

s 47C and 47E(d)

s 47C and 47E(d)

s 47C and 47E(d)

s 47C and 47E(d)



s 47C and 47E(d)

s 47C and 47E(d)



**From:** [Freedom of Information Section](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [Freedom of Information Section](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 12:52:59 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image485087.png](#)

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## OFFICIAL

Our Ref : E2025.13

Dear **s22**

Thank you for contacting the Aged Care Quality and Safety Commission (ACQSC) to respond to this consultation.

ACQSC have no objection to the release of “the name of the agency” and “The OAIC reference number associated with the reported breach” as proposed in your email.

We do have some administrative questions:

We appreciate that the release of such information may support greater transparency and ease of access. However, we would like to understand what impact OAIC expect to come from releasing a list of their complaint codes in bulk. The proposal is such that, OAIC will release reference numbers from *1 January 2020 to 5 July 2024 into the public sphere* codes, does OAIC predict an increase in FOI applications to agencies using this information? Does OAIC have a process in place for tracking effects of such decisions?

Does OAIC use reference numbers for early or voluntary notifications where a breach is yet to be officially determined? Or is this number only assigned/used with agency confirmed breaches? For some agencies, depending on the use of the reference number, releasing these two data points (identity and reference number) may have the effect of reducing agency willingness to transparently engage with OAIC on any lesser matters likely to accrue a reference number. (This may have the effect of eroding agency trust and transparency with OAIC).

We are looking forward to hearing from you with answers soon.

Kind regards

**s22**

FOI and Privacy Officer  
Corporate Operations Group  
Aged Care Quality and Safety Commission

E: [foi@agedcarequality.gov.au](mailto:foi@agedcarequality.gov.au)  
W: [www.agedcarequality.gov.au](http://www.agedcarequality.gov.au)  
GPO Box 9819 Sydney NSW 2001

## Freedom of Information Section

Aged Care Quality and Safety Commission  
E [foi@agedcarequality.gov.au](mailto:foi@agedcarequality.gov.au) | W [www.agedcarequality.gov.au](http://www.agedcarequality.gov.au)  
GPO Box 9819 in your capital city  
T 1800 500 294

Engage Empower Safeguard



In the spirit of reconciliation, the Aged Care Quality and Safety Commission acknowledges the Traditional Custodians of Country throughout Australia and their connections to land, water and community. We pay our respect to their Elders, past, present and emerging and extend that respect to all Aboriginal and Torres Strait Islander peoples.

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---

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our

disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

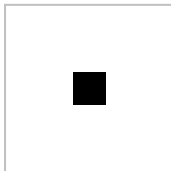
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@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:** FOI  
**To:** OAIC - FOI  
**Cc:** FOI  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 12:56:50 PM  
**Attachments:** [image005.jpg](#)  
[image007.jpg](#)  
[image010.jpg](#)  
[image012.jpg](#)  
[image014.jpg](#)  
[image015.jpg](#)  
[image016.jpg](#)  
[image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.jpg](#)

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**OFFICIAL**

Dear **s22**

Thank you for the additional information below, and the opportunity to provide our views on the request. Sport Integrity Australia does not have any concerns with the release of our agency's name and OAIC reference number only (noting no further information will be released).

Kind Regards,

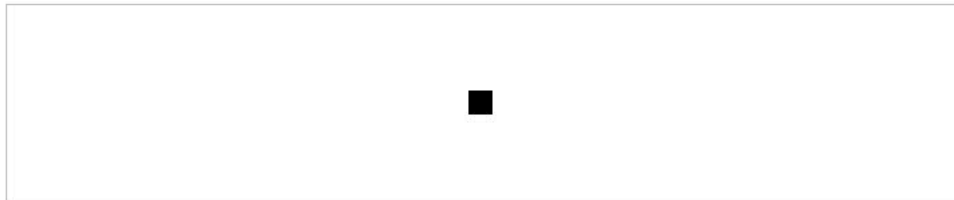


**s22**

Senior Lawyer  
Sport Integrity Australia  
**Hotline** 13 000 27232

PO Box 1744, Fyshwick, ACT, 2609 | Unit 14, 5 Tennant St, Fyshwick ACT 2609

**PROTECTING SPORT TOGETHER** | [sportintegrity.gov.au](https://sportintegrity.gov.au) |



s 22

**OFFICIAL**

From: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, 18 September 2024 1:47 PM

**To:** OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
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  - *Respondent names are to be included in the scope of this request.*

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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

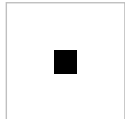
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[E foi@oaic.gov.au](mailto:foi@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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"Important: This transmission is intended only for the use of the addressee and may contain Protected, confidential or legally privileged information. If you are not the intended recipient, you are notified that any use or dissemination of this communication is strictly prohibited. If you receive this transmission in error please notify the author immediately and delete all copies of this transmission."

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**From:** s22  
**To:** OAIC - FOI  
**Cc:** FOI; s22  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 12:57:39 PM  
**Attachments:** [image002.gif](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image001.jpg](#)

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**OFFICIAL**

Hi OAIC FOI team,

We refer to your consultation email below requesting a response from s 47E(c) by 1pm today.

We confirm that s 47E(d) will be making a submission, however we will not be able to meet the deadline. We will send through as soon as possible.

Apologies for any inconvenience this causes.

Kind regards,

s 47E(d)

**From:** s22  
**Sent:** Friday, September 20, 2024 11:32 AM  
**To:** foi@oaic.gov.au  
**Cc:** s 47E(d); s22  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL] s 47E(c)  
**Importance:** High

**OFFICIAL**

Hi s22

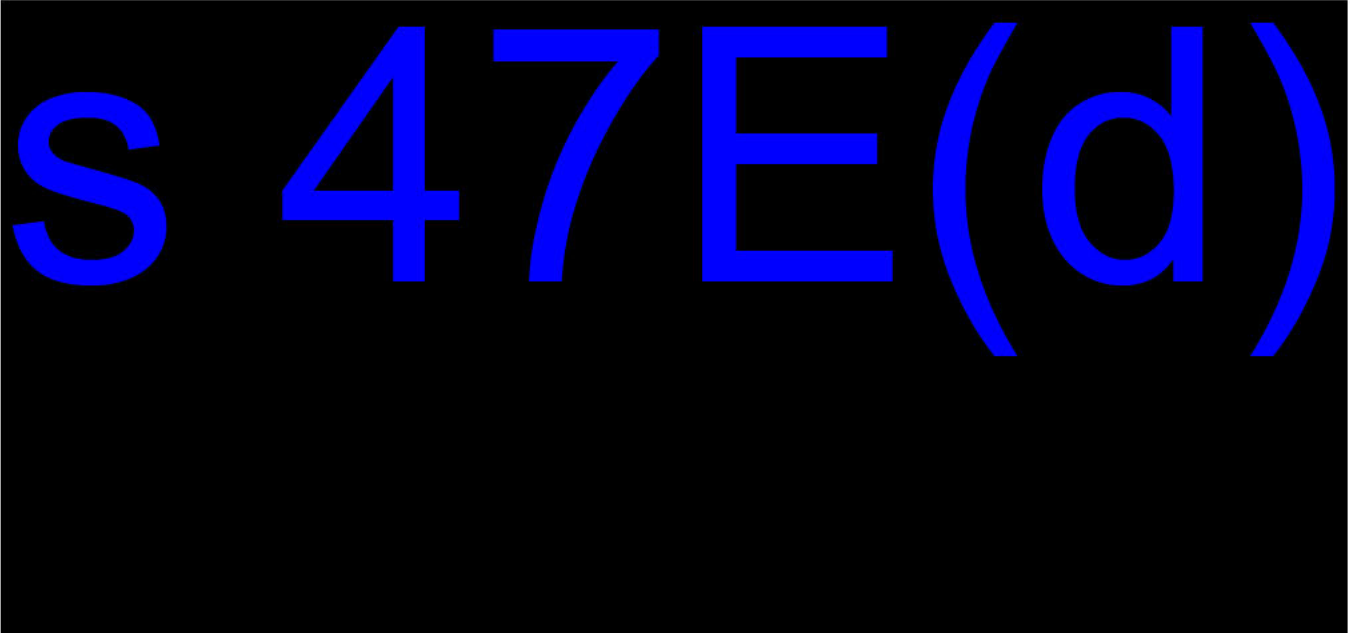
I am currently preparing s 47E(d) response to your consultation request below.

