

From: [GIBSON,Isla](#)
To: [OTOREPEC,Stephanie](#); [CASTALDI,Andre](#); [GHALI,Sarah](#); [AGO,Rocelle](#); [PEEL,Sara](#)
Cc: [STEWART,Jo](#); [PETRIE,Claire](#)
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Wednesday, 5 June 2024 12:22:26 PM
Attachments: [image001.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

Good afternoon all

Please see meeting brief: [D2024/017289](#)

If you have drafted in other documents, I am happy to collate at the end.

Please let me know if I need to provide any update to NECS on the agenda.

Kind regards



Isla Gibson (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M [s 47E\(d\)](#) E isla.gibson@oaic.gov.au

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From: OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Sent: Wednesday, June 5, 2024 12:20 PM
To: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>; PETRIE,Claire <Claire.Petrie@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Andre and Rocelle. Yes we will add our materials to the brief from an R&S perspective.

Cheers
 Steph

From: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>
Sent: Wednesday, June 5, 2024 7:53 AM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Sarah

I'll consider and check in with relevant DR Directors come back.

Andre

From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:33 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
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Thanks Rocelle. Also looping in Andre given the intersection with privacy DR work.

Steph can you please assist with the R&S aspects?

Thanks

Sarah

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:05:31 PM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
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[@GHALI,Sarah](#) it may be useful to have some points on access under the Privacy Act / APP 12 ([@GIBSON,Isla](#) think the agency head meeting brief for DVA included some relevant material).

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Current issues - note issue on official documents of a minister, revised procedure direction, upcoming survey and self-assessment work.

For out of jurisdiction referrals, please note we are updating out triage/jurisdiction checklist and that we would include updates to our smart forms.

If we could prioritise for tomorrow, that would be great.

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Rocelle

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Sent: Friday, May 31, 2024 4:09 PM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
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Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
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Christopher Matthies
 NECS Freedom of Information Commissioner
 T: [s 47E\(d\)](tel:0299424233)

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To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle

<Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>

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From: [GIBSON,Isla](#)
To: [TYDD,Liz](#); [KIND,Carly](#)
Cc: [GHALI,Sarah](#); [AGO,Rocelle](#); [CASTALDI,Andre](#); [DRAYTON,Melanie](#); [STEWART,Jo](#); [ROBERTS,Lucy](#)
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Friday, 7 June 2024 2:31:52 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)

Dear Liz

Noted. I confirm that the meeting briefing paper is being finalised – I hope to have this to you shortly.

Kind regards



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From: TYDD,Liz <Elizabeth.Tydd@oaic.gov.au>
Sent: Friday, June 7, 2024 2:11 PM
To: KIND,Carly <Carly.Kind@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; DRAYTON,Melanie <Melanie.Drayton@oaic.gov.au>; STEWART,Jo <Jo.Stewart@oaic.gov.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Isla and colleagues

Im in the office for security interviews on Tuesday from 8 am finishing by 11 am. So, I'm an attendance. I am looking for the briefing papers in my calendar, but they don't appear to be there. Given my understanding of their assumption of FOI functions it is important that I'm there and briefed in advance. Can we work to implementing the usual 3 working day clearance process for meetings of this nature please. At the same time Carly and I don't always require briefings so we should be able to achieve a healthy balance.

Kind regards

Liz

From: KIND,Carly <Carly.Kind@oaic.gov.au>
Sent: Friday, June 7, 2024 12:58 PM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; TYDD,Liz <Elizabeth.Tydd@oaic.gov.au>
Cc: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; DRAYTON,Melanie <Melanie.Drayton@oaic.gov.au>; STEWART,Jo <Jo.Stewart@oaic.gov.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Happy to just join for the first part thank you

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Tuesday, June 4, 2024 2:18 PM
To: TYDD,Liz <Elizabeth.Tydd@oaic.gov.au>; KIND,Carly <Carly.Kind@oaic.gov.au>
Cc: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; CASTALDI,Andre

<Andre.Castaldi@oaic.gov.au>; DRAYTON,Melanie <Melanie.Drayton@oaic.gov.au>; STEWART,Jo <Jo.Stewart@oaic.gov.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>

Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Dear Liz and Carly

Next Tuesday, 11 June, we have arranged for you to meet with the Commissioners NECS, in person at the OAIC offices. Please see agenda **attached**. Briefing documents will be provided.

Could you please confirm whether you have a preference as to whether you attend the whole 1.5hr meeting, or whether you are happy to attend only the first portion and to leave the Assistant Commissioners to discuss any operational matters?

Kind regards



Isla Gibson (she/her)
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Sent: Friday, May 31, 2024 5:45 PM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Hi Isla

I don't have anything specific to add to the agenda and happy to meet for the 1.5hrs if that is required. Were Carly and Liz going to stay for the whole time or leave us to the more operational matters?

Andre – do you have any thoughts on the arrangements for out of jurisdiction referrals aspect of the agenda? I don't know if we have ever received any complaints that should have gone to the NECS or if we have arrangements for similar schemes – AHPRA for example?

Steph – would one of the team be able please assist by pulling some background information together on the NECS? Nothing too detailed but a general overview of the legislative arrangements might be helpful.

Thanks

Sarah

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, May 31, 2024 4:08 PM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
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Chris

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 NECS Freedom of Information Commissioner
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Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
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From: [CASTALDI,Andre](#)
To: [MCCARTHY,Leigh](#); [MATHISON,Rachel](#)
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Tuesday, 11 June 2024 7:52:00 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)

Thanks Rachel and Leigh

Meeting is today. The below is helpful. Following further discussion with Sarah G I don't believe that we would refer to NECS, it may be however that they refer to us.

I'll let you know the outcomes of the meeting.

Kind regards

Andre

From: MCCARTHY,Leigh <Leigh.McCarthy@oaic.gov.au>
Sent: Tuesday, June 11, 2024 7:51 AM
To: MATHISON,Rachel <Rachel.Mathison@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Andre,

Similar in PCM. We have only three related to childcare, although a number related to schools. We have not referred previously and were unaware of the EDR.

Kind Regards,
Leigh

From: MATHISON,Rachel <Rachel.Mathison@oaic.gov.au>
Sent: Tuesday, June 11, 2024 7:31 AM
To: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; MCCARTHY,Leigh <Leigh.McCarthy@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Andre

I am not sure if this info is too late or not, so apologies if it is. There is no awareness of this regulator in the ER team and as a result we haven't referred any matters to them. There is no MOU that I'm aware of and none of the Assistant Directors in my team are aware of one either. A quick look of matters that are unallocated shows that there are approximately 5 matters that relate to childcare services, so the volume of complaints is likely smaller than any of the existing EDRs.

It would be great to have an MOU/process in place to refer the matters to NECS given their role. The process would likely be similar to those already in place and would enable us to decline on the basis that its better dealt with by them. I am not sure if that leaves an option to come back to the OAIC or not like the EDRs do?

Thanks

Rachel



Rachel Mathison (she/her)
Director, Enquiries and Early Resolution
Office of the Australian Information Commissioner
Melbourne | GPO Box 5288 Sydney NSW 2001
P +61 2 9246 0443 | E rachel.mathison@oaic.gov.au

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Sent: Wednesday, June 5, 2024 10:35 AM
To: MATHISON,Rachel <Rachel.Mathison@oaic.gov.au>; MCCARTHY,Leigh <Leigh.McCarthy@oaic.gov.au>
Subject: Fwd: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Rachel and FYI Leigh

Thanks for your time earlier.

As discussed, we have a meeting next Tuesday with NECS ([National Education and Care Services](#)) FOI and Privacy Commissioner.

Can you and the team consider, in relation to the out of jurisdiction referrals aspect of the agenda

1. Are matters that we could be referring to NECS. If so can you provide some points on the types of matters may be referable, which APPs etc, numbers?
2. Is anyone aware of previous referrals to NECS, including if there is or has been an MoU or agreement
3. Do we have recommendation to more formally make referrals to NECS.

The meeting is next Tuesday and I need to provide some points back to the Exec group by the end of this week ahead of the meeting.

Apologies for short turnaround in a busy week.

Kind regards

Andre

From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
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To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
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Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

P (02) 9942 4233 M s 47E(d) E isla.gibson@oaic.gov.au

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From: [GIBSON,Isla](#)
To: [GHALI,Sarah](#); [PETRIE,Claire](#); [OTOREPEC,Stephanie](#); [CASTALDI,Andre](#); [AGO,Rocelle](#); [PEEL,Sara](#)
Cc: [STEWART,Jo](#)
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Friday, 7 June 2024 2:41:36 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)
[image005.jpg](#)

Thanks all! Are you happy for me to list the draft agenda that they provided us as the finalised agenda?

Thank you



Isla Gibson (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M [s 47E\(d\)](#) E isla.gibson@oaic.gov.au

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From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Friday, June 7, 2024 2:33 PM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PETRIE,Claire <Claire.Petrie@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Isla!

Claire is making the updates now. We also need to drop in the bio information for our external attendees.

SG

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, June 7, 2024 2:31 PM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; PETRIE,Claire <Claire.Petrie@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Sarah – I will update and have that to Liz and Carly shortly. The meeting invite includes externals so I will circulate by email.

I will also add Andre to the invite shortly.

Kind regards

Isla Gibson (she/her)



Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 Ms 47E(d) E isla.gibson@oaic.gov.au

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From: GHALI, Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Friday, June 7, 2024 2:18 PM
To: PETRIE, Claire <Claire.Petrie@oaic.gov.au>; OTOREPEC, Stephanie <Stephanie.Otorepec@oaic.gov.au>; CASTALDI, Andre <Andre.Castaldi@oaic.gov.au>; AGO, Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON, Isla <Isla.Gibson@oaic.gov.au>; PEEL, Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART, Jo <Jo.Stewart@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Claire. I have reviewed and have no further additions to the brief.

I noticed that the details at the top were missing and grateful if someone could please add so the brief can be added to the calendar invite for Liz?

Andre will also now be attending the meeting to provide input on the DR aspects of the conversation.

Have a great weekend!

Thanks

Sarah

From: PETRIE, Claire <Claire.Petrie@oaic.gov.au>
Sent: Friday, June 7, 2024 12:35 PM
To: OTOREPEC, Stephanie <Stephanie.Otorepec@oaic.gov.au>; CASTALDI, Andre <Andre.Castaldi@oaic.gov.au>; GHALI, Sarah <Sarah.Ghali@oaic.gov.au>; AGO, Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON, Isla <Isla.Gibson@oaic.gov.au>; PEEL, Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART, Jo <Jo.Stewart@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi all,

Following on from Steph's email, just confirming that I have restructured the brief to align with the meeting agenda and have added R&S content, including some points on APP 12 drawn from the DVA brief.

Kind regards,
 Claire

From: OTOREPEC, Stephanie <Stephanie.Otorepec@oaic.gov.au>
Sent: Thursday, June 6, 2024 3:29 PM
To: CASTALDI, Andre <Andre.Castaldi@oaic.gov.au>; GHALI, Sarah <Sarah.Ghali@oaic.gov.au>; AGO, Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON, Isla <Isla.Gibson@oaic.gov.au>; PEEL, Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART, Jo <Jo.Stewart@oaic.gov.au>; PETRIE, Claire <Claire.Petrie@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

[SEC=OFFICIAL]

Hi everyone, just noting the agenda attached doesn't seem to be reflected in the draft brief yet - Claire is able to incorporate this into the link [D2024/017289](#), and will add some points against the matters R&S has background on.

Claire, can you please also check in with Jess to see how best to incorporate the FOI material that is already in the brief, into the new structure which reflects the agenda?

Kind regards

Steph

From: OTOREPEC,Stephanie
Sent: Wednesday, June 5, 2024 12:20 PM
To: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>; PETRIE,Claire <Claire.Petrie@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Thanks Andre and Rocelle. Yes we will add our materials to the brief from an R&S perspective.

Cheers

Steph

From: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>
Sent: Wednesday, June 5, 2024 7:53 AM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Thanks Sarah

I'll consider and check in with relevant DR Directors come back.

Andre

From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:33 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: Re: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Thanks Rocelle. Also looping in Andre given the intersection with privacy DR work.

Steph can you please assist with the R&S aspects?

Thanks

Sarah

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>

Sent: Tuesday, June 4, 2024 7:05:31 PM

To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>

Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>

Subject: Fwd: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Hi Isla

I understand the external Commissioners had requested the timing - it's the first meeting from memory and I think it would be useful to have time for discussion

In terms of the agenda, we can send through some briefing points for items 3 and 6. Can you please send through the link for the briefing paper/template?

[@GHALI,Sarah](#) it may be useful to have some points on access under the Privacy Act / APP 12 ([@GIBSON,Isla](#) think the agency head meeting brief for DVA included some relevant material).

[@PEEL,Sara](#) could Jess please assist with this?

For the guideline update, we should include that we've updated Parts 5 and 6, consult on Part 2, review of Part 3 underway.

Current issues - note issue on official documents of a minister, revised procedure direction, upcoming survey and self-assessment work.

For out of jurisdiction referrals, please note we are updating our triage/jurisdiction checklist and that we would include updates to our smart forms.

If we could prioritise for tomorrow, that would be great.

Thanks
Rocelle

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>

Sent: Friday, May 31, 2024 4:09 PM

To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>

Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Good afternoon Rocelle and Sarah

I am conscious of busy schedules – are you happy for this meeting to still proceed for 1.5hrs?

Do you have any input into the agenda that I can provide to Carly/Liz for recommendation?

Kind regards

Isla Gibson (she/her)



Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M s 47E(d) E isla.gibson@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, May 24, 2024 10:44 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
 [SEC=OFFICIAL]

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Dear Isla

We're looking forward to meeting with the Commissioners and OAIC staff on 11 June. Please find attached a draft of an agenda for the meeting identifying matters that we would be interested in discussing.

We'd be very happy to discuss the draft agenda and to provide any information in advance of the meeting that your office would find helpful.

Kind regards

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 T: s 47E(d)

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Wednesday, April 24, 2024 4:57 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
 [SEC=OFFICIAL]

Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

I have sent through a calendar invitation for 90 minutes for the moment, however I will need to liaise with my colleagues to confirm that the longer meeting is feasible. Depending on the nature of the agenda and the matters for discussion, if the Commissioners are unavailable for a longer meeting, we could look to facilitate OAIC specialist staff or officers with specific areas of technical expertise to attend to discuss particular issues.

Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards



Isla Gibson (she/her)

Senior Executive Assistant to the Australian Information Commissioner

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

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National Education & Care Services
FOI & Privacy Commissioners & Ombudsman

MEETING WITH OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER

Tuesday, 11 June 2024 – 11.00am

DRAFT AGENDA

NECS attendees:

Chris Matthies – National Education and Care Services Freedom of Information Commissioner
Jackie Wilson – Education and Care Services Ombudsman and National Education and Care Services Privacy Commissioner

OAIC attendees:

1. Introductions
2. National Education and Care Services Commissioners and Ombudsman
 - (a) Roles
 - (b) Adoption of OAIC Guidelines
 - (c) Workload
 - (d) Current issues
3. Freedom of Information
 - (a) Legislation and case law developments
 - (b) FOI Guidelines
 - (c) Current issues
4. Privacy
 - (a) Privacy Act reforms
 - (b) APP Guidelines
 - (c) Current issues
5. Opportunities for cooperation/collaboration
 - (a) Arrangements for out of jurisdiction referrals
 - (b) Knowledge sharing
 - (c) Regulator forums
6. Other issues

SMITH-MARKS,Lachlan

Subject: Copy: Meeting - OAIC Commissioners | National Education and Care Services Commissioners

Location: 175 Pitt Street, Sydney, New South Wales, 2000; OAIC-NSW-Level 10 Meeting Room Conference Room - Gawura Room (MS Teams Room)

Start: Tue 11/06/2024 11:00 AM

End: Tue 11/06/2024 12:30 PM

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: GIBSON,Isla (EAN)

Required Attendees: Chris Matthies; Jackie Wilson; FALK,Angelene; TYDD,Liz; KIND,Carly

Optional Attendees: GHALI,Sarah; AGO,Rocelle; CASTALDI,Andre

Resources: OAIC-NSW-Level 10 Meeting Room Conference Room - Gawura Room (MS Teams Room)

Dear Commissioner Matthies and Commissioner Wilson

Please find below details for your meeting with the OAIC Commissioners, including a notice regarding the operation of CCTV cameras on our premises.


Date/Time	11am Tuesday 11 June 2024
Address	Office of the Australian Information Commissioner Level 10 175 Pitt Street Sydney, 2000
Attendees	Christopher Matthies (National Education and Care Services Freedom of Information Commissioner) Jackie Wilson (Education and Care Services Ombudsman and National Education and Care Services Privacy Commissioner) Angelene Falk (Australian Information Commissioner) Liz Tydd (Freedom of Information Commissioner) Carly Kind (Privacy Commissioner) Rocelle Ago (OAIC Assistant Commissioner Freedom of Information) Sarah Ghali (OAIC Assistant Commissioner Regulation and Strategy) Andre Castaldi (OAIC Assistant Commissioner Dispute Resolution)
Agenda	<ol style="list-style-type: none"> 1. Introductions 2. National Education and Care Services Commissioners and Ombudsman <ol style="list-style-type: none"> (a) Roles (b) Adoption of OAIC Guidelines (c) Workload (d) Current issues 3. Freedom of Information <ol style="list-style-type: none"> (a) Legislation and case law developments (b) FOI Guidelines (c) Current issues

	<p>4. Privacy</p> <p>(a) Privacy Act reforms</p> <p>(b) APP Guidelines</p> <p>(c) Current issues</p> <p>5. Opportunities for cooperation/collaboration</p> <p>(a) Arrangements for out of jurisdiction referrals</p> <p>(b) Knowledge sharing</p> <p>(c) Regulator forums</p> <p>6. Other issues</p>
OAIC contact person	Isla Gibson – Senior Executive Assistant + s 47E(d) isla.gibson@oaic.gov.au
Additional information	On arrival at 175 Pitt Street, please contact Isla Gibson on the details above. Isla will meet you in the Lobby to bring you to the OAIC offices.

Please be aware that CCTV cameras are in operation at the OAIC's premise on Level 10, 175 Pitt Street, Sydney. The cameras are generally located in foyer and reception areas and are signposted. The cameras operate 7 days a week, 24 hours a day. The purpose of camera surveillance is primarily for security and safety purposes. CCTV footage will not be provided to any third parties, including police, without the explicit approval of OAIC's Chief Security Officer, or the Assistant Commissioner, Corporate, and for security or safety purposes or otherwise as authorised or required by law. A copy of the detailed Privacy Notice that sets out how the OAIC uses and discloses personal information collected via CCTV can be obtained from the meeting organiser. A hard copy is also available from the OAIC reception desk.

On behalf of the OAIC Commissioners, we look forward to meeting with you soon.

Kind regards

 **Isla Gibson** (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

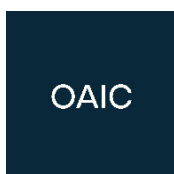
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From: [AGO,Rocelle](#)
To: [ROBERTS, Lucy](#)
Cc: [GIBSON, Isla](#); [GHALI, Sarah](#)
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Friday, 12 April 2024 12:44:14 PM
Attachments: [RE Meeting with the Australian Information Commissioner and FOI and Pri... \(47.3 KB\).msg](#)

Hi Lucy –

Please see attached – you may want to coordinate with Isla and Sarah.



Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M [s 47E\(d\)](#) E rocelle.ago@oaic.gov.au

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From: ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Sent: Friday, April 12, 2024 12:42 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Rocelle

Please see below for availability of all 3 Commissioners:

14 May 2024	11:00-3:00pm suitable (subject to rescheduling the FOI Commissioner Input meeting)
21 May 2024	11:00-1:00pm suitable
28 May 2024	11:00-3:00pm suitable

Can you please confirm whether the Commissioners/Sarah Ghali have had any visibility over this meeting request? If not I will need to follow up before we schedule this discussion.

Thank you

Kind regards,
Lucy

Lucy Roberts (she/her)

OAIC

Executive Assistant to the Deputy Commissioner
Office of the Australian Information Commissioner
P +61 2 9942 4198 E lucy.roberts@oaic.gov.au

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From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 12, 2024 8:55 AM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Chris

Thanks very much for proposing those dates and times.

We will look at those dates and get back to you and Jackie as soon as possible.

Kind regards
Rocelle

OAIC

Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M [s 47E\(d\)](tel:0438474747) E rocelle.ago@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Tuesday, April 9, 2024 4:49 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Rocelle

Thanks for getting back to me.

Jackie and I have had a discussion about possible dates and would like to suggest either Tuesday 14, 21 or 28 May. To allow Jackie to travel up and back to Canberra on the day, it would be ideal if we could meet between 11.00am and 3.00pm.

Hopefully this will help to narrow down a mutually convenient time.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 5, 2024 7:25 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Chris

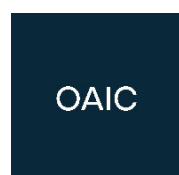
Thank you very much for your email and for your invitation to meet with the Commissioners.

We will identify some potential meeting dates and will come back to you shortly.

If there are particular dates and times that you and Jackie would prefer for an in-person meeting in Sydney, please let us know.

We look forward to meeting with you and Jackie soon.

Kind regards
Rocelle



Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, April 5, 2024 3:19 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Subject: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

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Dear Rocelle

I'm writing to follow up on the conversation we had before Easter about arranging a meeting with the OAIC Commissioners.

By way of background, early childhood services in Australia are regulated under an applied national law scheme, the [Education and Care Services National Law](#), that commenced in 2012. It established the uniform National Quality Framework for Early Childhood Education and Care, the implementation of which is the responsibility of regulatory authorities in each state and territory (generally located in the relevant department responsible for education) supported by the Australian Children's Education & Care Quality Authority (ACECQA), an independent Commonwealth body. The regulatory authorities are responsible for granting service provider approvals, carrying out the quality assessment and rating of services, and ensuring services meet the requirements of the National Quality Framework.

Under the national law, ACECQA and the regulatory authorities are subject to the Commonwealth *Freedom of Information Act 1982* and the *Privacy Act 1988*. The [Education and Care Services National Regulations](#) modify the FOI Act and Privacy Act in various ways, including to provide that references to the Information Commissioner in those Acts are taken to be references to the National Education and Care Services Freedom of Information Commissioner and the National Education and Care Services Privacy Commissioner. The regulations also provide for appointment to those positions. Under current arrangements, the Education Ministers Meeting (comprising Commonwealth, State and Territory Education Ministers) make the appointments and is the body to whom we report.

I have been appointed as the NECS FOI Commissioner and my colleague, Jackie Wilson, has been appointed as the NECS Privacy Commissioner. We were appointed from 1 January 2024 for a period of 3 years. The appointments are part time, 2 days per week.

We would very much welcome the opportunity to meet with the Commissioners and other relevant OAIC staff to introduce our roles and discuss areas of mutual interest.

As you know, I am based in Sydney. Jackie is based in Canberra but, depending on the timing, may be able to come to Sydney for a meeting. Perhaps we can look to arrange a time in late April or early May. You might be best placed to identify some possible dates but let me know if you think there would be a better way to try to identify a suitable date.

We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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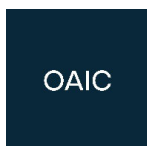
From: [GIBSON,Isla](#)
To: [TYDD,Liz](#)
Cc: [GHAI,Sarah](#); [AGO,Rocelle](#)
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Monday, 8 April 2024 8:46:58 AM

Good morning Liz

Confirming I will coordinate.

Sarah and Rocelle – I will keep you notified of meeting dates for the purposes of briefings . Please let me know if you would like to attend the meeting.

Kind regards



Isla Gibson (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M [s 47E\(d\)](#) E isla.gibson@oaic.gov.au

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From: TYDD,Liz <Elizabeth.Tydd@oaic.gov.au>
Sent: Monday, April 8, 2024 8:45 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Isla

Could you co-ordinate this meeting as it looks like its for all 3 Commissioners and thank you Rocelle.

Kind regards

Liz

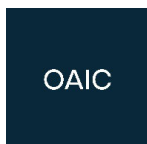
From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 5, 2024 7:25 PM
To: TYDD,Liz <Elizabeth.Tydd@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Liz

For your information

Kind regards

Rocelle



Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M [s 47E\(d\)](#) E rocelle.ago@oaic.gov.au

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From: AGO,Rocelle
Sent: Friday, April 5, 2024 7:25 PM
To: Chris Matthies <Chris.Matthies@necopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

Dear Chris

Thank you very much for your email and for your invitation to meet with the Commissioners.

We will identify some potential meeting dates and will come back to you shortly.

If there are particular dates and times that you and Jackie would prefer for an in-person meeting in Sydney, please let us know.

We look forward to meeting with you and Jackie soon.

Kind regards
Rocelle



Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necopic.edu.au>
Sent: Friday, April 5, 2024 3:19 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necopic.edu.au>
Subject: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

You don't often get email from chris.matthies@necopic.edu.au. [Learn why this is important](#)

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Dear Rocelle

I'm writing to follow up on the conversation we had before Easter about arranging a meeting with the OAIC Commissioners.

By way of background, early childhood services in Australia are regulated under an applied national law scheme, the [Education and Care Services National Law](#), that commenced in 2012. It established the uniform National Quality Framework for Early Childhood Education and Care, the implementation of which is the responsibility of regulatory authorities in each state and territory (generally located in the relevant department responsible for education) supported by the Australian Children's Education & Care Quality Authority (ACECQA), an independent Commonwealth body. The regulatory authorities are responsible for granting service provider approvals, carrying out the quality assessment and rating of services, and ensuring services meet the requirements of the National Quality Framework.

Under the national law, ACEQQA and the regulatory authorities are subject to the Commonwealth *Freedom of Information Act 1982* and the *Privacy Act 1988*. The [Education and Care Services National Regulations](#) modify the FOI Act and Privacy Act in various ways, including to provide that references to the Information Commissioner in those Acts are taken to be references to the National Education and Care Services Freedom of Information Commissioner and the National Education and Care Services Privacy Commissioner. The regulations also provide for appointment to those positions. Under current arrangements, the Education Ministers Meeting (comprising Commonwealth, State and Territory Education Ministers) make the appointments and is the body to whom we report.

I have been appointed as the NECS FOI Commissioner and my colleague, Jackie Wilson, has been appointed as the NECS Privacy Commissioner. We were appointed from 1 January 2024 for a period of 3 years. The appointments are part time, 2 days per week.

We would very much welcome the opportunity to meet with the Commissioners and other relevant OAIC staff to introduce our roles and discuss areas of mutual interest.

As you know, I am based in Sydney. Jackie is based in Canberra but, depending on the timing, may be able to come to Sydney for a meeting. Perhaps we can look to arrange a time in late April or early May. You might be best placed to identify some possible dates but let me know if you think there would be a better way to try to identify a suitable date.

We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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From: [Jackie Wilson](#)
To: [GHALI,Sarah](#)
Cc: [ROBERTS, Lucy](#); [AGO,Rocelle](#); [Chris Matthies](#); [OTOREPEC,Stephanie](#); [MCPHEE,Emily](#)
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Monday, 11 November 2024 1:56:55 PM

You don't often get email from jackie.wilson@necsopic.edu.au. [Learn why this is important](#)

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Thank you Sarah much appreciated

I expect that someone from the Child Safety review team will reach out to you shortly. You may also be approached by someone from the Australian Children's Education and Care Authority (ACECQA) they are working with the Child Safety Review team to develop some practice guides for early childhood services around privacy matters. I have attached a link below to the review it was conducted by ACECQA on behalf of all governments and now jurisdictions are working together on how they will implement the recommendations.

<https://www.acecqa.gov.au/child-safety-review>

Thanks again

J

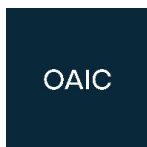
From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Monday, 11 November 2024 12:31 PM
To: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Cc: ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; Chris Matthies <Chris.Matthies@necsopic.edu.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>; MCPHEE,Emily <Emily.McPhee@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Jackie

I am happy to discuss any privacy related issues and you are welcome to pass on my details to the relevant Department.

Thanks

Sarah



Sarah Ghali (she/her)
General Manager
Regulatory Intelligence and Strategy
Office of the Australian Information Commissioner
P +61 2 9942 4208 M [s 47E\(d\)](#) E sarah.ghali@oaic.gov.au

My working days are Monday, Tuesday, Thursday and Friday

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From: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Sent: Monday, 11 November 2024 11:07 AM

To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; Chris Matthies <Chris.Matthies@necsopic.edu.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

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Hi Isla

Hope you are well.

We have been approached by the Australian Government (AG) for advice in relation to who may be best placed at OAIC to discuss privacy broadly and more specifically in relation to early childhood services at an upcoming meeting.

The context for this is that the Secretariat for the Child Safety Review Group (CSRG) are looking to get some expert advice regarding privacy implications on some of the policy options being worked through currently in response to recommendations from the Child Safety Review which will go to public consultation. This includes the need for greater understanding by services and early childhood regulators on how the Privacy Act 1988 (Cth) applies.

I know that Carly Kind is the Privacy Commissioner and I appreciate she must be very busy, wondering if there is another person I can provide the AG details of including contact no so they can ring and discuss what they are after and the possibility of participating in a meeting on 19 November 2024.

Would appreciate your advice.

Thanks

J

Jackie Wilson
National Education and Care Services
Privacy Commissioner and Ombudsman

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, 31 May 2024 4:08 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Dear Mr Matthies

Thank you for providing the agenda – the Commissioners are also looking forward to meeting with you. I will touch base with my colleagues regarding any additions and come back to you shortly.

Kind regards

Isla Gibson (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner

OAIC

Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M s 47E(d) E isla.gibson@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, May 24, 2024 10:44 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Isla

We're looking forward to meeting with the Commissioners and OAIC staff on 11 June. Please find attached a draft of an agenda for the meeting identifying matters that we would be interested in discussing.

We'd be very happy to discuss the draft agenda and to provide any information in advance of the meeting that your office would find helpful.

Kind regards

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 T: s 47E(d)

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Wednesday, April 24, 2024 4:57 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

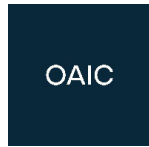
Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

I have sent through a calendar invitation for 90 minutes for the moment, however I will need to liaise with my colleagues to confirm that the longer meeting is feasible. Depending on the nature of the agenda and the matters for discussion, if the Commissioners are unavailable for a longer meeting, we could look to facilitate OAIC specialist staff or officers with specific areas of technical expertise to attend to discuss particular issues.

Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards



Isla Gibson (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

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From: [Chris Matthies](#)
To: [OAIC - Executive Assistant](#)
Cc: [Jackie Wilson](#)
Subject: RE: OAIC Privacy & FOI SmartForms [SEC=OFFICIAL]
Date: Friday, 21 June 2024 9:57:17 AM

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Thank you, Lucy.

Kind regards

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
T: [s 47E\(d\)](#)

From: OAIC - Executive Assistant <executiveassistant@oaic.gov.au>
Sent: Thursday, June 20, 2024 10:12 AM
To: Chris Matthies <Chris.Matthies@necopic.edu.au>; Jackie Wilson <Jackie.Wilson@necopic.edu.au>
Cc: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: OAIC Privacy & FOI SmartForms [SEC=OFFICIAL]

Dear Commissioner Matthies and Commissioner Wilson

Following your meeting with the OAIC on **11 June 2024**, it is my understanding that you were to be provided with copies of our Privacy and FOI SmartForms.

While we are unable to extract copies of our current SmartForms in PDF format, all links relevant to the request can be found on the [Contact Us | OAIC](#) webpage and have been provided below for ease of access.

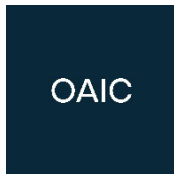
- [IC Reviews](#)
- [FOI Complaints](#)
- [Privacy Complaints](#)
- [Extension of Time](#)
- [NDB](#)

Please reach out if you have any questions or concerns. I have copied in Assistant Commissioners Andre Castaldi, Rocelle Ago, and Sarah Ghali provided you would like to discuss further.

Thank you

Kind regards

Lucy



Lucy Roberts (she/her)
Executive Assistant to the Privacy Commissioner
Office of the Australian Information Commissioner
P +61 2 9942 4198 E lucy.roberts@oaic.gov.au

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From: [OTOREPEC,Stephanie \(EAN\)](#)
To: [PETRIE,Claire](#)
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Date: Monday, 3 June 2024 9:21:20 AM
Attachments: [Meeting - OAIC and NECS Commissioners - 11 June 2024 - Draft agenda.docx](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)

Hi Claire

Could you (or Lucy) please put together some dot points for Sarah on the NECS? See below, it's a bit of an unusual arrangement, happy to discuss.

Cheers

Steph

From: GHALI,Sarah
Sent: Friday, May 31, 2024 5:45 PM
To: GIBSON,Isla ; AGO,Rocelle
Cc: OTOREPEC,Stephanie ; CASTALDI,Andre
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Isla

I don't have anything specific to add to the agenda and happy to meet for the 1.5hrs if that is required. Were Carly and Liz going to stay for the whole time or leave us to the more operational matters?

Andre – do you have any thoughts on the arrangements for out of jurisdiction referrals aspect of the agenda? I don't know if we have ever received any complaints that should have gone to the NECS or if we have arrangements for similar schemes – AHPRA for example?

Steph – would one of the team be able please assist by pulling some background information together on the NECS? Nothing too detailed but a general overview of the legislative arrangements might be helpful.

Thanks

Sarah

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, May 31, 2024 4:08 PM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Good afternoon Rocelle and Sarah

I am conscious of busy schedules – are you happy for this meeting to still proceed for 1.5hrs?

Do you have any input into the agenda that I can provide to Carly/Liz for recommendation?

Kind regards



Isla Gibson (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M [s 47E\(d\)](tel:0299424233) E isla.gibson@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necopic.edu.au>
Sent: Friday, May 24, 2024 10:44 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Isla

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Kind regards

Chris

Christopher Matthies

NECS Freedom of Information Commissioner

T: s 47E(d)

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>

Sent: Wednesday, April 24, 2024 4:57 PM

To: Chris Matthies <Chris.Matthies@necsopic.edu.au>

Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>

Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners
[SEC=OFFICIAL]

Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

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Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards



Isla Gibson (she/her)

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Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

P (02) 9942 4233 M s 47E(d) E isla.gibson@oaic.gov.au

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SMITH-MARKS,Lachlan

Subject: Meeting - OAIC Commissioners | National Education and Care Services Commissioners

Location: 175 Pitt Street, Sydney, New South Wales, 2000; OAIC-NSW-Level 10 Meeting Room Conference Room - Gawura Room (MS Teams Room)

Start: Tue 11/06/2024 11:00 AM

End: Tue 11/06/2024 12:30 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: GIBSON,Isla (EAN)

Required Attendees: Chris Matthies; Jackie Wilson; FALK,Angelene; TYDD,Liz; KIND,Carly

Optional Attendees: GHALI,Sarah; AGO,Rocelle; CASTALDI,Andre

Resources: OAIC-NSW-Level 10 Meeting Room Conference Room - Gawura Room (MS Teams Room)

Dear Commissioner Matthies and Commissioner Wilson

Please find below details for your meeting with the OAIC Commissioners, including a notice regarding the operation of CCTV cameras on our premises.

Date/Time	11am Tuesday 11 June 2024
Address	Office of the Australian Information Commissioner Level 10 175 Pitt Street Sydney, 2000
Attendees	Christopher Matthies (National Education and Care Services Freedom of Information Commissioner) Jackie Wilson (Education and Care Services Ombudsman and National Education and Care Services Privacy Commissioner) Angelene Falk (Australian Information Commissioner) Liz Tydd (Freedom of Information Commissioner) Carly Kind (Privacy Commissioner) Rocelle Ago (OAIC Assistant Commissioner Freedom of Information) Sarah Ghali (OAIC Assistant Commissioner Regulation and Strategy) Andre Castaldi (OAIC Assistant Commissioner Dispute Resolution)
Agenda	<ol style="list-style-type: none"> 1. Introductions 2. National Education and Care Services Commissioners and Ombudsman <ol style="list-style-type: none"> (a) Roles (b) Adoption of OAIC Guidelines (c) Workload (d) Current issues 3. Freedom of Information <ol style="list-style-type: none"> (a) Legislation and case law developments (b) FOI Guidelines (c) Current issues

	<p>4. Privacy</p> <p>(a) Privacy Act reforms</p> <p>(b) APP Guidelines</p> <p>(c) Current issues</p> <p>5. Opportunities for cooperation/collaboration</p> <p>(a) Arrangements for out of jurisdiction referrals</p> <p>(b) Knowledge sharing</p> <p>(c) Regulator forums</p> <p>6. Other issues</p>
OAIC contact person	Isla Gibson – Senior Executive Assistant + s 47E(d) isla.gibson@oaic.gov.au
Additional information	On arrival at 175 Pitt Street, please contact Isla Gibson on the details above. Isla will meet you in the Lobby to bring you to the OAIC offices.

Please be aware that CCTV cameras are in operation at the OAIC's premise on Level 10, 175 Pitt Street, Sydney. The cameras are generally located in foyer and reception areas and are signposted. The cameras operate 7 days a week, 24 hours a day. The purpose of camera surveillance is primarily for security and safety purposes. CCTV footage will not be provided to any third parties, including police, without the explicit approval of OAIC's Chief Security Officer, or the Assistant Commissioner, Corporate, and for security or safety purposes or otherwise as authorised or required by law. A copy of the detailed Privacy Notice that sets out how the OAIC uses and discloses personal information collected via CCTV can be obtained from the meeting organiser. A hard copy is also available from the OAIC reception desk.

On behalf of the OAIC Commissioners, we look forward to meeting with you soon.

Kind regards



Isla Gibson (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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Decision to decline an extension of time under s 15AB of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Decision date	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

- On { MERGEFIELD "ReceivedDate" \@ "d MMMM yyyy" }, the { MERGEFIELD "RequestorClientTradingName" }'s (the Agency) applied under s 15AB(1) of the *Freedom of Information Act 1982* (Cth) (FOI Act) to the Information Commissioner for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the applicant) request of { MERGEFIELD "Agency_Request_Received_Date" \@ "d MMMM yyyy" } (the FOI request). This application was made on the basis that the processing period is insufficient to deal adequately with the FOI request because it is **complex and/or voluminous**.
- As a delegate of the Information Commissioner, I am authorised to make decisions on extension of time applications made under s 15AB(2) of the FOI Act.
- On the information before the Information Commissioner, I have decided to decline the Agency's request to extend the processing period. A decision on the Applicant's request therefore **is/was** due by <<Original Decision Date>>. The Agency is encouraged, in the interested of administrative efficiency, to continue to process the request and release documents administratively if the applicant has not yet applied for IC review of the deemed decision. My reasons are outlined below.

Background

- The background to this application is summarised in **Attachment A**.
- A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.

6. [If relevant] On [consultation letter date], the Office of the Australian Information Commissioner (OAIC) consulted with the applicant to seek their views on the Agency's application. [If response] The applicant responded to our enquiries and provided comments which I have taken into consideration. [Or if no response] The OAIC invited the Applicant to provide any comments by [date], but no response has been received.

Reasons for decision

7. Subsection 15AB(2) of the FOI Act requires that I consider whether the application is justified on the basis that the processing period referred to in s 15(5)(b) is insufficient for dealing with the request, on the basis that the request is complex or voluminous.
8. In making my decision under s 15AB(2), I have considered the information provided by the Agency, [if relevant] the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
9. On the information before the OAIC, I am not satisfied that the application to extend the processing period is justified, for the following reasons:
- The Applicant's request does not appear complex or voluminous, based on the nature of the documents requested [which relate to the Applicant's own personal information or procedural documents of the Agency/ the limited range and/or number of documents captured by the request/ the limited evidence of any technical or practical challenges involved in the processing of the request.
 - [If relevant] The application provides limited evidence of appropriate work being undertaken by the Agency to process the FOI request to date. As such, it appears the Agency has not utilised the initial processing period effectively and I cannot find that the processing period was insufficient on the basis of complexity or volume.
 - [if relevant] While I acknowledge the Agency's submissions regarding its resourcing challenges, a lack of staff because of inadequate allocation of resources or failure to assign additional temporary resources to FOI processing at peak times does not justify an extension in the absence of other extenuating circumstances. On this occasion, there do not appear to be other circumstances to demonstrate that the Applicant's request is otherwise complex or voluminous for the Agency to deal with so as to justify an extension under s 15AB(2).
10. In declining this extension, I have also considered: [Include relevant options]
- The limited explanation as to the steps involved, and processing time required, to finalise the request to justify the extension sought
 - The Applicant's objections to an extension
 - The Agency states the request scope requires revision but has failed to commence a request consultation process with the applicant (s 24AB)
 - The Agency states the extension is required in respect of third party consultation required but additional time for this has already been provided under s 15(6) of the FOI Act
 - The Applicant has sought IC review of the deemed refusal decision
 - The Agency has not first attempted to obtain the Applicant's agreement under s 15AA to facilitate an agreed extension, prior to seeking a s 15AB extension.

11. If the Agency **did/does** not provide the Applicant a decision by <<Original Decision Date>>, the Applicant may seek review by the Information Commissioner of the Agency's deemed access refusal decision of <<Original Decision Date>>. Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review should be made within 60 days of the Agency's decision or deemed decision. It also remains open to the Agency to apply for a further extension of time from the Information Commissioner if considered appropriate.
12. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
13. This extension of time matter is now closed. Your review rights are set out below.
14. If you wish to discuss this matter, please contact us by email at FOIDR@oaic.gov.au quoting reference number { MERGEFIELD "CaseNumber" }.

Yours sincerely

[Insert signature]

FOI - EOT FOI - EOT

{ DATE \@ "d MMMM yyyy" }

Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>
Third party consultation undertaken under ss 26A, 27 or 27A	Extended by 30 days, under s 15(6)	[revised date]
Suspension to processing period to allow for request consultation process	Suspended by [X] days, under s 24AB(8)	[revised date]
Suspension to processing period following a charges notice issued under s 29	Suspended by [X] days, under s 31(2)	[revised date]
Applicant's agreement to extend the processing period under s 15AA	Extended by [X] days	[revised date]
OAIC's previous decision to extend the processing period under s 15AB (reference number)	Extended by [X] days	[revised date]

Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For Applicants: [How to make an FOI request: Extensions of time](#)

For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the [online FOI complaint form](#) if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Decision to decline an extension of time under s 15AC of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Date of decision	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

- On "ReceivedDate», the { MERGEFIELD "RequestorClientTradingName" } (the Agency) applied to the Information Commissioner under s 15AC(4) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to "Extension_Date» to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the applicant) request of "Agency_Request_Received_Date» (the FOI request). This application was made on the basis that the processing period is insufficient to adequately deal with the FOI request.
- I am a delegate of the Information Commissioner. I am authorised to make decisions on applications for further time under s 15AC(5) of the FOI Act.
- On the basis of the information before me, I have decided to decline the Agency's request for further time to deal with the request. A decision on the Applicant's request therefore **is/was** due by "Agency_Request_Received_Date». The Agency is encouraged, in the interested of administrative efficiency, to continue to process the request and release documents administratively if the applicant has not yet applied for IC review of the deemed decision. My reasons are outlined below.

Background

- The background to this application is summarised in **Attachment A**.
- A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.
- [If relevant]** On **[consultation letter date]**, the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. **[If response]** The applicant responded to our enquiries and provided comments which I have taken into consideration. **[Or if no response]** The OAIC invited the Applicant to provide any comments by **[date]**, but no response has been received.

Reasons for decision

7. Subsection 15AC(5) of the FOI Act provides that I may allow further time that I consider appropriate for an agency or Minister to deal with the request.
8. In making my decision under s 15AC(5), I have considered the information provided by the Agency, [if relevant] the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
9. On the information before the OAIC, I am not satisfied that the application for further time is justified, for the following reasons:
 - The Applicant's request does not appear to involve sufficient complexity so as to warrant extra processing time, based on [the limited range and/or number of documents captured by the request/ the limited evidence of any technical or practical challenges involved in the search and retrieval or processing of documents, etc.]
 - [If relevant] The application provides limited evidence of appropriate work being undertaken by the Agency to process the FOI request to date. As such, it appears the Agency did not utilise the initial processing period effectively and I cannot find that an extension is justified.
 - [if relevant] While I acknowledge the Agency's submissions regarding its resourcing challenges, a lack of staff because of inadequate allocation of resources or failure to assign additional temporary resources to FOI processing at peak times does not justify an extension in the absence of other extenuating circumstances. On this occasion, there do not appear to be other circumstances to demonstrate that the Applicant's request is otherwise complex or voluminous for the Agency to deal with so as to justify an extension under s 15AC(5).
 - [If related to extension sought or total processing time] The further time sought by the Agency appears excessive. Its requested extension of a further period of [XX days], if granted, would yield a total processing period of [XX days], which would be over [X times] the processing period referred to in s 15(5)(b) of the FOI Act.
10. [optional- if applicant has requested IC review] I also note that the applicant has already exercised their Information Commissioner review (IC review) rights in relation to the agency's deemed access refusal decision and an IC review is now under consideration by this office. I consider that allowing further time for the agency to deal with the request will interfere with the IC review process currently underway.
11. The effect of this decision is that the agency remains deemed to have made an access refusal decision on the applicant's request on <<Original Decision Date>> .
12. I note that the *Freedom of Information (Charges) Regulations 2019* provides if an applicant is not notified of a decision on a request within the statutory time limit the agency or Minister cannot impose a charge for providing access, even if the applicant was earlier notified that a charge was payable (regs 7(2), (3)). This extension under s 15AC of the FOI Act means that charges cannot be imposed and therefore any deposit the applicant has paid should be refunded.
13. [Optional- If applicant has not requested IC review] It is open to the applicant to seek Information Commissioner review (IC review) of the agency's deemed access refusal

decision of <<Original Decision Date>> . Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review would need to be made within 60 days of the agency's decision or deemed decision.

14. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
15. This extension of time matter is now closed. Your review rights are set out below.
16. If you would like to discuss this matter, please contact our office on 1300 363 992 or by email at FOIDR@oaic.gov.au, quoting reference number "CASENUMBER».

Insert signature

Office of the Australian Information Commissioner

{ DATE \@ "d MMMM yyyy" }



Attachment A

Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>
Third party consultation undertaken under ss 26A, 27 or 27A	Extended by 30 days, under s 15(6)	[revised date]
Suspension to processing period to allow for request consultation process	Suspended by [X] days, under s 24AB(8)	[revised date]
Suspension to processing period following a charges notice issued under s 29	Suspended by [X] days, under s 31(2)	[revised date]
Applicant's agreement to extend the processing period under s 15AA	Extended by [X] days	[revised date]
OAIC's previous decision to extend the processing period under s 15AB (reference number)	Extended by [X] days	[revised date]

Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

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The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

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If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Decision to decline an extension of time under s 51DA of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Date of decision	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

1. On «ReceivedDate», the { MERGEFIELD "RequestorClientTradingName" } (the Agency) applied to the Information Commissioner under s 51DA(3) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to «Extension_Date» to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the Applicant) FOI amendment or annotation request of «Agency_Request_Received_Date» (the amendment or annotation request).
2. The Applicant's amendment or annotation request has been deemed as affirmed as a decision has not been made by the Agency by «Original Decision Date».
3. I am a delegate of the Information Commissioner. I am authorised to make decisions on applications for further time under s 51DA(4) of the FOI Act.
4. On the basis of the information before me, I have decided to decline the Agency's request for further time to deal with the amendment or annotation request. The Agency is therefore deemed to have affirmed the original FOI decision on «Original Decision Date». The Agency is encouraged, in the interested of administrative efficiency, to continue to process the request and release documents administratively if the applicant has not yet applied for IC review of the deemed decision.

Background

5. The background to this application is summarised in **Attachment A**.
6. A copy of the Agency's reasons for seeking an extension are included at **Attachment A**.
7. [If relevant] On [consultation letter date], the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. [If response] The applicant responded to our enquiries and provided

comments which I have taken into consideration. [Or if no response] The OAIC invited the Applicant to provide any comments by [date], but no response has been received.

Reasons for decision

8. Subsection 54D(4) of the FOI Act provides that I may allow further time that I consider appropriate for an agency or Minister to deal with the request.
9. In making my decision under s 51DA(4), I have considered the information provided by the Agency, [if relevant] the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
10. On the information before the OAIC, I am not satisfied that the application for further time is justified, for the following reasons:
 - The Applicant's amendment or annotation request does not appear to involve sufficient complexity so as to warrant extra processing time, based on [the limited range and/or number of documents requiring amendment or annotation/ the limited evidence of any technical or practical challenges involved in the amending or annotating the document/s, etc.]
 - [If relevant] The application provides limited evidence of appropriate work being undertaken by the Agency to process the amendment or annotation request to date. As such, it appears the Agency did not utilise the processing period effectively and I cannot find that an extension is justified.
 - [if relevant] While I acknowledge the Agency's submissions regarding its resourcing challenges, a lack of staff because of inadequate allocation of resources or failure to assign additional temporary resources to FOI processing at peak times does not justify an extension in the absence of other extenuating circumstances. On this occasion, there do not appear to be other circumstances to demonstrate that the Applicant's request is otherwise challenging for the Agency to deal with so as to justify an extension under s 51DA(4).
 - [If relevant] The applicant has already exercised their Information Commissioner review (IC review) rights in relation to the agency's deemed refusal decision and an IC review is now under consideration by this office. I consider that allowing further time for the agency to deal with the request will interfere with the IC review process currently underway.
11. The effect of this decision is that the Agency remains deemed to have affirmed the original FOI decision on <<Original Decision Date>> .
12. It is open to the applicant to seek Information Commissioner review (IC review) of the Agency's deemed refusal decision of <<Original Decision Date>> . Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review would need to be made within 60 days of the agency's decision or deemed refusal decision.
13. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
14. This extension of time matter is now closed. Your review rights are set out below.

Attachment A

Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI amendment or annotation request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>

Attachment B

The agency's reasons for requesting an extension of time, as included in the extension of time request form.

[insert reasons from application form here via snipping tool]



Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

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For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

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In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

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If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Decision to decline an extension of time under s 54D of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Date of decision	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

1. On «ReceivedDate», the { MERGEFIELD "RequestorClientTradingName" } (the Agency) applied to the Information Commissioner under s 54D(3) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to «Extension_Date» to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the Applicant) FOI internal review request of «Agency_Request_Received_Date» (the internal review request).
2. The Applicant's internal review request has been deemed as affirmed as a decision has not been made by the Agency by «Original Decision Date».
3. I am a delegate of the Information Commissioner. I am authorised to make decisions on applications for further time under s 54D(4) of the FOI Act.
4. On the basis of the information before me, I have decided to decline the Agency's request for further time to deal with the internal review request. The Agency is therefore deemed to have affirmed the original FOI decision on «Original Decision Date». The Agency is encouraged, in the interested of administrative efficiency, to continue to process the request and release documents administratively if the applicant has not yet applied for IC review of the deemed decision.

Background

5. The background to this application is summarised in **Attachment A**.
6. A copy of the Agency's reasons for seeking an extension are included at **Attachment A**.
7. [If relevant] On [consultation letter date], the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. [If response] The applicant responded to our enquiries and provided comments which I have taken into consideration. [Or if no response] The OAIC invited the Applicant to provide any comments by [date], but no response has been received.

Reasons for decision

8. Subsection 54D(4) of the FOI Act provides that I may allow further time that I consider appropriate for an agency or Minister to deal with the request.
9. In making my decision under s 54D(4), I have considered the information provided by the Agency, [if relevant] the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
10. On the information before the OAIC, I am not satisfied that the application for further time is justified, for the following reasons:
 - The Applicant's internal review request does not appear to involve sufficient complexity so as to warrant extra processing time, based on [the limited range and/or number of documents captured by the request/ the limited evidence of any technical or practical challenges involved in the search and retrieval or processing of documents, etc.]
 - [If relevant] The application provides limited evidence of appropriate work being undertaken by the Agency to process the internal review request to date. As such, it appears the Agency did not utilise the processing period effectively and I cannot find that an extension is justified.
 - [if relevant] While I acknowledge the Agency's submissions regarding its resourcing challenges, a lack of staff because of inadequate allocation of resources or failure to assign additional temporary resources to FOI processing at peak times does not justify an extension in the absence of other extenuating circumstances. On this occasion, there do not appear to be other circumstances to demonstrate that the Applicant's request is otherwise complex or voluminous for the Agency to deal with so as to justify an extension under s 54D(4).
 - [If relevant] The applicant has already exercised their Information Commissioner review (IC review) rights in relation to the agency's deemed affirmation decision and an IC review is now under consideration by this office. I consider that allowing further time for the agency to deal with the request will interfere with the IC review process currently underway.
11. The effect of this decision is that the Agency remains deemed to have affirmed the original FOI decision on <<Original Decision Date>> .
12. It is open to the applicant to seek Information Commissioner review (IC review) of the Agency's deemed affirmation decision of <<Original Decision Date>> . Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review would need to be made within 60 days of the agency's decision or deemed affirmation decision.
13. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
14. This extension of time matter is now closed. Your review rights are set out below.
15. If you would like to discuss this matter, please contact our office on 1300 363 992 or by email at FOIDR@oaic.gov.au, quoting reference number "CASENUMBER».

Attachment A

Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI internal review request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>

Attachment B

The agency's reasons for requesting an extension of time, as included in the extension of time request form.

[insert reasons from application form here via snipping tool]



Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

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FOI complaints to the OAIC must be made in writing. Our preference is for you to use the [online FOI complaint form](#) if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Decision to grant an extension of time under s 15AB of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Decision date	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

- On { MERGEFIELD "ReceivedDate" \@ "d MMMM yyyy" }, { MERGEFIELD "RequestorClientTradingName" }'s (the Agency) applied under s 15AB(1) the *Freedom of Information Act 1982* (Cth) (FOI Act) to the Information Commissioner for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to <<Extension Date>> to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the Applicant) request of { MERGEFIELD "Agency_Request_Received_Date" \@ "d MMMM yyyy" } (the FOI request). This application was made on the basis that the processing period is insufficient to deal adequately with the FOI request because it is **complex and/or voluminous**.
- As a delegate of the Information Commissioner, I am authorised to make decisions on extension of time applications under s 15AB(2) of the FOI Act.
- Under s 15AB(2) of the FOI Act, I have decided to extend the processing period by { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to <<Extension Date>>. **[If a secondary 15AB request] I have decided to extend the processing period previously granted to the Agency by { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to <<Extension Date>>. My reasons are outlined below.**
- [optional - if granting less than the full amount of time requested]** I note the Agency has requested an extension of time to **[requested date]**, however, based on the information before the OAIC, I have decided to grant an extension to <<Extension Date>>. I am not satisfied that a **Choose an item.** day extension of time is justified in the circumstances based on:
 - the limited available evidence of work undertaken on the FOI request to date**
 - the steps involved, or processing time required, to finalise the request**
 - objections provided by the Applicant.**

Background

5. The background to this application is summarised in **Attachment A**.
6. A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.
7. **[If relevant]** On **[consultation letter date]**, the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. **[If response]** The Applicant responded to our enquiries and provided comments which I have taken into consideration. **[Or if no response]** The OAIC invited the Applicant to provide any comments by **[date]**, but no response has been received.

Reasons for decision

8. Subsection 15AB(2) of the FOI Act requires that I consider whether the application is justified on the basis that the processing period referred to in s 15(5)(b) is insufficient for dealing with the request, on the basis that the request is complex or voluminous.
9. In making my decision under s 15AB(2), I have considered the information provided by the Agency, **[if relevant]** the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
10. On the information before the OAIC, I am satisfied that an extension to the processing period until <<Extension Date>> is justified on the basis of complexity and/or volume, for the following reasons:
 - **[If complex]** Based on the Agency's submissions, I am satisfied that the request is complex, based on **[the sensitive nature of the documents requested/ the range of documents captured by the request/ challenges involved in the search and retrieval of any relevant documents/ absence of key decision-making personnel/ difficulties incurred in obtaining timely responses from business areas or consulted third parties/ the requirement to obtain subject matter expertise from relevant business line areas in relation to any potential sensitivities involved, etc.]**.
 - **[If voluminous]** Based on the Agency's submissions that the Applicant's request captures approximately **XXX [documents/pages]**, I am satisfied the request is **[also]** voluminous in nature.
11. In granting this further time, I have also considered:
 - **The work already undertaken by the Agency to finalise the request**
 - **Measures taken by the Agency to ensure a decision is made within the extended time period**
 - **Steps taken by the Agency to first request a s 15AA agreement from the Applicant**
 - **Steps taken by the Agency to utilise relevant extension of time provisions available under the FOI Act to allow for third party consultation**
 - **Steps taken by the Agency to keep the Applicant informed of progress**
12. **[optional, if applicant objections raised]** While I have considered the Applicant's objections, including their submissions that **[summarise reasons]**, I am satisfied that this extension of time remains justified for the reasons outlined above.
13. The Agency must provide the Applicant with a decision by <<Extension Date>>.

If the Agency does not provide the Applicant a decision by <<Extension Date>> the Applicant may seek review by the Information Commissioner of the Agency's deemed access refusal decision of <<Extension Date>>. Further information on applying for IC review is available on the OAIC website. Any application for IC review would need to be made within 60 days of the Agency's decision or deemed decision. It also remains open to the Agency to apply for a further extension of time from the Information Commissioner if considered appropriate.

14. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
15. This extension of time matter is now closed. Your review rights are set out below.
16. If you would like to discuss this matter, please contact our office by email at FOIDR@oaic.gov.au, quoting reference number { MERGEFIELD "CaseNumber" }.

Insert signature
FOI - EOT FOI - EOT

Office of the Australian Information Commissioner
{ DATE \@ "d MMMM yyyy" }



Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>
Third party consultation undertaken under ss 26A, 27 or 27A	Extended by 30 days, under s 15(6)	[revised date]
Suspension to processing period to allow for request consultation process	Suspended by [X] days, under s 24AB(8)	[revised date]
Suspension to processing period following a charges notice issued under s 29	Suspended by [X] days, under s 31(2)	[revised date]
Applicant's agreement to extend the processing period under s 15AA	Extended by [X] days	[revised date]
OAIC's previous decision to extend the processing period under s 15AB (reference number)	Extended by [X] days	[revised date]

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If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Decision to grant an extension of time under s 15AC of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Date of decision	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

- On { MERGEFIELD "ReceivedDate" \@ "d MMMM yyyy" }, { MERGEFIELD "RequestorClientTradingName" } (the Agency) applied to the Information Commissioner under s 15AC(4) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } days to <<Extension Date>> to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the Applicant) request of { MERGEFIELD "Agency_Request_Received_Date" \@ "d MMMM yyyy" } (the FOI request). This application was made on the basis that the processing period is insufficient to adequately deal with the FOI request.
- As a delegate of the Information Commissioner, I am authorised to make decisions on applications for further time under s 15AC(5) of the FOI Act.
- Under s 15AC(5) I have decided to grant the Agency further time to deal with the request to <<Extension Date>>. My reasons are outlined below.
- [optional - if granting less than the full amount of time requested] I note the Agency has requested an extension of time to [requested date], however, based on the information before the OAIC, I have decided to grant an extension to <<Extension Date>>. While the request appears to involve some challenges for the Agency, I am not satisfied that a **Choose an item.** day extension of time is justified in the circumstances based on:
 - the limited available evidence of work undertaken on the FOI request to date
 - the steps involved, or processing time required, to finalise the request
 - the limited nature of the complexity involved
 - objections provided by the Applicant.
 - [If relevant] the Agency did not first attempt to obtain the Applicant's agreement under s 15AA to an extension.

Background

- The background to this application is summarised in **Attachment A**.

6. A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.
7. **[If relevant]** On **[consultation letter date]**, the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. **[If response]** The Applicant responded to our enquiries and provided comments which I have taken into consideration. **[Or if no response]** The OAIC invited the Applicant to provide any comments by **[date]**, but no response has been received.

