AATA 4557.

Relevant law

18. Section 7 of the FOI Act provides every person with an enforceable right of access to government information. This right is subject to other provisions of the FOI Act, including grounds on which access may be refused.
19. Contrary to the public interest information is defined in s 16 of the FOI Act as:
information—
 - (a) that is taken to be contrary to the public interest to disclose under schedule 1; or
 - (b) the disclosure of which would, on balance, be contrary to the public interest under the test set out in section 17.
20. The public interest test set out in s 17 of the FOI Act involves a process of balancing public interest factors favouring disclosure against public interest factors favouring nondisclosure to decide whether, on balance, disclosure would be contrary to the public interest.
21. A party seeking to prevent disclosure of government information bears the onus of establishing that information is contrary to the public interest information.¹
22. Section 35(2) of the FOI Act provides that an access application may be decided in more than one way, including giving access to the information sought,² and refusing to give access to the information sought because it is contrary to the public interest information.³
23. Section 38 of the FOI Act requires the respondent to consult with a third party if they consider the information at issue to 'reasonably be expected to be of concern to a person or another entity.'
24. Section 72 of the FOI Act provides that the person seeking to prevent disclosure of government information has the onus of establishing the information is contrary to the public interest information.
25. Schedule 1 of the FOI Act sets out categories of information that is taken to be contrary to the public interest to disclose.

¹ Section 72 of the FOI Act.

² Section 35(1)(a) of the FOI Act.

³ Section 35(1)(c) of the FOI Act.

26. Schedule 2 of the FOI Act sets out the public interest factors that must be considered, where relevant, when determining the public interest.

The contentions of the parties

27. In its decision notices to the review applicants, AHD said:

I have applied the public interest test under section 17 of the Act, and it is my determination that disclosure of the information captured in this consultation is not contrary to public interest. Therefore, my decision is to provide public access to this information.

Commonwealth Department of Health

28. In its decision notice to CDoH, AHD said:

I have decided that the email provided for your consultation is Government information for the purposes of the FOI Act and is in the scope of our request as information. I have decided that this information promotes open discussion of public affairs and enhances the government's accountability as per Schedule 2, 2.1(a)(i) and is not contrary to the public interest to release.

The factor favouring disclosure under Schedule 2, 2.2(a)(ii) of the ACT FOI Act is that disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004* (HR Act). The HR Act does not, however, provide a general right to privacy. It provides the right not to have one's privacy interfered with unlawfully or arbitrarily.

The FOI Act requires not that the Information Officer consider whether information is personal, but whether the disclosure of information, whether personal information or not, could reasonably be expected to prejudice the right to privacy that the employee enjoys under section 12 of the HR Act.

Consequently, the issue is whether the personal information remaining could reasonably be expected to interfere with the employee's privacy unlawfully or arbitrarily. I am not, based on the information before me, satisfied that disclosure of the employee names would interfere with the employee's privacy unlawfully or arbitrarily.

29. In the application for Ombudsman review, CDoH said:

The document contains the names and contact details for two junior departmental officers and the phone number for the Health Operations team in the department's National Incident Room.

...

The personal information of junior/non-SES departmental staff should not be released, as the disclosure of this personal information would be contrary to the public interest. The disclosure of the relevant personal information could reasonably be expected to:

- damage the security of the Commonwealth, and/or
- prejudice the protection of an individual's right to privacy or any other right under the ACT *Human Rights Act 2004* (ACT HR Act), and/or
- prejudice intergovernmental relations.

...

The disclosure of the National Incident Room telephone and fax numbers would be contrary to the public interest. The disclosure... could reasonably be expected to damage the security of the Commonwealth...

Department of Foreign Affairs and Trade

30. In the application for Ombudsman review, DFAT said:

DFAT contends that the Ombudsman should vary the decision as the disclosure of this information would, on balance, be contrary to the public interest.

...

[In relation to document 1] This policy was sent by DFAT to relevant state and territory government agencies, including ACT Health. The purpose of was to inform these agencies of DFAT's process for handling the arrival of foreign diplomats and explain how DFAT would liaise with the agencies to ensure appropriate arrangements were made for foreign diplomats.