It would assist if I could have a quick chat with you.

Can you please call me on s22 [REDACTED].

Many thanks

s22 [REDACTED]



**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

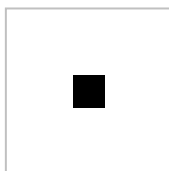
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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---

s 47E (d)

s 47C and 47E(d)

s 22

s 22

From: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
 Sent: Wednesday, September 18, 2024 1:47 PM  
 To: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
 Subject: FOIREQ24/00423 - Consultation - Response required lunthtime Monday 23 September 2024 [SEC=OFFICIAL]

**s.47E(d)**  
 Our reference: FOIREQ24/00423

Dear FOI contact officer

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1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

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**s.22**  
 Senior Lawyer  
 Office of the Australian Information Commissioner  
 Sydney | GPO Box 5288 Sydney NSW 2001  
[F.foi@oaic.gov.au](mailto:F.foi@oaic.gov.au)

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**From:** [FOI Mailbox](#)  
**To:** [OAIIC - FOI](#)  
**Cc:** [FOI Mailbox](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 12:59:26 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.jpg](#)  
[15\\_Banyule City Council .jpg](#)

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Dear **s22**

Thank you for including the relevant line for our agency with full detail, so that we can review and provide an answer as a result of consultation.

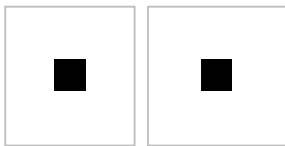
I confirm that we have no objection to the release of our agency name and OAIIC reference number for the one line item attached to this email as indicated by you.

Regards

**s22**  
Senior Governance Officer

**Banyule City Council**

**s22**  
[@BanyuleCouncil](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)



Banyule City Council is proud to acknowledge the Wurundjeri Woi-wurrung people as Traditional Custodians of the land and we pay respect to all Aboriginal and Torres Strait Islander Elders, past, present and emerging, who have resided in the area and have been an integral part of the region's history.

Banyule City Council endorses the Uluru Statement from the Heart in full and accepts the invitation to walk with First Nations peoples, to a better future for us all.

Our community is made up of diverse cultures, beliefs, abilities, bodies, sexualities, ages and genders. We are committed to access, equity, participation and rights for everyone; principles which empower, foster harmony and increase the wellbeing of an inclusive community.



s 22

s 22

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024  
[SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

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1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

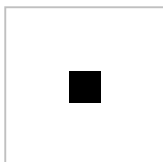
- The name of the agency
- The OAIC reference number associated with the reported breach

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Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [Education - FOI](#)  
**To:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024  
**Date:** Monday, 23 September 2024 1:00:30 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[17. DEPARTMENT OF EDUCATION .jpg](#)  
[18. DEPARTMENT OF EDUCATION 2.jpg](#)  
[image004.jpg](#)

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Dear **s22**

Thank you for consulting with the Australian Government Department of Education (department) about the document available on the OAIC's disclosure log at [00352-Bundle.pdf \(oaic.gov.au\)](#) (**consultation document**). We understand that OAIC made a primary decision to create the consultation document under section 17 of the *Freedom of Information Act 1982* and to release the document in part.

Following a request for internal review of the decision, you have sought the department's views on whether there are any concerns about the proposed disclosure of the following information in the consultation document, as it relates to data breaches involving the department:

- the name of the department, and
- the OAIC reference number associated with the reported data breach.

To assist in determining which of the data breaches in the consultation document relate to the department, we have also referred to the **attached** documents provided by the OAIC ('17. DEPARTMENT OF EDUCATION.jpg' and '18. DEPARTMENT OF EDUCATION 2.jpg'). These are excerpts of the redacted consultation document and are the unredacted versions of the last row on page 35 of the consultation document and the first row on page 3 of the consultation document, respectively.

We note that the data breach referred to in the document '18. DEPARTMENT OF EDUCATION 2.jpg', reported on 28 April 2020, was a former Department of Education, Skills and Employment data breach. **s 22**

Accordingly, the department is unable to comment on the proposed disclosure of additional information relating to this breach.

We have consulted with the relevant business area within the department in relation to the data breach referred to in the document '17. DEPARTMENT OF EDUCATION.jpg', reported on 31 July 2023. Following this consultation, we can advise that the department has no concerns about the disclosure of the name of the department. However, we consider that the proposed disclosure of the OAIC reference number associated with this reported data breach is a matter for OAIC to determine, and we have no comments in this regard.

Please note that the above comments are only in relation to the data breaches referred to in the **attached** documents ('17. DEPARTMENT OF EDUCATION.jpg' and '18. DEPARTMENT OF EDUCATION 2.jpg'), as we understand that these are the only data breaches in the consultation document that involved the department. We understand that there are no other data breaches in the consultation document that involved the department. Please advise us if this understanding is not correct, as this may affect our comments.

Please do not hesitate to contact me if you would like to discuss.

Kind regards

s22

Freedom of Information Team  
Department of Education

s 22

s 22

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and

release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

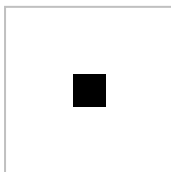
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** s22  
**To:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 1:00:51 PM  
**Attachments:** [image002.jpg](#)  
[image003.jpg](#)  
[ATT00001.png](#)  
[ATT00002.jpg](#)

---

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Afternoon s22

Ultimately the decision does not fall with us as stated in your request, however Council do not object to the additional disclosure of the below only, and only if it is decided for all agencies on the list.

- The name of the agency
- The OAIC reference number associated with the reported breach

Kind Regards,

s22 (She/Her)  
**Acting Chief Information Officer**  
Information Services

s22

*We acknowledge the traditional custodians of the Wiradjuri land where we work and their ongoing connections to land and community.*

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**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

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1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
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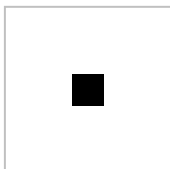
- The name of the agency
- The OAIC reference number associated with the reported breach

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Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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s 47C and 47E(d)

**From:** [FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)

**Sent:** Wednesday, 18 September 2024 1:17:13 PM

**To:** "OAIC - FOI" <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024

[SEC=OFFICIAL]

⚠ **EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe. ⚠

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

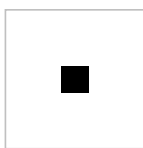
- The name of the agency
- The OAIC reference number associated with the reported breach

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Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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

From: [DEWR - FOI](#)  
To: [OAIIC - FOI](#)  
Cc: [DEWR - FOI](#)  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180  
Date: Monday, 23 September 2024 1:10:51 PM  
Attachments: [image001.jpg](#)  
[image004.png](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.jpg](#)

Good afternoon **S22**

We refer to your correspondence of 20 September 2024, seeking the Department of Employment and Workplace Relations' (the department) comments in relation to the proposed release of:

- the name of the agency, and
- the OAIIC reference number associated with the reported breach

of the document created under the *Freedom of Information Act 1982* (FOI Act), and accessible at [00352\\_Bundle.pdf \(oaic.gov.au\)](#).