Reasons for decision

8. Subsection 15AC(5) of the FOI Act provides that I may allow further time that I consider appropriate for the agency or Minister to deal with the request.
9. In making my decision under s 15AC(5), I have considered the information provided by the Agency, **[if relevant]** the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
10. On the information before the OAIC, I am satisfied that the application for further time until **<<Extension Date>>** is justified, for the following reasons:
 - **[If complex or challenging]** Based on the Agency's submissions, I am satisfied that the request involves some challenges for the Agency, based on **[the sensitive nature of the documents requested/ the range of documents captured by the request/ challenges involved in the search and retrieval of any relevant documents/ absence of key decision-making personnel/ difficulties incurred in obtaining timely responses from business areas or consulted third parties/ the requirement to obtain subject matter expertise from relevant business line areas in relation to any potential sensitivities involved, etc.]**.
 - **[If voluminous]** Based on the Agency's submissions that the Applicant's request captures approximately **XXX [documents/pages]**, I am satisfied the request is **[also]** voluminous in nature.
 - **[If related to extension sought or total processing time]** The further time sought by the Agency does not appear to be excessive in the circumstances.
 - **[desirability of actual decision over IC review]** Granting this further time will also reinstate the applicant's right to seek an internal review of the Agency's decision, and to extend the timeframe for the applicant to apply for an IC review of the Agency's decision.
 - **[if applicant does not object to the extension]** The applicant has advised the OAIC that they have no objections of the further time sought by the Agency.
11. In granting this further time, I have also considered:
 - **The work already undertaken by the Agency to finalise the request**
 - **Measures taken by the Agency to ensure a decision is made within the extended time period**
 - **Steps taken by the Agency to first request a s 15AA agreement from the Applicant**
 - **Steps taken by the Agency to utilise relevant extension of time provisions available under the FOI Act to allow for third party consultation**
 - **Steps taken by the Agency to keep the Applicant informed of progress**
12. **[Optional, if applicant objections raised]** While I have considered the Applicant's objections, including their submissions that **[summarise reasons]**, I am satisfied that this application for further time remains justified for the reasons outlined above.

13. The new due date for the Agency's decision on the FOI request is now <<Extension Date>>.
14. This further time granted under s 15AC of the FOI Act means that the deemed refusal is taken never to have applied if the agency makes a decision on the request by <<Extension Date>>. Such an extension can only be granted once and cannot be extended by a variation.
15. I note that the *Freedom of Information (Charges) Regulations 2019* provides if an applicant is not notified of a decision on a request within the statutory time limit (including any extension of time), the agency or Minister cannot impose a charge for providing access, even if the applicant was earlier notified that a charge was payable (regs 7(2), (3)). This further time granted under s 15AC of the FOI Act means that charges cannot be reimposed and any deposit the applicant has paid should be refunded.
16. If the Agency does not provide the applicant a decision by <<Extension Date>>, or the applicant disagrees with a decision from the agency, it will be open to the applicant to seek Information Commissioner review (IC review). Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review would need to be made within 60 days of the agency's decision or deemed decision.
17. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
18. This extension of time matter is now closed. Your review rights are set out below.
19. If you would like to discuss this matter, please contact our office on 1300 363 992 or by email at FOIDR@oaic.gov.au, quoting reference number { MERGEFIELD "CaseNumber" }.

Insert signature

Office of the Australian Information Commissioner

{ DATE \@ "d MMMM yyyy" }

Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>
Third party consultation undertaken under ss 26A, 27 or 27A	Extended by 30 days, under s 15(6)	[revised date]
Suspension to processing period to allow for request consultation process	Suspended by [X] days, under s 24AB(8)	[revised date]
Suspension to processing period following a charges notice issued under s 29	Suspended by [X] days, under s 31(2)	[revised date]
Applicant's agreement to extend the processing period under s 15AA	Extended by [X] days	[revised date]
OAIC's previous decision to extend the processing period under s 15AB (reference number)	Extended by [X] days	[revised date]

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If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Decision to grant an extension of time under s 51DA of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Date of decision	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

On { MERGEFIELD "ReceivedDate" \@ "d MMMM yyyy" }, { MERGEFIELD "RequestorClientTradingName" } (the Agency) applied to the Information Commissioner under s 51DA(3) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } to <<Extension_Date>> to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the Applicant) FOI amendment or annotation request of { MERGEFIELD "Agency_Request_Received_Date" \@ "d MMMM yyyy" } (the amendment request).

1. The Applicant's amendment or annotation request has been deemed as refused as a decision has not been made by the Agency by <<Original Decision Date>>.
2. As a delegate of the Information Commissioner, I am authorised to make decisions on applications for further time under s 51DA(4) of the FOI Act.
3. Under s 51DA(4) I have decided to grant the Agency further time to deal with the request to <<Extension Date>>. My reasons are outlined below.
4. [optional - if granting less than the full amount of time requested] I note the Agency has requested an extension of time to [requested date], however, based on the information before the OAIC, I have decided to grant an extension to <<Extension Date>>. While the request appears to involve some challenges for the Agency, I am not satisfied that a **Choose an item.** day extension of time is justified in the circumstances based on:
 - the limited available evidence of work undertaken on the FOI request to date
 - the steps involved, or processing time required, to finalise the request
 - objections provided by the Applicant.
5. By granting further time it is anticipated that the Agency will provide a well-reasoned and better managed decision.

Background

6. The background to this application is summarised in **Attachment A**.
7. A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.
8. **[If relevant]** On **[consultation letter date]**, the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. **[If response]** The Applicant responded to our enquiries and provided comments which I have taken into consideration. **[Or if no response]** The OAIC invited the Applicant to provide any comments by **[date]**, but no response has been received.

Reasons for decision

9. Subsection 54D(4) of the FOI Act provides that I may allow further time that I consider appropriate for the Agency or Minister to deal with the request.
10. In making my decision under s 54D(4), I have considered the information provided by the Agency, **[if relevant]** the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
11. On the information before the OAIC, I am satisfied that the application for further time until **<<Extension Date>>** is justified, for the following reasons:
 - **[If complex or challenging]** Based on the Agency's submissions, I am satisfied that the request involves some challenges for the Agency, based on **[the work required to determine amend the document/ the work undertaken to inform the decision making on the amendment request/ absence of key decision-making personnel/ difficulties incurred in obtaining timely responses from business areas or consulted third parties/ the requirement to obtain subject matter expertise from relevant business line areas in relation to any potential sensitivities involved, etc.]**.
 - Granting this extension may avoid the need for the applicant to lodge an application for Information Commissioner review (IC review). As such, I consider that granting this extension of time assists in facilitating and promoting the objects of the FOI Act, as well as providing the applicant with access to the full review mechanisms available under the FOI Act, which would otherwise not be available if the decision was deemed to be refused.
 - **[desirability of actual decision over IC review]** Granting this further time will also extend the timeframe for the applicant to apply for an IC review of the Agency's decision.
 - **[if applicant does not object to the extension]** The applicant has advised the OAIC that they have no objections of the further time sought by the Agency.
 - **[If related to extension sought or total processing time]** The further time sought by the Agency does not appear to be excessive in the circumstances.
12. **[Optional, if applicant objections raised]** While I have considered the Applicant's objections, including their submissions that **[summarise reasons]**, I am satisfied that this application for further time remains justified for the reasons outlined above.
13. In granting this further time, I have also considered:
 - **The work already undertaken by the Agency to finalise the request**

- Measures taken by the Agency to ensure a decision is made within the extended time period
- Steps taken by the Agency to keep the Applicant informed of progress

14. The new due date for the Agency's amendment decision is now <<Extension Date>>.
15. This further time granted under s 51DA of the FOI Act means that the deemed refusal is taken never to have applied if the agency makes a decision on the internal review request by <<Extension Date>>. Such an extension can only be granted once and cannot be extended by a variation.
16. If the Agency does not provide the applicant a decision by <<Extension Date>>, or the applicant disagrees with a decision from the agency, it will be open to the applicant to seek Information Commissioner review (IC review). Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review would need to be made within 60 days of the agency's decision or deemed refusal.
17. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
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Insert signature

Office of the Australian Information Commissioner

{ DATE \@ "d MMMM yyyy" }

Attachment A

Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI amendment request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>

Attachment B

The agency's reasons for requesting an extension of time, as included in the extension of time request form.

[insert reasons from application form here via snipping tool]



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If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .



Decision to grant an extension of time under s 54D of the *Freedom of Information Act 1982*

Agency	{ MERGEFIELD "RequestorClientTradingName" }
Applicant	{ MERGEFIELD RequestorClientTitleFirstnameSurname }
Date of decision	{ DATE \@ "d MMMM yyyy" }
OAIC reference number	{ MERGEFIELD "CaseNumber" }
Agency reference number	{ MERGEFIELD "Agency_Reference_Number" }

Decision

- On { MERGEFIELD "ReceivedDate" \@ "d MMMM yyyy" }, { MERGEFIELD "RequestorClientTradingName" } (the Agency) applied to the Information Commissioner under s 54D(3) of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of { MERGEFIELD "Extension_Date" \@ "d MMMM yyyy" } to <<Extension_Date>> to process { MERGEFIELD RequestorClientTitleFirstnameSurname }'s (the Applicant) FOI internal review request of { MERGEFIELD "Agency_Request_Received_Date" \@ "d MMMM yyyy" } (the internal review request).
- The Applicant's internal review request has been deemed as affirmed as a decision has not been made by the Agency by <<Original Decision Date>>.
- As a delegate of the Information Commissioner, I am authorised to make decisions on applications for further time under s 54D(4) of the FOI Act.
- Under s 54D(4) I have decided to grant the Agency further time to deal with the internal review request to <<Extension Date>>. My reasons are outlined below.
- [optional - if granting less than the full amount of time requested] I note the Agency has requested an extension of time to [requested date], however, based on the information before the OAIC, I have decided to grant an extension to <<Extension Date>>. While the request appears to involve some challenges for the Agency, I am not satisfied that a **Choose an item.** day extension of time is justified in the circumstances based on:
 - the limited available evidence of work undertaken on the FOI request to date
 - the steps involved, or processing time required, to finalise the request
 - objections provided by the Applicant.
- By granting further time it is anticipated that the Agency will provide a well-reasoned and better managed decision.

Background

7. The background to this application is summarised in **Attachment A**.
8. A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.
9. **[If relevant]** On **[consultation letter date]**, the Office of the Australian Information Commissioner (OAIC) consulted with the Applicant to seek their views on the Agency's application. **[If response]** The Applicant responded to our enquiries and provided comments which I have taken into consideration. **[Or if no response]** The OAIC invited the Applicant to provide any comments by **[date]**, but no response has been received.

Reasons for decision

10. Subsection 54D(4) of the FOI Act provides that I may allow further time that I consider appropriate for the Agency or Minister to deal with the request.
11. In making my decision under s 54D(4), I have considered the information provided by the Agency, **[if relevant]** the applicant's views on the application, and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
12. On the information before the OAIC, I am satisfied that the application for further time until **<<Extension Date>>** is justified, for the following reasons:
 - **[If complex or challenging]** Based on the Agency's submissions, I am satisfied that the internal review request involves some challenges for the Agency, based on **[the volume of additional relevant potentially relevant documents located during the internal review, the sensitive nature of the documents requested/ the range of documents captured by the request/ challenges involved in the search and retrieval of any relevant documents/ absence of key decision-making personnel/ difficulties incurred in obtaining timely responses from business areas or consulted third parties/ the requirement to obtain subject matter expertise from relevant business line areas in relation to any potential sensitivities involved, etc.]**.
 - **[If voluminous]** Based on the Agency's submissions that the Applicant's request captures approximately **XXX [documents/pages]**, I am satisfied the request is **[also]** voluminous in nature.
 - Granting this extension may avoid the need for the applicant to lodge an application for Information Commissioner review (IC review). As such, I consider that granting this extension of time assists in facilitating and promoting the objects of the FOI Act, as well as providing the applicant with access to the full review mechanisms available under the FOI Act, which would otherwise not be available if the internal review decision remained a deemed affirmation of the original decision.¹
 - Granting this extension of time is expected to provide the internal review applicant with an internal review decision by the agency by **<<Extension Date>>**, which will be substantially sooner than a decision in an Information Commissioner review (IC review).

¹ According to the Revised Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2010 (Cth) [p. 28]

- [desirability of actual decision over IC review] Granting this further time will also extend the timeframe for the applicant to apply for an IC review of the Agency's internal review decision.
 - [if applicant does not object to the extension] The applicant has advised the OAIC that they have no objections of the further time sought by the Agency.
 - [If related to extension sought or total processing time] The further time sought by the Agency does not appear to be excessive in the circumstances.
13. [Optional, if applicant objections raised] While I have considered the Applicant's objections, including their submissions that [summarise reasons], I am satisfied that this application for further time remains justified for the reasons outlined above.
14. In granting this further time, I have also considered:
- The work already undertaken by the Agency to finalise the request
 - Measures taken by the Agency to ensure a decision is made within the extended time period
 - Steps taken by the Agency to keep the Applicant informed of progress
15. The new due date for the Agency's internal review decision is now <<Extension Date>>.
16. This further time granted under s 54D of the FOI Act means that the deemed affirmation is taken never to have applied if the agency makes a decision on the internal review request by <<Extension Date>>. Such an extension can only be granted once and cannot be extended by a variation.
17. If the Agency does not provide the applicant a decision by <<Extension Date>>, or the applicant disagrees with a decision from the agency, it will be open to the applicant to seek Information Commissioner review (IC review). Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review would need to be made within 60 days of the agency's decision or deemed affirmation.
18. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
19. This extension of time matter is now closed. Your review rights are set out below.
20. If you would like to discuss this matter, please contact our office on 1300 363 992 or by email at FOIDR@oaic.gov.au, quoting reference number { MERGEFIELD "CaseNumber" }.

Insert signature

Office of the Australian Information Commissioner

{ DATE \@ "d MMMM yyyy" }

Attachment A

Background to processing period [remove where irrelevant]

Background	Processing period	Due date
FOI internal review request made on <<Agency_Request_Received_Date>>	30 days	<<Original Decision Date>>

Attachment B

The agency's reasons for requesting an extension of time, as included in the extension of time request form.

[insert reasons from application form here via snipping tool]



Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For Applicants: [How to make an FOI request: Extensions of time](#)

For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the [online FOI complaint form](#) if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

Making a complaint to the Commonwealth Ombudsman

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FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "TYDD,Liz" <elizabeth.tydd@oaic.gov.au>
To: "GIBSON,Isla" <isla.gibson@oaic.gov.au>, "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
Date: Mon, 08 Apr 2024 08:44:42 +1000

Dear Isla

Could you co-ordinate this meeting as it looks like its for all 3 Commissioners and thank you Rocelle.

Kind regards

Liz

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 5, 2024 7:25 PM
To: TYDD,Liz <Elizabeth.Tydd@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Liz

For your information

Kind regards
 Rocelle



Rocelle Ago (she/her)
 Assistant Commissioner, Freedom of information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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From: AGO,Rocelle
Sent: Friday, April 5, 2024 7:25 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

Dear Chris

Thank you very much for your email and for your invitation to meet with the Commissioners.

We will identify some potential meeting dates and will come back to you shortly.

If there are particular dates and times that you and Jackie would prefer for an in-person meeting in Sydney, please let us know.

We look forward to meeting with you and Jackie soon.

Kind regards
 Rocelle

OAIC

Rocelle Ago (she/her)
 Assistant Commissioner, Freedom of information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M **s 47E(d)** E rocelle.ago@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, April 5, 2024 3:19 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Subject: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

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Dear Rocelle

I'm writing to follow up on the conversation we had before Easter about arranging a meeting with the OAIC Commissioners.