... it was not DFAT's intention that it would be further disseminated.

...

Access should be refused to the names, contact numbers and email addresses of DFAT employees contained in the documents. Granting access to these details is an arbitrary interference of those individuals' privacy.

...

The disclosure of DFAT employees' names, email addresses and phone numbers of employees is an unnecessary disclosure. Further, the interference with DFAT employees' privacy, which in this case will involve making their names and direct contact details publicly available on an ACT government website, is not proportionate in the circumstances.

31. These submissions are discussed in more detail below.

Considerations

32. I have carefully considered an unedited copy of the information at issue together with the information provided by the review applicants and AHD.

Scope of the access application

33. As a preliminary issue, I will address the issue of whether the information at issue is within the scope of the access application.

34. In their applications for Ombudsman review, neither review applicant has submitted that the information at issue was out of scope. Both review applicants did, however, contend in their consultation with AHD that some of the information at issue was out of scope:

I note that the applicant is seeking access to correspondence between Kerryn Coleman and/or ACT Health Executive and the Department of Foreign Affairs and Trade (DFAT). The department maintains the view that the information in the document concerning the department is not relevant to the scope of the request.⁴

We query whether the email dated 17 June 2020... is in scope, noting this email was an internal ACT Health email, not correspondence between the Chief Health Officer or ACT health to DFAT.⁵

⁴ Letter to AHD from CDoH, 24 December 2020.

⁵ Email to AHD from DFAT, 12 January 2021.

35. In its response to the s 75 notification from my Office, AHD submitted:

In relation to the DFAT information in document at reference 1, ACTHD have determined that it is Government Information for the purposes of the FOI Act...

In relation to the Department of Health's National Incident Room email in document at reference 4, I have decided that this email is Government information for the purposes of the FOI Act and is in the scope of our request as information.

36. The approach to interpreting the scope of an FOI access application was considered by the Administrative Appeals Tribunal (AAT) in the case of *Re Timothy Edward Anderson and Australian Federal Police*⁶ where the AAT explained:

[A] request for access to documents containing information on a specified subject matter should be construed as a request for access to documents or parts of documents that can fairly be characterised as containing information of that type.⁷

37. In *Anderson*, the AAT discussed the 'need for a common sense approach to the identification of the documents,'⁸ while not 'suggesting a narrow or pedantic approach to the construction of any request for access.'⁹

38. I am satisfied the information at issue is within scope of the access application.

Information that is taken to be contrary to the public interest to disclose under Schedule 1

39. CDoH has submitted that the personal information of departmental staff should not be released as the information is contrary to the public interest to disclose under Schedule 1 of the FOI Act.

40. I have reviewed the information at issue and I am satisfied that it does not identify corruption, an offence, or misuse of power in a law enforcement investigation. As a result, Schedule 1 provisions may be relevant to the information at issue. Consequently, I will now proceed to consider whether the information at issue is contrary to the public interest to disclose under Schedule 1 of the FOI Act.

Security of the Commonwealth, the Territory, or a State

41. Information which would or could reasonably be expected to damage the security of the Commonwealth, the Territory or a State is taken to be contrary to the public interest information under Schedule 1, s 1.13 of the FOI Act. Security of the Commonwealth includes matters relating to detecting, preventing or suppressing activities, whether within or outside Australia, that are subversive of, or hostile to, the interests of the Commonwealth.¹⁰

⁶ [1986] AATA 79 ('*Anderson*')

⁷ *Anderson*, at [19].

⁸ *Anderson*, at [17].

⁹ *Anderson*, at [20].

¹⁰ Schedule 1, s 1.13(2)(a) of the FOI Act.

42. In its application for Ombudsman review, CDoH argued that the information at issue was contrary to the public interest information under Schedule 1, s 1.13 of the FOI Act, submitting:

While the presence of the names of departmental officers in the document on their own may seem harmless, when combined with other pieces of information – including the fact that the officers work in an area that potentially provides them with access to sensitive information as well as knowledge of the physical location of the department’s offices in Canberra, it can generate a ‘mosaic’ that may harm the security of the Commonwealth.