We are currently consulting with the relevant internal line areas, and need to brief the relevant executive. We request an extension of time until the end of the day to respond.

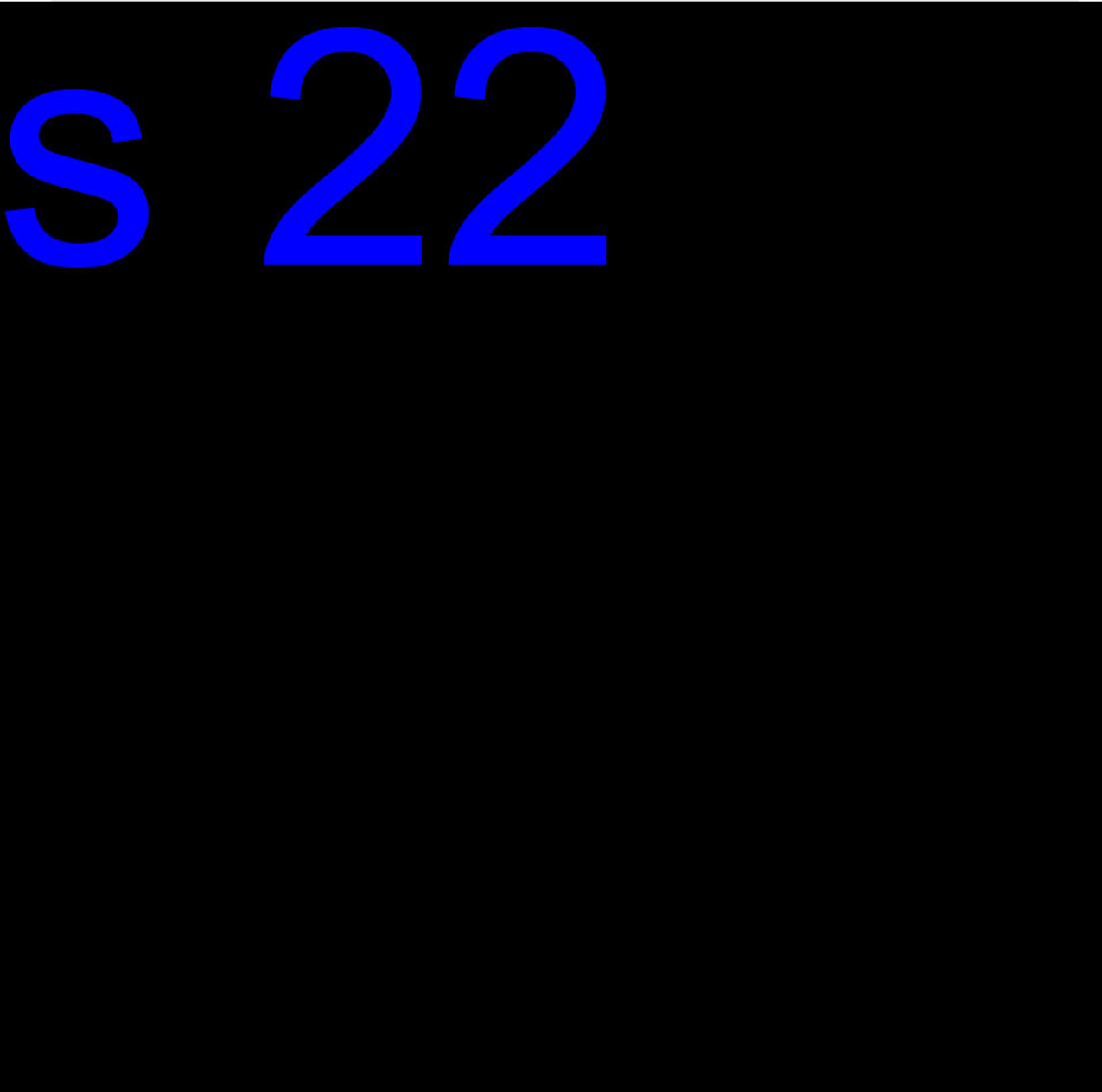
Should you wish to discuss this matter please contact me by return email or on my direct line **S22**.

Yours sincerely,

**S22**

Information Law Team  
Australian Government Department of Employment and Workplace Relations  
**S22**  
[dewr.gov.au](#)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.



The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

---

**From:** OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

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Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s.22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[E \[foi@oaic.gov.au\]\(mailto:foi@oaic.gov.au\)](mailto:foi@oaic.gov.au)

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s 47C and 47E(d)



# s 47C and 47E(d)

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, 18 September 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

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**From:** [FOI](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [s22](#); [FOI](#)  
**Subject:** RE: [s 47E\(d\)](#) - Freedom of Information Consultation (Our Ref: [s 47E\(d\)](#)/Your Ref: FOIREQ24/00423 )  
[SEC=OFFICIAL:Sensitive]  
**Date:** Monday, 23 September 2024 1:26:43 PM  
**Attachments:** [image002.gif](#)  
[image003.gif](#)  
[image006.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)

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Good afternoon [s22](#)

Thank you for your email. Can we confirm the date the decision needs to be made by the decision-maker? Lachlan's email says the decision date is Tuesday 25 September, but this would be Wednesday.

Kind regards

**s 47E(d)**

**Duplicate email of document 73**

Duplicate email of document 73



Duplicate email of document 73



Duplicate email of document 73



Duplicate email of document 73





Duplicate email of document 73



**From:** [FOI](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 1:31:42 PM  
**Attachments:** [image003.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.jpg](#)  
[image009.jpg](#)

---

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Hi **s22**

Thank you for your response.

The University of Adelaide does not object to the release of the University's name and OAIC reference number to the applicant.

Kind regards

**s22**

**s22**

Senior Trusts & FOI Officer

[Legal Services](#) Branch | Division of University Operations

**THE UNIVERSITY OF ADELAIDE**

Adelaide SA 5005

**s22**

[www.adelaide.edu.au/legalandrisk](http://www.adelaide.edu.au/legalandrisk)

Australian University Provider Number PRV12105

CRICOS Provider Number 00123M

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**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Monday, September 23, 2024 11:58 AM

**To:** FOI <[foi@adelaide.edu.au](mailto:foi@adelaide.edu.au)>

**Cc:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

**CAUTION: External email. Only click on links or open attachments from trusted senders.**

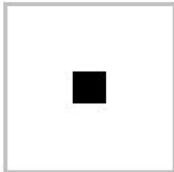
Hi s22

Thanks for your email. The OAIC reference number is only used internally by the OAIC. The release of this number will not provide any additional information to parties outside of the OAIC.

Please let me know if you have any other questions.

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** FOI <[foi@adelaide.edu.au](mailto:foi@adelaide.edu.au)>  
**Sent:** Monday, September 23, 2024 10:26 AM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Cc:** FOI <[foi@adelaide.edu.au](mailto:foi@adelaide.edu.au)>  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [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 s22

We are formulating our response to be provided to you today and note that you have requested the response by midday today.

Before we respond, could you please confirm what providing the OAIC reference number allows a member of the public to do with that reference number? Can they access any further information using that number? We are unsure what that means for the University if the number is provided to the applicant.