By way of background, early childhood services in Australia are regulated under an applied national law scheme, the [Education and Care Services National Law](#), that commenced in 2012. It established the uniform National Quality Framework for Early Childhood Education and Care, the implementation of which is the responsibility of regulatory authorities in each state and territory (generally located in the relevant department responsible for education) supported by the Australian Children's Education & Care Quality Authority (ACECQA), an independent Commonwealth body. The regulatory authorities are responsible for granting service provider approvals, carrying out the quality assessment and rating of services, and ensuring services meet the requirements of the National Quality Framework.

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I have been appointed as the NECS FOI Commissioner and my colleague, Jackie Wilson, has been appointed as the NECS Privacy Commissioner. We were appointed from 1 January 2024 for a period of 3 years. The appointments are part time, 2 days per week.

We would very much welcome the opportunity to meet with the Commissioners and other relevant OAIC staff to introduce our roles and discuss areas of mutual interest.

As you know, I am based in Sydney. Jackie is based in Canberra but, depending on the timing, may be able to come to Sydney for a meeting. Perhaps we can look to arrange a time in late April or early May. You might be best placed to identify some possible dates but let me know if you think there would be a better way to try to identify a suitable date.

We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au
 T: **s 47E(d)**

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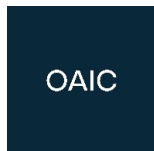
FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

From: "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
To: "GHALI,Sarah" <sarah.ghali@oaic.gov.au>
Date: Fri, 05 Apr 2024 19:25:40 +1100

Hi Sarah

For your information –

Kind regards
Rocelle



Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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Sent: Friday, April 5, 2024 7:25 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

Dear Chris

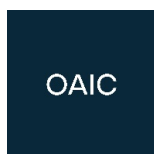
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Kind regards
Rocelle



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Sent: Friday, April 5, 2024 3:19 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Subject: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

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Dear Rocelle

I'm writing to follow up on the conversation we had before Easter about arranging a meeting with the OAI Commissioners.

By way of background, early childhood services in Australia are regulated under an applied national law scheme, the [Education and Care Services National Law](#), that commenced in 2012. It established the uniform National Quality Framework for Early Childhood Education and Care, the implementation of which is the responsibility of regulatory authorities in each state and territory (generally located in the relevant department responsible for education) supported by the Australian Children's Education & Care Quality Authority (ACECQA), an independent Commonwealth body. The regulatory authorities are responsible for granting service provider approvals, carrying out the quality assessment and rating of services, and ensuring services meet the requirements of the National Quality Framework.

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We would very much welcome the opportunity to meet with the Commissioners and other relevant OAI staff to introduce our roles and discuss areas of mutual interest.

As you know, I am based in Sydney. Jackie is based in Canberra but, depending on the timing, may be able to come to Sydney for a meeting. Perhaps we can look to arrange a time in late April or early May. You might be best placed to identify some possible dates but let me know if you think there would be a better way to try to identify a suitable date.

We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

To: "GIBSON,Isla" <isla.gibson@oaic.gov.au>
Cc: "TYDD,Liz" <elizabeth.tydd@oaic.gov.au>
Date: Fri, 05 Apr 2024 19:14:34 +1100

Hi Isla

Please see below meeting request from the NECS Freedom of Information Commissioner and Privacy Commissioner.

I will acknowledge receipt and advise that we will come back to them shortly regarding proposed timing.

Kind regards
Rocelle

The logo for the Office of the Australian Information Commissioner (OAIC), consisting of the letters "OAIC" in white on a dark blue square background.

Rocelle Ago (she/her)

Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M [s 47E\(d\)](tel:0800137322) E rocelle.ago@oaic.gov.au

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We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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Fwd: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
To: "PEEL,Sara" <sara.peel@oaic.gov.au>, "ESLICK,Jessica" <jessica.eslick@oaic.gov.au>
Date: Thu, 06 Jun 2024 16:15:36 +1000
Attachments: Meeting - OAIC and NECS Commissioners - 11 June 2024 - Draft agenda.docx (72.06 kB)

FYI - please action as a priority

From: OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Sent: Thursday, June 6, 2024 4:01 PM
To: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>; PETRIE,Claire <Claire.Petrie@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi everyone, just noting the agenda attached doesn't seem to be reflected in the draft brief yet - Claire is able to incorporate this into the link [D2024/017289](https://doi.org/10.22424/017289), and will add some points against the matters R&S has background on.

Claire, can you please also check in with Jess to see how best to incorporate the FOI material that is already in the brief, into the new structure which reflects the agenda?

Kind regards
Steph

From: OTOREPEC,Stephanie
Sent: Wednesday, June 5, 2024 12:20 PM
To: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>; PETRIE,Claire <Claire.Petrie@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Andre and Rocelle. Yes we will add our materials to the brief from an R&S perspective.

Cheers
Steph

From: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>
Sent: Wednesday, June 5, 2024 7:53 AM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Sarah

I'll consider and check in with relevant DR Directors come back.

Andre

From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:33 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: Re: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Rocelle. Also looping in Andre given the intersection with privacy DR work.

Steph can you please assist with the R&S aspects?

Thanks

Sarah

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:05:31 PM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: Fwd: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Isla

I understand the external Commissioners had requested the timing - it's the first meeting from memory and I think it would be useful to have time for discussion

In terms of the agenda, we can send through some briefing points for items 3 and 6. Can you please send through the link for the briefing paper/template?

[@GHALI,Sarah](#) it may be useful to have some points on access under the Privacy Act / APP 12 ([@GIBSON,Isla](#) think the agency head meeting brief for DVA included some relevant material).

[@PEEL,Sara](#) could Jess please assist with this?

For the guideline update, we should include that we've updated Parts 5 and 6, consult on Part 2, review of Part 3 underway.

Current issues - note issue on official documents of a minister, revised procedure direction, upcoming survey and self-assessment work.

For out of jurisdiction referrals, please note we are updating out triage/jurisdiction checklist and that we would include updates to our smart forms.

If we could prioritise for tomorrow, that would be great.

Thanks
Rocelle


From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, May 31, 2024 4:09 PM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Good afternoon Rocelle and Sarah

I am conscious of busy schedules – are you happy for this meeting to still proceed for 1.5hrs?

Do you have any input into the agenda that I can provide to Carly/Liz for recommendation?

Kind regards

 **Isla Gibson** (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M [s 47E\(d\)](tel:0299424233) E isla.gibson@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>

Sent: Friday, May 24, 2024 10:44 AM

To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>

Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>

Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Isla

We're looking forward to meeting with the Commissioners and OAIC staff on 11 June. Please find attached a draft of an agenda for the meeting identifying matters that we would be interested in discussing.

We'd be very happy to discuss the draft agenda and to provide any information in advance of the meeting that your office would find helpful.

Kind regards

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
T: s 47E(d)

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>

Sent: Wednesday, April 24, 2024 4:57 PM

To: Chris Matthies <Chris.Matthies@necsopic.edu.au>

Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>

Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]


Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

I have sent through a calendar invitation for 90 minutes for the moment, however I will need to liaise with my colleagues to confirm that the longer meeting is feasible. Depending on the nature of the agenda and the matters for discussion, if the Commissioners are unavailable for a longer meeting, we could look to facilitate OAIC specialist staff or officers with specific areas of technical expertise to attend to discuss particular issues.

Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards

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Fwd: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
To: "GIBSON,Isla" <isla.gibson@oaic.gov.au>, "PEEL,Sara" <sara.peel@oaic.gov.au>, "GHALI,Sarah" <sarah.ghali@oaic.gov.au>
Date: Tue, 04 Jun 2024 18:54:58 +1000

Hi Isla

I think
 We can certainly provide some briefing material


From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, May 31, 2024 4:09 PM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
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Subject: OAIC – MRXX/XXXXX - Extension of time request under s 54T of the FOI Act

Our reference:

Agency reference:

By email:

Extension of time request under s 54T of the FOI Act

Dear [Mr/Mrs/Ms XXXX],

I refer to your request for an extension of time (s 54T) to seek Information Commissioner review (IC review) of the decision **deemed to be** made by the [Agency name] under the *Freedom of Information Act 1982* (the FOI Act).

As noted in our previous correspondence to you inviting your application for extension under s 54T [OR As noted in your application for IC review], your IC review application was received outside of the prescribed statutory timeframe. [IF DECISION MADE AFTER DEEMED DATE: I note that a deemed refusal decision occurred on XX XX XXXX, and you wish to seek review of the decision issued by the Agency/Department on XX XX XXXX].

As a delegate of the Information Commissioner, I am authorised to make decisions on requests for extensions of time under s 54T of the FOI Act.

I have considered the reasons provided in support of your request for an extension of time. In particular, I have considered...

- [Insert considerations]

In light of this, I have decided under s 54T of the FOI Act to **grant** your extension request.

Based on the information before the OAIC, I am satisfied that granting an extension of time under s 54T of the FOI Act is reasonable in all the circumstances.

As such, your IC review is taken to have been lodged within the statutory timeframe. We will write to you regarding the progress of your IC review in due course.

If you would like to discuss this matter, I can be reached by email at foidr@oaic.gov.au. Please quote the reference number at the top of this email in all correspondence.

Review rights

Judicial review

If you disagree with the OAIC's decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the Administrative Decisions (Judicial Review) Act 1977.

The Court will not review the merits of your case but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information, or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au>.

Accessing your information

If you would like access to the information that we hold about you, please contact FOIDR@oaic.gov.au. More information is available on the [Access our information](#) page on our website.

[Signature Block]

RE: Decision [SEC=OFFICIAL]

From: Chris Matthies <chris.matthies@necsopic.edu.au>
To: "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
Date: Tue, 25 Jun 2024 16:58:52 +1000

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

Thanks for making the time to talk and thanks for the references.

Talk soon!

Regards

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Tuesday, June 25, 2024 9:51 AM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Subject: Decision [SEC=OFFICIAL]

Dear Chris

Thank you for the chat – please see below links to some decisions that cover s 47C and which go to the issue of deliberative processes:

- *Rex Patrick and Department of the Prime Minister and Cabinet (No. 2) (Freedom of information)* [\[2022\] AICmr 66](#) (14 October 2022)
- *'ACF' and Australian Public Service Commission (Freedom of information)* [\[2022\] AICmr 73](#) (31 October 2022)
- *Justin Warren and Services Australia (Freedom of information)* [\[2023\] AICmr 13](#) (2 March 2023)

Please feel free to call if you'd like to discuss further.

Kind regards
 Rocelle



Rocelle Ago (she/her)
 Assistant Commissioner, Freedom of information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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email in error, please notify the sender by contacting the department's switchboard on 1300 400 004 during business hours (9.00am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

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RE: Extension of time applications [SEC=OFFICIAL]

From: Chris Matthies <chris.matthies@necsopic.edu.au>
To: "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
Date: Tue, 17 Sep 2024 17:35:25 +1000

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

Thank you. That's super helpful.

Best

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
Part time: Tuesday & Friday
T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Tuesday, 17 September 2024 2:59 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Subject: RE: Extension of time applications [SEC=OFFICIAL]

Hi Chris

Please see attached – I hope they assist.

Kind regards
Rocelle

From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Tuesday, September 17, 2024 1:53 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: RE: Extension of time applications [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi

Thanks so much for sharing these. Do you also happen to have a template for an EOT for review decision under section 54T?

Kind regards

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
Part time: Tuesday & Friday
T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, 13 September 2024 1:32 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Subject: RE: Extension of time applications [SEC=OFFICIAL]

Hi Chris

Please see the templates suite attached – the templates are tailored to particular provisions and the type of decision (grant/decline).

Kind regards
Rocelle

From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, September 13, 2024 9:34 AM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: RE: Extension of time applications [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi again

One more quick question on this in the interests of not reinventing the wheel. Do you have a template that you use for EOT decisions relating to IC reviews that I could adapt?

Thanks!

Kind regards

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
Pa day & Friday
T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, 6 September 2024 11:34 AM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Subject: RE: Extension of time applications [SEC=OFFICIAL]

Hi Chris

Lovely to hear from you!

On extensions of time to lodge an IC review – the bulk of the applications for extensions that we receive relate to review of deemed access refusal decisions, where the applicant has not received a decision from the agency. The majority of these applications are granted as many applicants are not really aware of or provided their review rights, which may contribute to the length of time to seek review.

In deciding these, we normally consider:

- the length of the delay in applying for IC review
- the reason for the delay
- any action taken by the applicant regarding the decision after the agency or minister made their decision
- any prejudice to the agency or the minister and the general public due to the delay and
- the merits of the substantive IC review application.

This is detailed in the direction issues to applicants: [Direction as to certain procedures to be followed by applicants in Information Commissioner reviews | OAIC](#). We also have some basic information in our FOI Guidelines: [Part 10: Review by the Information Commissioner | OAIC](#).

In considering the merits, we don't request the documents at issue. We also don't publish decisions on extension of time decisions, only our s 55K decisions are published.

For extensions of time applications where the applicant did receive a decision, we rely on the statement of reasons and submissions from the parties, weighed against the factors listed above.

Also, we have an Extension of time webinar on next week (Tuesday 10 September) that the team is delivering – it is mainly geared towards the extensions for processing (rather than IC reviews). Please let me know if you are

interested and I can put you in touch with the registrations team!

Regarding Toni – yes, Toni has been appointed for a period of 12 months from 16 August 2024.

I hope you are well and the above info helps – please don't hesitate to reach out!

Kind regards
Rocelle

From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, September 6, 2024 10:40 AM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: Extension of time applications

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Rocelle

I've received an application for an EOT to lodge a review with me. Sorry if I've missed it on your website but I was wondering what your usual procedures are when dealing with an EOT application. I've asked the agency whether or not they oppose the application and to give me submissions on the usual factors. Do you ever ask for a copy of the unredacted documents as part of doing the light-touch consideration of the merits in exercising the discretion?

I'd be grateful for any information you're able to pass on about this. Can I also ask you if ever publish any decisions on EOT applications made to you?

Hope things are going ok with you. Has Toni now been appointed permanently as the FOI Commissioner?

Thanks!

Kind regards

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

Part time: Tuesday & Friday

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "CASTALDI,Andre" <andre.castaldi@oaic.gov.au>
To: "DRAYTON,Melanie" <melanie.drayton@oaic.gov.au>
Date: Wed, 05 Jun 2024 09:18:42 +1000

This is what is on their website

Make a Complaint to the Privacy Commissioner

The National Education and Care Services Privacy Commissioner can investigate complaints from individuals about the Australian Children's Education and Care Quality Authority (ACECQA) and State and Territory Education and Care Services Regulatory Authorities under the Commonwealth *Privacy Act 1988*. You can complain to the Commissioner if you believe ACECQA or a State or Territory Regulatory Authority has interfered with your privacy by breaching an Australian Privacy Principle in relation to your personal information. Personal information is any information that is about an individual and can reasonably identify that individual.

Complaints to the Commissioner must be made in writing. Your complaint should include:

- the name of the agency you are complaining about – ie ACECQA or a State or Territory Regulatory Authority
- a brief description of your privacy concern
- any action the agency has taken to address the concern
- copies of any relevant documents, including copies of your complaint to the agency, if any, and its response.

Note: Where there has been an alleged interference with the privacy of a number of individuals, one individual may make a complaint on behalf of the group. This is called a 'representative complaint'. To make a representative complaint, the individual does not need the consent of the group members. For more information about making a representative complaint, you can call our office on (03) 9910 9868.