...The disclosure of staff names in sensitive areas such as the National Incident Room could enable malicious actors to identify these staff online and approach them with a view to obtaining sensitive information vital to Australia’s national security.

43. The phrase ‘reasonably be expected’ is an objective test considered in *Attorney-General’s Department v Cockroft*¹¹(*Cockroft*) in relation to s 43(1)(c)(ii) of the *Freedom of Information Act 1982* (Cth). Bowen and Beaumont J stated:

In our opinion, in the present context, the words ‘could reasonably be expected to prejudice the future supply of information’ were intended to receive their ordinary meaning. That is to say, they require a judgment to be made by the decision-maker as to whether it is reasonable, as distinct from something that is irrational, absurd or ridiculous... It is undesirable to attempt any paraphrase of these words. In particular, it is undesirable to consider the operation of the provision in terms of probabilities or possibilities or the like. To construe s 43(1)(c)(ii) as depending in its application upon the occurrence of certain events in terms of any specific degree or likelihood or probability is, in our view, to place an unwarranted gloss upon the relatively plain words of the Act. It is preferable to confine the inquiry to whether the expectation claimed was reasonably based.

44. I consider that the discussions in *Cockroft* are relevant. I have considered CDoH’s submissions referencing *Cockroft*. Accordingly, I am of the view that the words ‘could reasonably be expected’ in Schedule 1, s 1.13 of the FOI Act should be given their ordinary meaning and the expectation must be reasonably based, highly likely and not merely speculative, conjectural or hypothetical.¹²
45. An internet search conducted by ACT Ombudsman staff revealed the telephone and facsimile numbers for the National Incident Room, as well as confirmation that at least 1 of the 2 junior staff referenced above work or have worked in the National Incident Room.
46. While I appreciate CDoH’s concerns, I am of the opinion that the information before me is not sufficient to demonstrate the disclosure of 2 junior departmental officers and the telephone and facsimile numbers of the National Incident Room could reasonably be expected to damage the security of the Commonwealth.

¹¹ (1986) 64 ALR 97 at [106].

¹² *Murphy and Treasury Department* (1995) 2 QAR 744 at paragraph 44, citing *Re B and Brisbane North Regional Health Authority* (1994) 1 QAR 279 at [160].

47. Accordingly, my preliminary view is that disclosing the information at issue is not contrary to the public interest under Schedule 1, s 1.13 of the FOI Act.

Public interest test

48. As I am not satisfied the information at issue should be taken to be contrary to the public interest under Schedule 1, I will now apply the public interest test to consider the additional public interest factors, for and against disclosure, raised by AHD and the review applicants.

49. To determine whether disclosure of information is, on balance, contrary to the public interest, s 17(1) of the FOI Act prescribes the following five steps:

- (a) identify any factor favouring disclosure that applies in relation to the information (a relevant factor favouring disclosure), including any factor mentioned in schedule 2, section 2.1;
- (b) identify any factor favouring nondisclosure that applies in relation to the information (a relevant factor favouring nondisclosure), including any factor mentioned in schedule 2, section 2.2;
- (c) balance any relevant factor or factors favouring disclosure against any relevant factor or factors favouring nondisclosure;
- (d) decide whether, on balance, disclosure of the information would be contrary to the public interest;
- (e) unless, on balance, disclosure would be contrary to the public interest, allow access to the information subject to this Act.

50. In addition, there is an initial step of ensuring that none of the irrelevant factors listed in s 17(2) of the FOI Act are considered.

Irrelevant factors

51. I have noted the irrelevant factors listed in s 17(2) of the FOI Act and I do not consider that any irrelevant factors arise in this Ombudsman review.