Kind regards

s22

s22

Senior Trusts & FOI Officer

[Legal Services](#) Branch | Division of University Operations

**[THE UNIVERSITY OF ADELAIDE](#)**

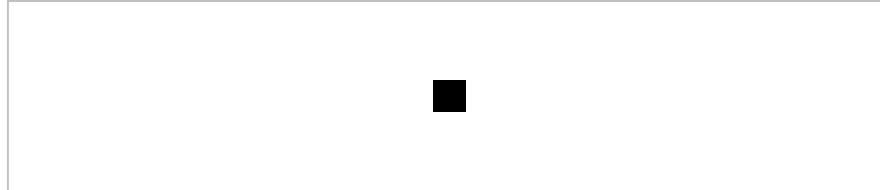
Adelaide SA 5005

s22

[www.adelaide.edu.au/legalandrisk](http://www.adelaide.edu.au/legalandrisk)

Australian University Provider Number PRV12105

CRICOS Provider Number 00123M



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**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:17 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

**CAUTION: External email. Only click on links or open attachments from trusted senders.**

---

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

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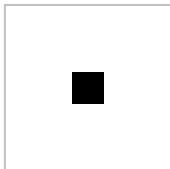
- The name of the agency
- The OAIC reference number associated with the reported breach

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Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** [FOI](#)  
**Cc:** [s22](#); [OAIC - FOI](#)  
**Subject:** RE: [s 47E\(d\)](#) - Freedom of Information Consultation [s 47E\(d\)](#) (Your Ref: FOIREQ24/00423 )  
[SEC=OFFICIAL:Sensitive]  
**Date:** Monday, 23 September 2024 1:40:19 PM  
**Attachments:** [image001.jpg](#)  
[image004.jpg](#)  
[image005.gif](#)  
[image006.gif](#)  
[image007.jpg](#)

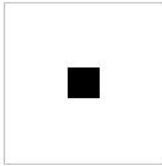
---

Hi [s22](#)

Apologies for the error – the decision is due on Wednesday 25 September.

Kind regards

[s22](#)



[s22](#)  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
P +61 2 9942 4296 E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [FWO - FOI Requests](#)  
**To:** [GMC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024  
**Date:** Monday, 23 September 2024 2:19:17 PM  
**Attachments:** [image03.png](#)  
[image05.png](#)  
[image06.png](#)  
[image07.png](#)  
[image11.png](#)  
[image14.png](#)  
[image15.jpg](#)  
[image16.jpg](#)  
[image17.jpg](#)  
[image18.jpg](#)

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Dear **S22**

Thank you for providing the spreadsheet.

The FWO has no concerns with releasing the name and reference number columns of the spreadsheets you have provided.

Kind regards

 | Director a/g, Information Governance  
Corporate Services  
**FAIR WORK OMBUDSMAN**  
E: [foi@fwo.gov.au](mailto:foi@fwo.gov.au)

S 22

# s 22

**From:** OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@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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s 47C and 47E(d)



# s 47C and 47E(d)

OFFICIAL

**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

**\*\* EXTERNAL EMAIL – Think quick before you click\*\***

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

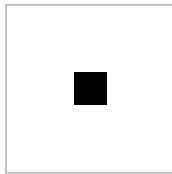
- The name of the agency
- The OAIC reference number associated with the reported breach

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Thank you in advance for your assistance with this matter.



s22

Senior Lawyer  
 Office of the Australian Information Commissioner  
 Sydney | GPO Box 5288 Sydney NSW 2001  
 E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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\*\*\*\*\*



From: [REDACTED]  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
Date: Monday, 23 September 2024 2:37:50 PM  
Attachments: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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Hi [REDACTED]

I refer to the below email from OAIC dated 18 September 2024.

WorkCover Queensland does not have an objection to the additional disclosure outlined in your email, being:

- The name of the agency
- The OAIC reference number associated with the reported breach

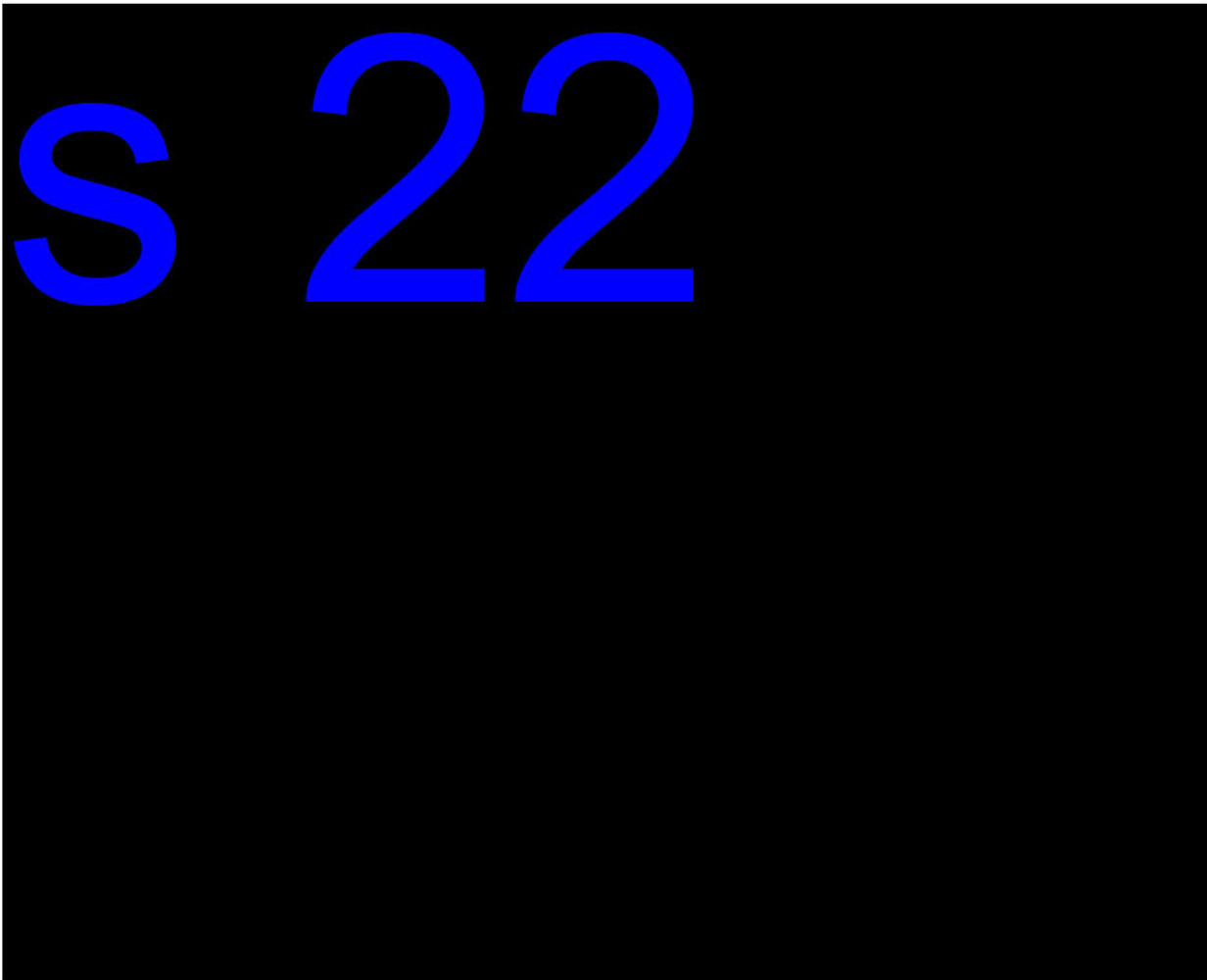
Kind regards



[REDACTED]  
Senior Lawyer

[REDACTED]

[worksafe.qld.gov.au](http://worksafe.qld.gov.au)



From: OAIC - FOI <FOI@oaic.gov.au>  
Sent: Wednesday, September 18, 2024 1:47 PM  
To: OAIC - FOI <FOI@oaic.gov.au>  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: FOIREQ24/00423

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).
  - The required document is similar to the one released in FOIREQ24/00132.
  - Respondent names are to be included in the scope of this request.