From: CASTALDI,Andre
Sent: Wednesday, June 5, 2024 8:13 AM
To: DRAYTON,Melanie <Melanie.Drayton@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Importance: High

Morning Mel

I'll follow up with DR Directors to confirm also, but are you aware of any referral pathway established to NECS ([National Education and Care Services](#)). More broadly it would be good to understand current arrangements for referrals like this, we could also refer to the AHPRA in certain circumstances. I am aware of a couple of complaints that could be better dealt with by these bodies.

I understand that ACs are to attend the meeting is in person next Tuesday 11 June with NECS FOI and Privacy Commissioners, Liz and Carly. My first contact in relation to this was 31 May (last Friday). The chain below commences on 24 April, I don't have anything in my diary for next Tuesday. It's very challenging to meet these requests on short notice given current significant work load.

Kind regards

Andre

From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:33 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: Re: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Rocelle. Also looping in Andre given the intersection with privacy DR work.

Steph can you please assist with the R&S aspects?

Thanks

Sarah

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:05:31 PM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: Fwd: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Isla

I understand the external Commissioners had requested the timing - it's the first meeting from memory and I think it would be useful to have time for discussion

In terms of the agenda, we can send through some briefing points for items 3 and 6. Can you please send through the link for the briefing paper/template?

[@GHALI,Sarah](#) it may be useful to have some points on access under the Privacy Act / APP 12 ([@GIBSON,Isla](#) think the agency head meeting brief for DVA included some relevant material).

[@PEEL,Sara](#) could Jess please assist with this?

For the guideline update, we should include that we've updated Parts 5 and 6, consult on Part 2, review of Part 3 underway.

Current issues - note issue on official documents of a minister, revised procedure direction, upcoming survey and self-assessment work.

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Sent: Friday, May 31, 2024 4:09 PM
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 **Isla Gibson** (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M [s 47E\(d\)](tel:0299424233) E isla.gibson@oaic.gov.au

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To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>

Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO, Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI, Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Isla

We're looking forward to meeting with the Commissioners and OAIC staff on 11 June. Please find attached a draft of an agenda for the meeting identifying matters that we would be interested in discussing.

We'd be very happy to discuss the draft agenda and to provide any information in advance of the meeting that your office would find helpful.

Kind regards

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 T: s 47E(d)

From: GIBSON, Isla <Isla.Gibson@oaic.gov.au>
Sent: Wednesday, April 24, 2024 4:57 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO, Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI, Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]


Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

I have sent through a calendar invitation for 90 minutes for the moment, however I will need to liaise with my colleagues to confirm that the longer meeting is feasible. Depending on the nature of the agenda and the matters for discussion, if the Commissioners are unavailable for a longer meeting, we could look to facilitate OAIC specialist staff or officers with specific areas of technical expertise to attend to discuss particular issues.

Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards

 **Isla Gibson** (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M s 47E(d) E isla.gibson@oaic.gov.au

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RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "DRAYTON,Melanie" <melanie.drayton@oaic.gov.au>
To: "CASTALDI,Andre" <andre.castaldi@oaic.gov.au>
Date: Wed, 05 Jun 2024 15:58:52 +1000

Thanks Andre.

I don't have any intelligence about referral pathways.

I appreciate the challenges and am hoping that our new approach to meeting visibility will resolve this kind of issue going forward.

Thanks
Mel

From: CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>
Sent: Wednesday, June 5, 2024 8:13 AM
To: DRAYTON,Melanie <Melanie.Drayton@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]
Importance: High

Morning Mel

I'll follow up with DR Directors to confirm also, but are you aware of any referral pathway established to NECS ([National Education and Care Services](#)). More broadly it would be good to understand current arrangements for referrals like this, we could also refer to the AHPRA in certain circumstances. I am aware of a couple of complaints that could be better dealt with by these bodies.

I understand that ACs are to attend the meeting is in person next Tuesday 11 June with NECS FOI and Privacy Commissioners, Liz and Carly. My first contact in relation to this was 31 May (last Friday). The chain below commences on 24 April, I don't have anything in my diary for next Tuesday. It's very challenging to meet these requests on short notice given current significant work load.

Kind regards

Andre

From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:33 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>; CASTALDI,Andre <Andre.Castaldi@oaic.gov.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: Re: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Rocelle. Also looping in Andre given the intersection with privacy DR work.

Steph can you please assist with the R&S aspects?

Thanks

Sarah

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Tuesday, June 4, 2024 7:05:31 PM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; PEEL,Sara <Sara.Peel@oaic.gov.au>
Cc: STEWART,Jo <Jo.Stewart@oaic.gov.au>
Subject: Fwd: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Isla

I understand the external Commissioners had requested the timing - it's the first meeting from memory and I think it would be useful to have time for discussion

In terms of the agenda, we can send through some briefing points for items 3 and 6. Can you please send through the link for the briefing paper/template?

[@GHALI.Sarah](#) it may be useful to have some points on access under the Privacy Act / APP 12 ([@GIBSON,Isla](#) think the agency head meeting brief for DVA included some relevant material).

[@PEEL.Sara](#) could Jess please assist with this?

For the guideline update, we should include that we've updated Parts 5 and 6, consult on Part 2, review of Part 3 underway.

Current issues - note issue on official documents of a minister, revised procedure direction, upcoming survey and self-assessment work.

For out of jurisdiction referrals, please note we are updating our triage/jurisdiction checklist and that we would include updates to our smart forms.

If we could prioritise for tomorrow, that would be great.

Thanks
Rocelle


From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, May 31, 2024 4:09 PM
To: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: FW: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Good afternoon Rocelle and Sarah

I am conscious of busy schedules – are you happy for this meeting to still proceed for 1.5hrs?

Do you have any input into the agenda that I can provide to Carly/Liz for recommendation?

Kind regards

 **Isla Gibson** (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M [s 47E\(d\)](tel:0299424233) E isla.gibson@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necopic.edu.au>
Sent: Friday, May 24, 2024 10:44 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Isla

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We'd be very happy to discuss the draft agenda and to provide any information in advance of the meeting that your office would find helpful.

Kind regards

Chris

Christopher Matthies
 NE [REDACTED] of Information Commissioner
 T: s 47E(d)

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Wednesday, April 24, 2024 4:57 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]


Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

I have sent through a calendar invitation for 90 minutes for the moment, however I will need to liaise with my colleagues to confirm that the longer meeting is feasible. Depending on the nature of the agenda and the matters for discussion, if the Commissioners are unavailable for a longer meeting, we could look to facilitate OAIC specialist staff or officers with specific areas of technical expertise to attend to discuss particular issues.

Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards

 **Isla Gibson** (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
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RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "GHALI,Sarah" <sarah.ghali@oaic.gov.au>
To: "ROBERTS, Lucy" <lucy.roberts@oaic.gov.au>, "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
Cc: "GIBSON,Isla" <isla.gibson@oaic.gov.au>, "OTOREPEC,Stephanie" <stephanie.otorepec@oaic.gov.au>
Date: Fri, 12 Apr 2024 16:06:17 +1000

Thanks Lucy. No particular comments to make or information to provide on this one.

Sarah

From: ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Sent: Friday, April 12, 2024 3:28 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Cc: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Rocelle

[@GHALI,Sarah](#) Grateful if you could please advise whether there are any considerations to be made with regards to a meeting with NECS Freedom of Information Commissioner?

I will flag with Carly & Angelene.

Kind regards,
Lucy



OAIC

Lucy Roberts (she/her)
 Executive Assistant to the Deputy Commissioner
 Office of the Australian Information Commissioner
 P +61 2 9942 4198 E lucy.roberts@oaic.gov.au

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From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 12, 2024 12:44 PM
To: ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Cc: GIBSON,Isla <Isla.Gibson@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Lucy –

Please see attached – you may want to coordinate with Isla and Sarah.



OAIC

Rocelle Ago (she/her)
 Assistant Commissioner, Freedom of information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M [s 47E\(d\)](tel:61299424205) E rocelle.ago@oaic.gov.au

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From: ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Sent: Friday, April 12, 2024 12:42 PM
To: AGO, Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: GIBSON, Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Thanks Rocelle

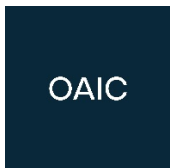
Please see below for availability of all 3 Commissioners:

14 May 2024	11:00-3:00pm suitable (subject to rescheduling the FOI Commissioner Input meeting)
21 May 2024	11:00-1:00pm suitable
28 May 2024	11:00-3:00pm suitable

Can you please confirm whether the Commissioners/Sarah Ghali have had any visibility over this meeting request? If not I will need to follow up before we schedule this discussion.

Thank you

Kind regards,
Lucy



Lucy Roberts (she/her)
 Executive Assistant to the Deputy Commissioner
 Office of the Australian Information Commissioner
 P +61 2 9942 4198 E lucy.roberts@oaic.gov.au

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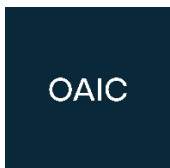
From: AGO, Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 12, 2024 8:55 AM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON, Isla <Isla.Gibson@oaic.gov.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Chris

Thanks very much for proposing those dates and times.

We will look at those dates and get back to you and Jackie as soon as possible.

Kind regards
Rocelle



Rocelle Ago (she/her)
 Assistant Commissioner, Freedom of information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Tuesday, April 9, 2024 4:49 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

You don't often get email from chris.matthies@necsopic.edu.au. [Learn why this is important](#)

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Dear Rocelle

Thanks for getting back to me.

Jackie and I have had a discussion about possible dates and would like to suggest either Tuesday 14, 21 or 28 May. To allow Jackie to travel up and back to Canberra on the day, it would be ideal if we could meet between 11.00am and 3.00pm.

Hopefully this will help to narrow down a mutually convenient time.

Best regards,

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 5, 2024 7:25 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Chris

Thank you very much for your email and for your invitation to meet with the Commissioners.

We will identify some potential meeting dates and will come back to you shortly.

If there are particular dates and times that you and Jackie would prefer for an in-person meeting in Sydney, please let us know.

We look forward to meeting with you and Jackie soon.

Kind regards
 Rocelle



Rocelle Ago (she/her)
 Assistant Commissioner, Freedom of information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, April 5, 2024 3:19 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Subject: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

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Dear Rocelle

I'm writing to follow up on the conversation we had before Easter about arranging a meeting with the OAIC Commissioners.

By way of background, early childhood services in Australia are regulated under an applied national law scheme, the [Education and Care Services National Law](#), that commenced in 2012. It established the uniform National Quality Framework for Early Childhood Education and Care, the implementation of which is the responsibility of regulatory authorities in each state and territory (generally located in the relevant department responsible for education) supported by the Australian Children's Education & Care Quality Authority (ACECQA), an independent Commonwealth body. The regulatory authorities are responsible for granting service provider approvals, carrying out the quality assessment and rating of services, and ensuring services meet the requirements of the National Quality Framework.

Under the national law, ACECQA and the regulatory authorities are subject to the Commonwealth *Freedom of Information Act 1982* and the *Privacy Act 1988*. The [Education and Care Services National Regulations](#) modify the FOI Act and Privacy Act in various ways, including to provide that references to the Information Commissioner in those Acts are taken to be references to the National Education and Care Services Freedom of Information Commissioner and the National Education and Care Services Privacy Commissioner. The regulations also provide for appointment to those positions. Under current arrangements, the Education Ministers Meeting (comprising Commonwealth, State and Territory Education Ministers) make the appointments and is the body to whom we report.

I have been appointed as the NECS FOI Commissioner and my colleague, Jackie Wilson, has been appointed as the NECS Privacy Commissioner. We were appointed from 1 January 2024 for a period of 3 years. The appointments are part time, 2 days per week.

We would very much welcome the opportunity to meet with the Commissioners and other relevant OAIC staff to introduce our roles and discuss areas of mutual interest.

As you know, I am based in Sydney. Jackie is based in Canberra but, depending on the timing, may be able to come to Sydney for a meeting. Perhaps we can look to arrange a time in late April or early May. You might be best placed to identify some possible dates but let me know if you think there would be a better way to try to identify a suitable date.

We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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488 064 during business hours (8:30am - 5pm Canberra time) and delete all copies of this transmission together with any attachments.

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RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "GIBSON,Isla" <isla.gibson@oaic.gov.au>
To: Chris Matthies <chris.matthies@necsopic.edu.au>
Cc: Jackie Wilson <jackie.wilson@necsopic.edu.au>, "ROBERTS, Lucy" <lucy.roberts@oaic.gov.au>, "AGO,Rocelle" <rocelle.ago@oaic.gov.au>, "GHALI,Sarah" <sarah.ghali@oaic.gov.au>
Date: Wed, 24 Apr 2024 16:57:29 +1000

Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

I have sent through a calendar invitation for 90 minutes for the moment, however I will need to liaise with my colleagues to confirm that the longer meeting is feasible. Depending on the nature of the agenda and the matters for discussion, if the Commissioners are unavailable for a longer meeting, we could look to facilitate OAIC specialist staff or officers with specific areas of technical expertise to attend to discuss particular issues.

Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards

OAIC
Isla Gibson (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Tuesday, April 23, 2024 9:14 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Isla

Thank you for your email.

It would be ideal if the meeting could be scheduled to start any time from 11.00am and at the latest by 3.00pm. If possible, we suggest that the meeting be scheduled for 90 minutes in case we find that an hour is not quite enough time.

In relation to the agenda, Jackie and I will have a discussion about this and send through some proposed items by the end of May.

Best regards

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 T: **s 47E(d)**

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Monday, April 22, 2024 11:10 AM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Mr Matthies



Thank you for your follow up email – I confirm that the OAIC Commissioners are available on Tuesday, 11 June for an in-person meeting in Sydney.

Noting that Ms Wilson will be travelling, could you please advise whether there are any preferred times for this meeting? On receipt of your preferred times, I will send through a calendar invitation to you and Ms Wilson with details of the OAIC offices.

I have noted the general nature of the meeting below, but if there are any discreet or key matters that you would like to discuss, please feel free to advise by way of reply email and I will include in an agenda.

I have copied in Ms Sarah Ghali, Assistant Commissioner Regulation and Strategy. I will liaise with Sarah and Rocelle to confirm whether any other OAIC officers will attend the meeting.

Kind regards

 **Isla Gibson** (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M  E isla.gibson@oaic.gov.au

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From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, April 19, 2024 4:14 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Chris

Thank you for your email and for providing those updated dates. I will review these new dates and come back to you soon.

Kind regards

 **Isla Gibson** (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M  E isla.gibson@oaic.gov.au

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Sent: Friday, April 19, 2024 4:13 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Rocelle

Sorry about this but, unfortunately, the dates we suggested below are no longer going to be possible for a meeting. We'd like to suggest either 4, 11 or 18 June, all of which are Tuesdays.

Thanks and sorry again about the change.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>

Sent: Friday, April 12, 2024 8:55 AM

To: Chris Matthies <Chris.Matthies@necsopic.edu.au>

Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>

Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Chris

Thanks very much for proposing those dates and times.

We will look at those dates and get back to you and Jackie as soon as possible.

Kind regards
Rocelle



Rocelle Ago (she/her)

Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner

P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>

Sent: Tuesday, April 9, 2024 4:49 PM

To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>

Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>

Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Rocelle

Thanks for getting back to me.