Factors favouring disclosure

52. Schedule 2, s 2.1 of the FOI Act contains a non-exhaustive list of public interest factors favouring disclosure.

53. I consider 3 factors favouring disclosure are relevant to this review. These are:

- Schedule 2, s 2.1(a)(i): promote open discussion of public affairs and enhance the government's accountability
- Schedule 2, s 2.1(a)(ii): contribute to positive and informed debate on important issues or matters of public interest
- Schedule 2, s 2.1(a)(xi): reveal... health risks or measures relating to public health and safety.

54. AHD's original decision identified the first of these factors.

Promote open discussion of public affairs and enhance the government's accountability

55. A reasonable expectation that disclosure could promote open discussion of public affairs and enhance the government's accountability favours disclosure under the FOI Act.¹³
56. I consider the information at issue could promote open discussion of public health responses to COVID-19 and enable members of the public to participate in discussion about the public health situation and the arrangements for the return of foreign diplomats to the ACT during the period in scope. Accordingly, I afford this public interest factor significant weight.

Contribute to positive and informed debate on matters of public interest

57. A reasonable expectation that disclosure could contribute to positive and informed debate on a matter of public interest favours disclosure under the FOI Act.¹⁴
58. It is clear to me that the information at issue relates to a matter of significant public interest and could contribute to positive and informed debate by enabling members of the public to obtain more information on the arrangements for the return of foreign diplomats to the ACT during the period in scope in 2020.
59. I acknowledge the situation has evolved since this period, including arrangements for people travelling into parts of Australia, and the ACT. Accordingly, I consider the extent to which disclosure of the information at issue could promote this public interest factor is moderate.

Reveal health risks or measures relating to public health and safety

60. Schedule 2, s 2.1(a)(xi) of the FOI Act provides that a factor favouring disclosure is if the disclosure could reveal health risks or measures relating to public health and safety.
61. Given the information at issue is information relating to public health, primarily, information about the arrangements for the return of foreign diplomats into the ACT during a period in which travel was generally restricted, I consider it reasonable to expect that disclosure could promote this factor favouring disclosure. Despite recent changes in rules around travel, the pandemic is an ongoing public health situation, and the information is current in its general applicability to the COVID-19 virus and measures relating to public health and safety.
62. However, considering recent changes to travel arrangements, I consider the extent to which the public interest factor could be promoted is somewhat mitigated. On balance, I consider the information at issue could promote this public interest factor to a moderate degree.

¹³ Schedule 2, s 2.1(a)(i) of the FOI Act.

¹⁴ Schedule 2, s 2.1(a)(ii) of the FOI Act.

63. Additionally, the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of representative democracy.¹⁵ This concept is promoted through the objects of the FOI Act.¹⁶

Factors favouring nondisclosure

64. The review applicants identified in their submissions two relevant factors favouring nondisclosure:
- Schedule 2, s 2.2(a)(ii): prejudice the protection of an individual's right to privacy, and
 - Schedule 2, s 2.2(a)(x): prejudice intergovernmental relations.

Right to privacy

65. A reasonable expectation that disclosure could prejudice a person's right to privacy under the Human Rights Act favours nondisclosure under the FOI Act.
66. The review applicants each contend, in their applications for Ombudsman review, that the release of names, direct email addresses and direct telephone numbers of departmental officers could reasonably be expected to prejudice the protection of an individual's right to privacy.
67. Section 12(a) of the Human Rights Act does not provide a general right to privacy, rather it provides that:
- Everyone has the right –
- (a) not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily...
68. The disclosure of information about government department officers is not generally considered to prejudice the protection of an individual's right to privacy where the information is wholly related to the individual's routine day-to-day work activities.¹⁷ In addition, there is no blanket rule that the names of junior officers can be withheld from disclosure.
69. Each person identified in the information at issue was performing what I consider to be routine day-to-day work activities. In addition, I have noted above at [45] that at least one of the junior staff members employed in the National Incident Room can be identified as such through an internet search. Accordingly, I do not consider that the release of staff names could reasonably be expected to prejudice an individual's right to privacy.

¹⁵ See s 17 of the FOI Act.

¹⁶ See s 6(b) of the FOI Act.