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [log.00352.Bundle.pdf \(oaic.gov.au\)](https://log.00352.Bundle.pdf/oaic.gov.au). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**S23**  
SENIOR LAWYER  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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---

s 47C and 47E(d)



**From:** OAIC - FOI <FOI@oaic.gov.au>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <FOI@oaic.gov.au>

**Subject:** CM: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

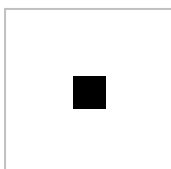
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

*to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.*

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**s 47E (d)**

**From:** [CMTEDD FOI](#)  
**To:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 3:14:38 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image004.jpg](#)

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OFFICIAL

Hi **s22**

CMTEDD have no objections to the release of the information, being the name of the agency, and the OAIC reference number associated with the reported breach.

Kind regards

**s22**

**s22** (she/her) | Senior Director, Information Management

**s22**

Governance, Reporting, Information and Facilities  
Chief Minister, Treasury and Economic Development Directorate

**ACT Government**

220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

---

**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

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1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

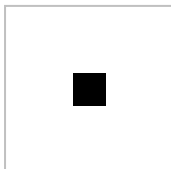
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

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Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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-----



**From:** s22  
**To:** OAIC - FOI  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 3:28:26 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)

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Good afternoon s22

Thanks for your email.

Based on that, the ILSC has no objections to raise.

Kind regards,

s22 | Senior Legal Counsel | **Indigenous Land and Sea Corporation**  
Tarntanya on Kurna Yarta - Adelaide Office | [www.ilsc.gov.au](http://www.ilsc.gov.au)  
s22 | Freecall: 1800 818 490



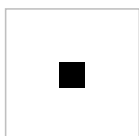
[image005.jpg](#)

**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Thursday, September 19, 2024 12:36 PM  
**To:** s22  
**Cc:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Afternoon s22

That is correct.

Regards,



s22 (she/her)  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
s22

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**From:** s22  
**Sent:** Thursday, September 19, 2024 12:59 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Hi s22

Thanks for responding quickly.

Can I confirm that OAIC is only considering releasing the OAIC reference number in the first column and the name of the ILSC in the third column?

That is, you are not considering releasing, and do not need ILSC's comments on, the more substantial material in the other columns?

Regards,

s22 | Senior Legal Counsel | **Indigenous Land and Sea Corporation**  
Tarrntanya on Kaurna Yarta - Adelaide Office | [www.ilsc.gov.au](http://www.ilsc.gov.au)  
s22 | Freecall: 1800 818 490



[image005.jpg](#)



s 22

s 22

image005.jpg

---

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:17 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

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  - *Respondent names are to be included in the scope of this request.*

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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

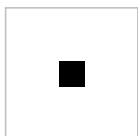
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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From: [REDACTED]
To: RTI
Cc: [REDACTED]
Subject: RE: FOIREQ24/00423 - Consultation - Response required by COB Monday 23 September 2024 [SEC-OFFICIAL]
Date: Monday, 23 September 2024 3:37:48 PM
Attachments: image002.jpg, image005.jpg, image006.jpg, image007.png, image008.png

Hi [REDACTED]

Thank you for your email.

Unfortunately, as a decision is due on Wednesday 25 September, we are unable to provide an extension of time for submissions beyond COB tomorrow. As this is an internal review of a previous FOI decision, we are not able to obtain any additional extensions under the FOI Act.

As noted below, we are only proposing to release the agency name and OAIC reference number (in addition to the material released in the original decision). We are not proposing to release the material in columns 5-7 (the date of the incident and further details provided in the NDB notification).

Kind regards

[REDACTED]

[REDACTED]
A/g Senior Lawyer
Office of the Australian Information Commissioner
Melbourne
E:foi@oaic.gov.au

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From: RTI <rti@decyp.tas.gov.au>
Sent: Monday, September 23, 2024 10:56 AM
To: OAIC - FOI <foi@oaic.gov.au>
Cc: RTI <rti@decyp.tas.gov.au>
Subject: RE: FOIREQ24/00423 - Consultation - Response required by COB Monday 23 September 2024 [SEC-OFFICIAL]

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Good morning,

We have received your email below.

Unfortunately, due to staff absences we will be unable to review and provide a response by tomorrow. I note that you state an extension is not able to occur however is there any chance the applicant or your office would be agreeable?

Our office would possibly be able to provide a considered response by early next week.

I look forward to hearing from you.

Kind Regards,

[REDACTED] | Information and Right to Information Support Officer
Legal Services
Department for Education, Children and Young People
Level 2, 21 Kirksway Place, Hobart | GPO Box 169, Hobart, TAS 7001
http://decyp.tas.gov.au
www.decyp.tas.gov.au



From: OAIC - FOI <foi@oaic.gov.au>
Sent: Friday, September 20, 2024 5:25 PM
To: RTI <rti@decyp.tas.gov.au>
Cc: OAIC - FOI <foi@oaic.gov.au>
Subject: FOIREQ24/00423 - Consultation - Response required by COB Monday 23 September 2024 [SEC-OFFICIAL]
Importance: High

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Our reference: FOIREQ24/00423

Dear FOI contact officer

The OAIC has received a request under the Freedom of Information Act 1982 (the FOI Act) for access to:

- Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).
The required document is similar to the one released in FOIREQ24/00132.
Respondent names are to be included in the scope of this request.

The OAIC made a primary decision to create a document under s 17 of the FOI Act and release the document in part, redacting respondent (government names) under s 47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log 00352-Bundle.pdf (oaic.gov.au). An unredacted version of the line relating to the Tasmanian Department of Communities - Children, Youth and Families (which I understand has had its functions transferred to the Department for Education, Children and Young People) is as follows:



The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s 47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by 1 pm Tuesday 24 September 2024. Please accept my apologies for the short turnaround time. A decision on this matter is due on Wednesday 25 September and unfortunately the OAIC initially sent this

request to an incorrect contact for the Department and have only just been informed of the error. The email sent was a bulk email to all agencies listed in the document and did not contain the unredacted line above regarding the Department of Communities - Children, Youth and Families. As the decision is due in relation to this matter on **Wednesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter. Please do not hesitate to contact me if you would like to discuss or require any further information.

Kind regards

[REDACTED]



[REDACTED]  
A/E Senior Lawyer  
Office of the Australian Information Commissioner  
Melbourne  
[REDACTED] [E.fai@oaic.gov.au](mailto:E.fai@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:** [FOI](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [s22](#); [FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 3:50:15 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image005.jpg](#)

---

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Dear OAIC

Thank you for your patience with regards to our Agency response.

Our preference, if possible, is to retain redaction of the Agency's name and associated OAIC reference number, however should the decision be made to release this information we have no objections.

If Agency details are released, we would appreciate advice of this.

Kind regards,

[s22](#)

[s22](#) – A/g Assistant Director – Governance Services – Governance – Corporate Services Division

[s22](#) Web: [www.digitalhealth.gov.au](http://www.digitalhealth.gov.au)

My standard working hours are: Monday 8am to 3:30pm, Tuesday 8am to 5pm, Wednesday 8am to 4pm, Thursday 8am to 5pm, Friday 9:30am to 4pm

---

**From:** OAIC - FOI <FOI@oaic.gov.au>

**Sent:** Monday, September 23, 2024 11:08 AM

**To:** FOI <foi@digitalhealth.gov.au>

**Cc:** OAIC - FOI <FOI@oaic.gov.au>

**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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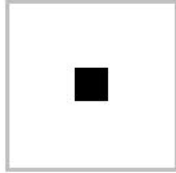
Hi [s22](#)

Thank you for your email. I confirm a response by COB today will be fine.



Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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:** FOI <[foi@digitalhealth.gov.au](mailto:foi@digitalhealth.gov.au)>  
**Sent:** Monday, September 23, 2024 10:47 AM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Cc:** FOI <[foi@digitalhealth.gov.au](mailto:foi@digitalhealth.gov.au)>  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [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.