Jackie and I have had a discussion about possible dates and would like to suggest either Tuesday 14, 21 or 28 May. To allow Jackie to travel up and back to Canberra on the day, it would be ideal if we could meet between 11.00am and 3.00pm.

Hopefully this will help to narrow down a mutually convenient time.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, April 5, 2024 7:25 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Chris

Thank you very much for your email and for your invitation to meet with the Commissioners.

We will identify some potential meeting dates and will come back to you shortly.

If there are particular dates and times that you and Jackie would prefer for an in-person meeting in Sydney, please let us know.

We look forward to meeting with you and Jackie soon.

Kind regards
Rocelle



Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
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Sent: Friday, April 5, 2024 3:19 PM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Subject: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

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Dear Rocelle

I'm writing to follow up on the conversation we had before Easter about arranging a meeting with the OAIC Commissioners.

By way of background, early childhood services in Australia are regulated under an applied national law scheme, the [Education and Care Services National Law](#), that commenced in 2012. It established the uniform National Quality Framework for Early Childhood Education and Care, the implementation of which is the responsibility of regulatory authorities in each state and territory (generally located in the relevant department responsible for education) supported by the Australian Children's

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I have been appointed as the NECS FOI Commissioner and my colleague, Jackie Wilson, has been appointed as the NECS Privacy Commissioner. We were appointed from 1 January 2024 for a period of 3 years. The appointments are part time, 2 days per week.

We would very much welcome the opportunity to meet with the Commissioners and other relevant OAIC staff to introduce our roles and discuss areas of mutual interest.

As you know, I am based in Sydney. Jackie is based in Canberra but, depending on the timing, may be able to come to Sydney for a meeting. Perhaps we can look to arrange a time in late April or early May. You might be best placed to identify some possible dates but let me know if you think there would be a better way to try to identify a suitable date.

We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: "GIBSON,Isla" <isla.gibson@oaic.gov.au>
To: Chris Matthies <chris.matthies@necsopic.edu.au>
Cc: Jackie Wilson <jackie.wilson@necsopic.edu.au>, "ROBERTS,Lucy" <lucy.roberts@oaic.gov.au>, "AGO,Rocelle" <rocelle.ago@oaic.gov.au>, "GHALI,Sarah" <sarah.ghali@oaic.gov.au>
Date: Fri, 31 May 2024 16:07:41 +1000

Dear Mr Matthies

Thank you for providing the agenda – the Commissioners are also looking forward to meeting with you. I will touch base with my colleagues regarding any additions and come back to you shortly.

Kind regards

 **Isla Gibson** (she/her)
 Senior Executive Assistant to the Australian Information Commissioner
 Office of the Australian Information Commissioner
 Sydney | GPO Box 5288 Sydney NSW 2001
 P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, May 24, 2024 10:44 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Dear Isla

We're looking forward to meeting with the Commissioners and OAIC staff on 11 June. Please find attached a draft of an agenda for the meeting identifying matters that we would be interested in discussing.

We'd be very happy to discuss the draft agenda and to provide any information in advance of the meeting that your office would find helpful.

Kind regards

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 T: **s 47E(d)**

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Wednesday, April 24, 2024 4:57 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle

<Rocelle.Ago@oaic.gov.au>; GHALI, Sarah <Sarah.Ghali@oaic.gov.au>

Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]


Dear Mr Matthies

Many thanks - it looks as though 11am on Tuesday 11 June would suit all Commissioners.

I have sent through a calendar invitation for 90 minutes for the moment, however I will need to liaise with my colleagues to confirm that the longer meeting is feasible. Depending on the nature of the agenda and the matters for discussion, if the Commissioners are unavailable for a longer meeting, we could look to facilitate OAIC specialist staff or officers with specific areas of technical expertise to attend to discuss particular issues.

Please do not hesitate to email or call if I can be of any further assistance. My mobile below is best.

Kind regards

 **Isla Gibson** (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

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RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

From: Jackie Wilson <jackie.wilson@necsopic.edu.au>
To: "GHALI,Sarah" <sarah.ghali@oaic.gov.au>
Cc: "ROBERTS,Lucy" <lucy.roberts@oaic.gov.au>, "AGO,Rocelle" <rocelle.ago@oaic.gov.au>, Chris Matthies <chris.matthies@necsopic.edu.au>, "OTOREPEC,Stephanie" <stephanie.otorepec@oaic.gov.au>, "MCPHEE,Emily" <emily.mcphee@oaic.gov.au>
Date: Mon, 11 Nov 2024 13:56:33 +1100

Some people who received this message don't often get email from jackie.wilson@necsopic.edu.au. [Learn why this is important](#)

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Thank you Sarah much appreciated

I expect that someone from the Child Safety review team will reach out to you shortly. You may also be approached by someone from the Australian Children's Education and Care Authority (ACECQA) they are working with the Child Safety Review team to develop some practice guides for early childhood services around privacy matters. I have attached a link below to the review it was conducted by ACECQA on behalf of all governments and now jurisdictions are working together on how they will implement the recommendations.

<https://www.acecqa.gov.au/child-safety-review>

Thanks again

J

From: GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Sent: Monday, 11 November 2024 12:31 PM
To: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Cc: ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; Chris Matthies <Chris.Matthies@necsopic.edu.au>; OTOREPEC,Stephanie <Stephanie.Otorepec@oaic.gov.au>; MCPHEE,Emily <Emily.McPhee@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Hi Jackie

I am happy to discuss any privacy related issues and you are welcome to pass on my details to the relevant Department.

Thanks

Sarah



Sarah Ghali (she/her)
 General Manager
 Regulatory Intelligence and Strategy
 Office of the Australian Information Commissioner
 P +61 2 9942 4208 M [s 47E\(d\)](#) E sarah.ghali@oaic.gov.au

My working days are Monday, Tuesday, Thursday and Friday

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From: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Sent: Monday, 11 November 2024 11:07 AM
To: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Cc: ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>; Chris Matthies <Chris.Matthies@necsopic.edu.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

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Hi Isla

Hope you are well.

We have been approached by the Australian Government (AG) for advice in relation to who may be best placed at OAIC to discuss privacy broadly and more specifically in relation to early childhood services at an upcoming meeting.

The context for this is that the Secretariat for the Child Safety Review Group (CSRG) are looking to get some expert advice regarding privacy implications on some of the policy options being worked through currently in response to recommendations from the Child Safety Review which will go to public consultation. This includes the need for greater understanding by services and early childhood regulators on how the Privacy Act 1988 (Cth) applies.

I know that Carly Kind is the Privacy Commissioner and I appreciate she must be very busy, wondering if there is another person I can provide the AG details of including contact no so they can ring and discuss what they are after and the possibility of participating in a meeting on 19 November 2024.

Would appreciate your advice.

Thanks

J


Jackie Wilson
National Education and Care Services
Privacy Commissioner and Ombudsman

From: GIBSON,Isla <Isla.Gibson@oaic.gov.au>
Sent: Friday, 31 May 2024 4:08 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

Dear Mr Matthies

Thank you for providing the agenda – the Commissioners are also looking forward to meeting with you. I will touch base with my colleagues regarding any additions and come back to you shortly.

Kind regards

 **Isla Gibson** (she/her)
Senior Executive Assistant to the Australian Information Commissioner
Office of the Australian Information Commissioner
Sydney | GPO Box 5288 Sydney NSW 2001
P (02) 9942 4233 M **s 47E(d)** E isla.gibson@oaic.gov.au

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Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>; ROBERTS,Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
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Kind regards

Chris

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NECS Freedom of Information Commissioner
T: s 47E(d)

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Cc: Jackie Wilson <Jackie.Wilson@necopic.edu.au>; ROBERTS, Lucy <Lucy.Roberts@oaic.gov.au>; AGO,Rocelle <Rocelle.Ago@oaic.gov.au>; GHALI,Sarah <Sarah.Ghali@oaic.gov.au>
Subject: RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners [SEC=OFFICIAL]

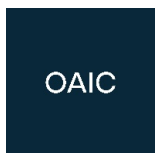
Dear Mr Matthies

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RE: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

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To: Chris Matthies <chris.matthies@necsopic.edu.au>
Cc: Jackie Wilson <jackie.wilson@necsopic.edu.au>, "GIBSON,Isla" <isla.gibson@oaic.gov.au>
Date: Fri, 05 Apr 2024 19:24:36 +1100

Dear Chris

Thank you very much for your email and for your invitation to meet with the Commissioners.

We will identify some potential meeting dates and will come back to you shortly.

If there are particular dates and times that you and Jackie would prefer for an in-person meeting in Sydney, please let us know.

We look forward to meeting with you and Jackie soon.

Kind regards
 Rocelle



Rocelle Ago (she/her)
 Assistant Commissioner, Freedom of information
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 P +612 9942 4205 M **s 47E(d)** E rocelle.ago@oaic.gov.au

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To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Cc: Jackie Wilson <Jackie.Wilson@necsopic.edu.au>
Subject: Meeting with the Australian Information Commissioner and FOI and Privacy Commissioners

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We look forward to meeting with you and your colleagues.

Best regards,

Chris

Christopher Matthies
NECS Freedom of Information Commissioner

E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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To: Chris Matthies <chris.matthies@necsopic.edu.au>
Cc: Jackie Wilson <jackie.wilson@necsopic.edu.au>, "GIBSON,Isla" <isla.gibson@oaic.gov.au>
Date: Fri, 05 Apr 2024 19:17:06 +1100

Dear Chris

Thank you very much for your email and my congratulations again on your appointment.

We will identify some dates and come back to you shortly.

We look forward to meeting with you and Jackie soon.

Kind regards
Rocelle

The logo for the Office of the Australian Information Commissioner (OAIC) is a dark blue square with the letters "OAIC" in white, sans-serif font.

Rocelle Ago (she/her)
Assistant Commissioner, Freedom of information
Office of the Australian Information Commissioner
P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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We look forward to meeting with you and your colleagues.

Best regards,

Chris

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E: chris.matthies@necsopic.edu.au

T: s 47E(d)

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RE: Status of attachments to emails [SEC=OFFICIAL]

From: Chris Matthies <chris.matthies@necsopic.edu.au>
To: "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
Date: Fri, 15 Nov 2024 13:58:50 +1100

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Thanks. That's helpful.

Chris

Christopher Matthies
 NECS Freedom of Information Commissioner
 Part time: Tuesday & Friday
 T: s 47E(d)

From: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Sent: Friday, 15 November 2024 1:33 PM
To: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Subject: RE: Status of attachments to emails [SEC=OFFICIAL]

Hi Chris

I think it depends on the relevance of the attachment to the scope of the request and the context – for example, a request can be for emails about a particular policy. If the emails also additionally include content and attachments about a different policy/subject matter, it's arguable that that different subject matter is not within scope.

The Timmins case is referenced in Part 2 of the Guidelines – para 2.40- and also in a recent decision I made in 'ALK' and *Department of Home Affairs (Freedom of information)* [2024] AICmr 132 (20 June 2024) (para 19).

I hope that helps!

Kind regards
 Rocelle



Rocelle Ago (she/her)
 Acting Executive General Manager, Information Rights Division
 Acting Deputy Commissioner, Freedom of Information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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From: Chris Matthies <Chris.Matthies@necsopic.edu.au>
Sent: Friday, 15 November 2024 11:07 AM
To: AGO,Rocelle <Rocelle.Ago@oaic.gov.au>
Subject: Status of attachments to emails

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Hi

Can I ask you a quick question about the OAIC's view on whether attachments to emails are generally within scope if a request asks for all emails sent by or to a particular person? In a matter I'm looking at, it doesn't look like there was engagement about this during processing.

I've had a look at the Guidelines and done a brief search of OAIC decisions, including looking at Timmins [2015] AICmr 32 but couldn't see anything relating specifically to email attachments.

Would be very grateful for any insights!

Hope you're well.

Best regards

Chris

Christopher Matthies
NECS Freedom of Information Commissioner
Part time: Tuesday & Friday
T: s 47E(d)

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RE: Status of attachments to emails

From: "AGO,Rocelle" <rocelle.ago@oaic.gov.au>
To: Chris Matthies <chris.matthies@necsopic.edu.au>
Date: Fri, 15 Nov 2024 13:33:02 +1100

Hi Chris

I think it depends on the relevance of the attachment to the scope of the request and the context – for example, a request can be for emails about a particular policy. If the emails also additionally include content and attachments about a different policy/subject matter, it's arguable that that different subject matter is not within scope.

The Timmins case is referenced in Part 2 of the Guidelines – para 2.40- and also in a recent decision I made in 'ALK' and Department of Home Affairs (Freedom of information) [2024] AICmr 132 (20 June 2024) (para 19).

I hope that helps!

Kind regards
 Rocelle



Rocelle Ago (she/her)
 Acting Executive General Manager, Information Rights Division
 Acting Deputy Commissioner, Freedom of Information
 Office of the Australian Information Commissioner
 P +612 9942 4205 M s 47E(d) E rocelle.ago@oaic.gov.au

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Subject: OAIC – MRXX/XXXXX - Extension of time request under s 54T of the FOI Act

Our reference:

Agency reference:

By email:

Extension of time request under s 54T of the FOI Act

Dear [Mr/Mrs/Ms XXXX],

I refer to your request for an extension of time (s 54T) to seek Information Commissioner review (IC review) of the decision **deemed to be** made by the [Agency name] under the *Freedom of Information Act 1982* (the FOI Act).

As noted in our previous correspondence to you inviting your application for extension under s 54T [OR As noted in your application for IC review], your IC review application was received outside of the prescribed statutory timeframe. [IF DECISION MADE AFTER DEEMED DATE: I note that a deemed refusal decision occurred on XX XX XXXX, and you wish to seek review of the decision issued by the Agency/Department on XX XX XXXX].

As a delegate of the Information Commissioner, I am authorised to make decisions on requests for extensions of time under s 54T of the FOI Act.

I have considered [include relevant factors]:

- the extent of the delay
- whether the applicant has shown an acceptable explanation for the delay
- whether the applicant has rested on their rights and allowed the decision-maker to believe that the matter was finally concluded or continued to make the decision-maker aware that they contest the finality of the decision
- whether the respondent agency or the general public would suffer prejudice as a result of the extension
- the merits of the substantive application, and
- whether it is fair and equitable in the circumstances to extend time.

I have also considered the reasons you provided in support of your request for an extension of time. In particular, I have considered...

- [Insert considerations]

On the basis of the information before the OAIC, I am not satisfied that granting an extension of time under s 54T of the FOI Act is reasonable in all of the circumstances.

I note that this does not prevent you from making a new FOI request with the Department.

The effect of this decision is that your application for IC review is out of time and your IC review has been finalised as being invalid under s 54N of the FOI Act. I confirm that your IC review is now closed. Your review rights are set out below

If you would like to discuss this matter, I can be reached by email at foidr@oaic.gov.au. Please quote the reference number at the top of this email in all correspondence.

Review rights

Judicial review

If you disagree with the OAIC's decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the Administrative Decisions (Judicial Review) Act 1977. The Court will not review the merits of your case but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly. An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information, or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly. If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au>.

Accessing your information

If you would like access to the information that we hold about you, please contact FOIDR@oaic.gov.au. More information is available on the [Access our information](#) page on our website.

[Signature Block]