¹⁷ 'AE' and Health Directorate [2019] ACTOFOI 9 (27 November 2019).

70. In its application for review, CDoH submitted:

There is increasing evidence that some members of the public dispute the existence of the COVID-19 pandemic. Some individuals have been vocal in their opposition to vaccines and have shown a willingness to harass the public servants responsible for their distribution. If staff cannot be ensured protection from abuse and harassment from members of the public, they cannot work effectively to ensure public safety.

...

The AAT held in *Warren*¹⁸ that disclosure of an individual's telephone number in his or her place of employment is unreasonable where there is a high likelihood of abuse or harassment, as it would allow individual members of the public to contact that employee directly and potentially harass them...

National Incident Room staff regularly receive irate telephone calls or emails, including threats, to their public facing communications. One officer has estimated that they answer between 10 and 30 enquiries a day, including half a dozen angry emails from members of the public.

71. I am of the view that the information at issue providing direct telephone numbers and direct email addresses of CDoH and DFAT staff could reasonably be expected to prejudice an individual's right to privacy, particularly given the likelihood of abuse or harassment as outlined by CDoH. Accordingly I consider Schedule 1, s 2.2(a)(ii) is applicable in this review.

Intergovernmental relations

72. A reasonable expectation that disclosure could prejudice intergovernmental relations favours nondisclosure under the FOI Act.¹⁹

73. The review applicants each contend, in their applications for Ombudsman review, that the release of the information at issue could reasonably be expected to prejudice intergovernmental relations.

74. In its application, CDoH submitted:

The release of junior departmental officers' personal information could reasonably be expected to cause damage to intergovernmental relations between the ACT and the Commonwealth as well as other States, as officers of the Commonwealth and other State and Territory governments may be less willing to share such information with other jurisdictions if they know their personal information may be released.

75. As was set out in *Coe No. 3*,²⁰ I consider the clear purpose of this public interest factor is to protect the relationships between Australian governments. I also consider the Australian

¹⁸ *Chief Executive Officer, Services Australia and Justin Warren* [2020] AATA 4557 (*Warren*).

¹⁹ Schedule 2, s 2.2(a)(x) of the FOI Act.

²⁰ *Alistair Coe and Chief Minister, Treasury and Economic Development Directorate* [2019] ACTOFOI 3 (29 January 2019) (*Coe No. 3*).

Information Commissioner's decision in *Dan Conifer and National Disability Insurance Agency*,²¹ where the Commissioner said:

There must be real and substantial grounds for expecting the damage to occur which can be supported by evidence or reasoning. There cannot merely be an assumption or allegation that damage may occur if the document were released.²²

76. The contentions of the review applicants centre around the release of identifying information of department officers. In my view, the review applicants have not discharged the onus imposed by s 72 of the FOI Act and established that the release of the information at issue could reasonably be expected to prejudice intergovernmental relations.

Balancing the factors

77. As I have identified public interest factors favouring disclosure and nondisclosure, I must now consider the public interest balancing test as set out in s 17 of the FOI Act.
78. My view is that 1 public interest factor favouring disclosure should be afforded considerable weight, and that 2 should be afforded moderate weight.
79. I am of the view that the one public interest factor favouring non-disclosure should be afforded moderate weight, but only in relation to the direct telephone numbers and direct email addresses of CDoH and DFAT staff.
80. Accordingly, on balance, the public interest factors favouring disclosure outweigh the public interest factors favouring nondisclosure for all of the information sought.

Conclusion

81. Under **s 82(2)(b)** of the FOI Act I **vary** AHD's decision to give access to the information at issue dated 18 January 2021.
82. Direct contact details of the named staff of CDoH and DFAT – that is, direct telephone numbers and direct email addresses – should be taken to be contrary to the public interest to disclose under Schedule 2, s 2.2(a)(ii) of the FOI Act.
83. Access should be granted to all other information at issue, including staff names.

Symone Andersen
Acting Senior Assistant Ombudsman

20 December 2021

²¹ [2020] AICmr 33 ('*Conifer*').

²² *Conifer*, at [18].