Dear OAIC

Thank you for your email below – noting your advice regarding extensions, is it possible to seek an additional few hours this afternoon to provide our response to the consultation?

Kind regards,

s22

s22 – A/g Assistant Director – Governance Services – Governance – Corporate Services Division

s22 Web: [www.digitalhealth.gov.au](http://www.digitalhealth.gov.au)

My standard working hours are: Monday 8am to 3:30pm, Tuesday 8am to 5pm, Wednesday 8am to 4pm, Thursday 8am to 5pm, Friday 9:30am to 4pm

---

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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recognise the sender and that you are confident the content is authentic and safe. If you suspect the email is not legitimate, then click on the **Report Message** option.

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

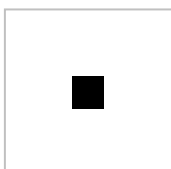
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

*present.*

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**From:** [FOI](#)  
**To:** [OAIC - FOI](#)  
**Subject:** URGENT: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 3:50:55 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image004.png](#)  
[image005.jpg](#)  
**Importance:** High

---

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Dear **s22**

I am writing in relation to the above matter.

The Department is currently working with its Privacy section to provide a response and intends to make submissions **as soon as possible** (hopefully today or first thing tomorrow morning).

It would be appreciated if you could please hold off making a decision today to enable this work to be undertaken.

Please call me if you wish to discuss.

Kind regards

**s22**  
**Director – Freedom of Information  
Legal Advice and Legislation Branch**  
Legal Division | Corporate Operations Group  
Australian Government Department of Health and Aged Care  
**s22**  
Location: Melbourne Office  
PO Box 9848, Canberra ACT 2601, Australia

*The Department of Health and Aged Care acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.*

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---

**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

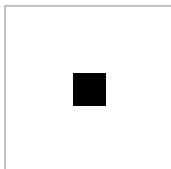
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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s 47C and 47E(d)

**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Wednesday, 18 September 2024 1:47 PM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024  
[SEC=OFFICIAL]

You don't often get email from [foi@oaic.gov.au](mailto:foi@oaic.gov.au). [Learn why this is important](#)

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for

access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

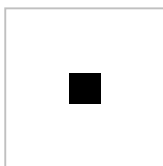
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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s 47E(d)

**From:** [Governance](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [Governance](#); [Freedom of Information Correspondence](#)  
**Subject:** FW: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL] (CID:n9cxzf3271xk413vhf)  
**Date:** Monday, 23 September 2024 4:17:27 PM  
**Attachments:** [image001.jpg](#)  
[image004.jpg](#)  
[image002.jpg](#)  
[image003.gif](#)  
[image005.gif](#)

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Hello **s22**

We refer to your email dated 18 September 2024.

With regard to your internal review of the request for access to data breach reports from 1 January 2020 to 5 July 2024, the City of Adelaide does not object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

We note your comment that you are not considering releasing any further information that is contained within the document which appears at [00352-Bundle.pdf \(oaic.gov.au\)](#), apart from that listed above. The City of Adelaide would like to be consulted with should your view on that change.

Regards

**s22**

**Team Leader, Corporate Governance and Legal  
Corporate Governance**

Ground Floor, Eagle Chambers  
5 Pirie Street  
Adelaide, South Australia, 5000

**s22**

[Redacted]

[Redacted]

[Redacted]



[www.cityofadelaide.com.au](http://www.cityofadelaide.com.au)



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---

**From:** City of Adelaide <customer@cityofadelaide.com.au>

**Sent:** Friday, September 20, 2024 4:28 PM

**To:** Governance <governance@cityofadelaide.com.au>

**Subject:** FW: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL] (CID:n9cxzf3271xk413vhf)

Hello Governance Team,

Please see below information for your actioning.

Kind regards,

**s22**

-----Original Message-----

**From:** OAIC - FOI [<mailto:FOI@oaic.gov.au>]

**Sent:** Wednesday, 18 September 2024 1:17:18 PM

**To:** OAIC - FOI

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

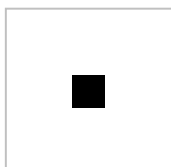
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

*to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.*

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**From:** [FREEDOMOFINFORMATION](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [FREEDOMOFINFORMATION](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 (LEX 81637) [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 4:19:35 PM  
**Attachments:** [image003.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image001.jpg](#)

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Dear **s22**

I refer to your email regarding a Freedom of Information (FOI) request received by the OAIC, that relates to documents containing information about Services Australia (the Agency).

Thank you for consulting with us.

We have liaised with the relevant business area within the Agency and they have advised they have nil concerns regarding your proposed decision.

However, the business area did note they would like to ensure a consistent approach with other agencies/organisations whose names are currently being redacted.

Kind regards,

**s22**, A/g Senior FOI Officer  
FOI & Reviews Branch, Legal Services Division



Services Australia acknowledges the Traditional Custodians of the lands we live on. We pay our respects to all Elders, past and present, of all Aboriginal and Torres Strait Islander nations.

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**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September

2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
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As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

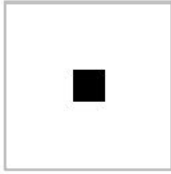
I am not considering releasing any further information that is contained within the document, apart from that listed above.

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Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.

**s22**  
Senior Lawyer



Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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\*\*\*\*\*



**From:** [Right to Access, Legal Services](#)  
**To:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 4:21:40 PM  
**Attachments:** [image003.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

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Good afternoon

I apologise for the delay in our response.

The department has no objections to the release of the department's name and the OAIC reference numbers in the data breach report records.

Kind regards

s22

**Principal Right to Access Officer | Legal Services**

s22

| [education.nsw.gov.au](mailto:education.nsw.gov.au)

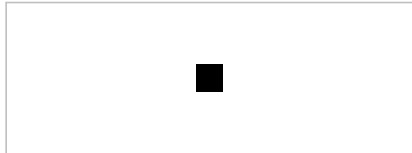
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We recognise the Ongoing Custodians of the lands and waterways where we work and live. We pay respect to Elders past and present as ongoing teachers of knowledge, songlines and stories. We strive to ensure every Aboriginal and Torres Strait Islander learner in NSW achieves their potential through education.

Confidentiality: This email is from the NSW Department of Education. The contents are confidential and may be protected by legal professional privilege. The contents are intended only for the named recipient of this email. If the reader of this email is not the intended recipient you are hereby notified that any use, reproduction, disclosure or distribution of the information contained in the email is prohibited. If you have received this email in error, please reply to us immediately and delete the document.

---

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

You don't often get email from [foi@oaic.gov.au](mailto:foi@oaic.gov.au). [Learn why this is important](#)

[External Email] This email was sent from outside the NSW Department of Education. Be cautious, particularly with links and attachments.

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

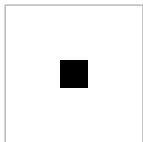
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@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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\*\*\* This message is intended for the addressee named and may contain privileged information or confidential information or both. If you are not the intended recipient please notify the sender and delete the message. \*\*\*

s 47C and 47E(d)

Duplicate of document 46

Duplicate of document 46



Duplicate of document 46



s 47C and 47E(d)



s 47C and 47E(d)



# s 47C and 47E(d)

**From:** OAIC - FOI <FOI@oaic.gov.au>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <FOI@oaic.gov.au>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

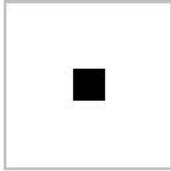
I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.



Thank you in advance for your assistance with this matter.



s22

Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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---

s 47E(d)

**From:** [DPS Information Requests \(DPS\)](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [DPS Information Requests \(DPS\)](#); s22  
**Subject:** RE: F24/2430 - FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 5:11:26 PM  
**Attachments:** [Outlook-zwccve5f.jpg](#)  
[Outlook-bztnmyzp.jpg](#)

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OFFICIAL

Hi s22

Thank you for your email seeking the department's view as to whether we object to the additional disclosure of our departments name and the OAIC reference number associated with the reported breach.

The department does not have any submissions it wishes to make with respect to the disclosure of this information.

Kind regards,

s22

Legal Officer | Corporate Operations Branch  
Corporate Services Division

s22

Parliament House | PO Box 6000 | Canberra ACT 2600

[Department of Parliamentary Services](#)

*I acknowledge the Ngunnawal and Ngambri people, who are the traditional custodians of the land on which Australian Parliament House is situated – an area where people have met for thousands of years.*

OFFICIAL

**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Wednesday, 18 September 2024 1:47 PM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

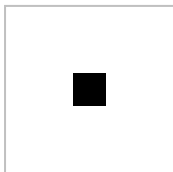
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [MBX FOI](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [MBX FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Airservices Australia response  
**Date:** Monday, 23 September 2024 5:13:26 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image004.png](#)  
[image005.jpg](#)

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OFFICIAL

Hi **s22**

Thanks for your email, below, and apologies for the delayed response.

I confirm that Airservices Australia do not have any objections to the proposed additional disclosure.

Kind regards

**s22**

**s22**

FOI & Privacy Officer  
Da Vinci Building 101, 2A Boronia Road,  
Brisbane Airport QLD 4008, Australia  
[www.airservicesaustralia.com](http://www.airservicesaustralia.com)

My work days are: Monday, Tuesday, Wednesday and Thursday.



We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

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OFFICIAL

OFFICIAL

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <FOI@oaic.gov.au>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

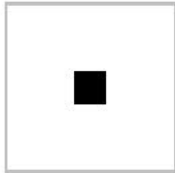
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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From: DEWR - FOI  
To: OAIC - FOI  
Cc: DEWR - FOI  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180  
Date: Monday, 23 September 2024 5:19:54 PM  
Attachments: image001.png  
image002.png  
image003.png  
image004.png  
image005.png  
image006.png  
image007.png  
image008.png

Good afternoon S22

We refer to your correspondence of 20 September 2024, seeking the Department of Employment and Workplace Relations' (the department) comments in relation to the proposed release of:

- the name of the department, and
- the OAIC reference number associated with the reported joint notifiable data breach

in the document created by the Office of the Australian Information Commissioner (OAIC) under the *Freedom of Information Act 1982* (FOI Act). You informed us that the document, in redacted form, is accessible at [00352-Bundle.pdf \(oaic.gov.au\)](#).

We have consulted with the S 22 and the S 22 in respect to the release of the above sections of the document, pertaining to breaches S 22 and S 22 (the breaches). The department does not object to the release of the department's name and OAIC reference number associated with the breaches in the document.

We note that in the case of both breaches the department's data was accessed by a third party, either maliciously or without authorisation. We ask that this be reflected in the document or OAIC's decision in this matter.

We note that you informed us during our conference on Friday 23 September 2024 that the majority of agencies responding to this consultation had not made objections. If the decision maker is considering not granting access to the additional pieces of information in the document, the department would ask to first discuss the reasons for those considerations with you.

Additionally, if the additional information in the document is to be released, can you please confirm the date that the release to the FOI applicant will occur. This will assist us in briefing the necessary areas within the department.

If you have any questions please contact me by return email or on my direct line, S22.

Yours sincerely,

S22

Information Law Team  
Australian Government Department of Employment and Workplace Relations  
S22  
[dewr.gov.au](#)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

From: DEWR - FOI <[FOI@dewr.gov.au](mailto:FOI@dewr.gov.au)>  
Sent: Monday, September 23, 2024 1:11 PM  
To: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
Cc: DEWR - FOI <[FOI@dewr.gov.au](mailto:FOI@dewr.gov.au)>  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180

Good afternoon S22

We refer to your correspondence of 20 September 2024, seeking the Department of Employment and Workplace Relations' (the department) comments in relation to the proposed release of:

- the name of the agency, and
- the OAIC reference number associated with the reported breach

of the document created under the *Freedom of Information Act 1982* (FOI Act), and accessible at [00352-Bundle.pdf \(oaic.gov.au\)](#).

We are currently consulting with the relevant internal line areas, and need to brief the relevant executive. We request an extension of time until the end of the day to respond.

Should you wish to discuss this matter please contact me by return email or on my direct line, S22.

Yours sincerely,

S22

Information Law Team  
Australian Government Department of Employment and Workplace Relations  
S22  
[dewr.gov.au](#)

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# S 22

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**S22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [FOI](#)  
**To:** [FOI](#); [OAIC - FOI](#)  
**Subject:** URGENT - Department of Home Affairs response: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Monday, 23 September 2024 5:34:55 PM  
**Attachments:** [image003.png](#)  
[image004.jpg](#)  
[image006.jpg](#)  
[image002.jpg](#)  
**Importance:** High

---

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Dear **s22**

My apologies for the delayed response to your consultation email of Wednesday 18 September 2024.

With reference to the document titled 00352-Bundle.pdf (oaic.gov.au), as published on the OAIC disclosure log, the Department of Health and Aged Care (the department) **does not object** to the release of:

- The name of the agency
- The OAIC reference number associated with the reported breach.

The department notes your advice that you do not intend to release any further information contained in the document. If this position changes, the department requests that you please undertake further consultation so that we can make further submissions.

It would be appreciated if you could please:

- acknowledge receipt of this email
- confirm that a decision will be released on 24 September 2024
- provide a copy of the document for release, and
- advise when it will be published on the disclosure log.

Please contact me directly if you wish to discuss the department's response to the consultation request. Many thanks for your patience in our response.

Kind regards

**s22**

**Director – Freedom of Information  
Legal Advice and Legislation Branch**

Legal Division | Corporate Operations Group  
Australian Government Department of Health and Aged Care

**s22**

Location: Melbourne Office  
PO Box 9848, Canberra ACT 2601, Australia

*The Department of Health and Aged Care acknowledges First Nations peoples as the Traditional Owners of Country throughout Australia, and their continuing connection to land, sea and community. We pay our respects to them and their cultures, and to all Elders both past and present.*

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---

**From:** FOI

**Sent:** Monday, September 23, 2024 3:51 PM

**To:** OAIC - FOI <FOI@oaic.gov.au>

**Subject:** URGENT: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

**Importance:** High

Dear **s22**

I am writing in relation to the above matter.

The Department is currently working with its Privacy section to provide a response and intends to make submissions **as soon as possible** (hopefully today or first thing tomorrow morning).

It would be appreciated if you could please hold off making a decision today to enable this work to be undertaken.

Please call me if you wish to discuss.

Kind regards

**s22**

**Director – Freedom of Information  
Legal Advice and Legislation Branch**

Legal Division | Corporate Operations Group  
Australian Government Department of Health and Aged Care

**s22**

Location: Melbourne Office

PO Box 9848, Canberra ACT 2601, Australia

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---

**From:** OAIC - FOI <FOI@oaic.gov.au>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <FOI@oaic.gov.au>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
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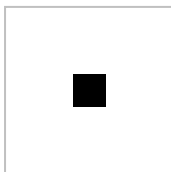
- The name of the agency
- The OAIC reference number associated with the reported breach

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Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



██████████  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** s22  
**To:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Tuesday, 24 September 2024 7:22:02 AM  
**Attachments:** [image003.png](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.jpg](#)  
[image001.jpg](#)

---

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Hi all,

The University has no objection to the release of the name and reference number of the notification.

Thanks!

Kind regards,

s22

*Senior Legal Counsel*

Office of the General Counsel | University of Canberra  
Building 1 | Level D | Room 116

s22

11 Kirinari Street, Bruce, ACT 2617

[LinkedIn](#)

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---

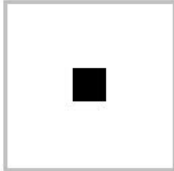
**From:** OAIC - FOI <FOI@oaic.gov.au>  
**Sent:** Monday, September 23, 2024 10:36 AM  
**To:** s22  
**Cc:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Hi s22

Thank you for your email. I confirm a response by COB today will be fine.

Kind regards

s22



**s22**  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** **s22**  
**Sent:** Monday, September 23, 2024 9:13 AM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Hi **s22**

Just an FYI, we are working on getting a response to you by lunchtime, however we are just in the middle of some further investigations as to our internal governance processes that occurred at the relevant time, so you may not have our response by lunchtime today (more likely closer to close of business).

Please do not take any non-response from us by lunchtime today as a passive indication that we are content to release the details.

We will get our response to you as soon as we can.

Kind regards,

**s22**

*Senior Legal Counsel*  
Office of the General Counsel | University of Canberra  
Building 1 | Level D | Room 116

**s22**

11 Kirinari Street, Bruce, ACT 2617

[LinkedIn](#)

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---

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

s 22



s 22

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

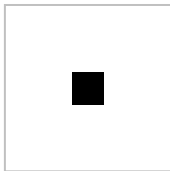
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [FOI](#)  
**To:** [OAIIC - FOI](#)  
**Cc:** [s22](#); [FOI](#)  
**Subject:** RE: [s 47E\(d\)](#) - Freedom of Information Consultation [s 47E\(d\)](#) (Your Ref: FOIREQ24/00423 )  
[SEC=OFFICIAL:Sensitive]  
**Date:** Tuesday, 24 September 2024 9:36:10 AM  
**Attachments:** [image002.gif](#)  
[image003.gif](#)  
[image006.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)

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Good morning [s22](#)

I refer to our time on the phone this morning discussing this FOI review.

Thank you for agreeing to let [s 47E\(d\)](#) know:

- If [s 47E\(d\)](#) can substantiate its submissions or provide further submissions for your consideration, and
- The outcome of the decision before it is released, noting [s 47E\(d\)](#) unique and exposed position in relation to this decision.

[s 47C and 47E\(d\)](#)  
[Redacted]

Feel free to contact me on my number below, or alternatively [s22](#), Acting Principal Government Lawyer on [s22](#) if you have any further questions. You can also email [s 47E \(d\)](#)

**s 47E(d)**

**Duplicate of document 90**

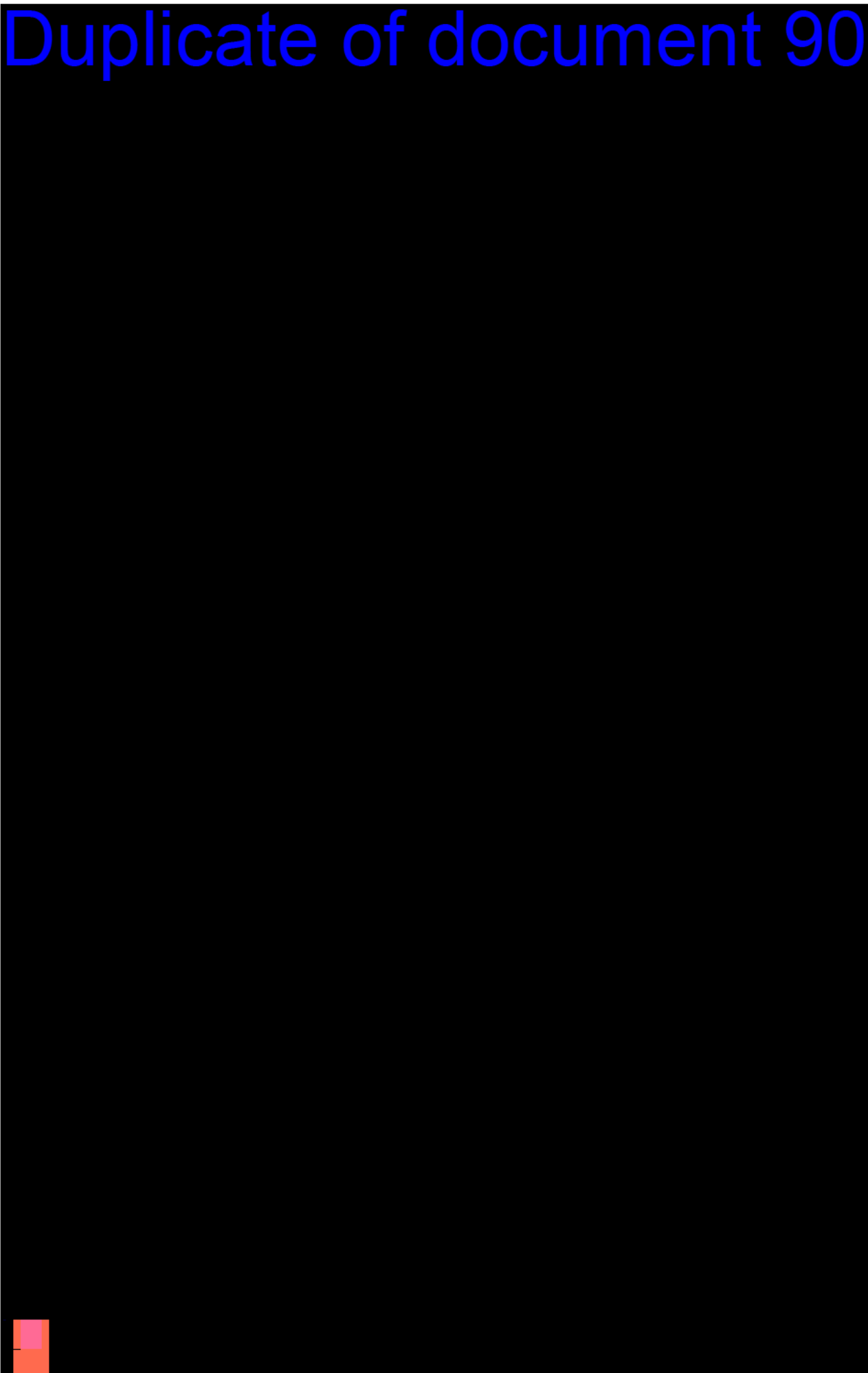
Duplicate of document 90



Duplicate of document 90



Duplicate of document 90



b6  
b7C

Duplicate of document 90





Duplicate of document 90



**From:** [OAIC - FOI](#)  
**To:** s22  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 FW: Internal review of Freedom of Information request - Government data breach reports from 2020 [SEC=OFFICIAL]  
**Date:** Tuesday, 24 September 2024 10:45:42 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)

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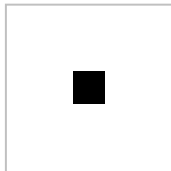
Hi s22

Thank you for assistance with this FOI request – I will be the delegate s 22

Are you free at all this afternoon to discuss some of the responses we have received from agencies?

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
s22 [E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** s22  
**Sent:** Friday, September 13, 2024 10:47 AM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Cc:** s22  
**Subject:** RE: FOIREQ24/00423 FW: Internal review of Freedom of Information request - Government data breach reports from 2020 [SEC=OFFICIAL]

Dear s22

We note that Legal Services has sought the views of s 22 about this matter and we would like to defer to s 22 for the agency's position or approach going forward about the release of the names of agencies/organisations. While we see value in publishing names of entities notifying the OAIC (which may be the practice of other jurisdictions), this would be a significant departure from our previous position that would require a considered and consultative approach.

With this specific request, we consider that there are some complexities and factors that weigh against disclosure. We have outlined these below:


1. The OAIC has represented to reporting entities that we collect the information in confidence, particularly any information provided in Part 2 of the form. The NDB form currently states:

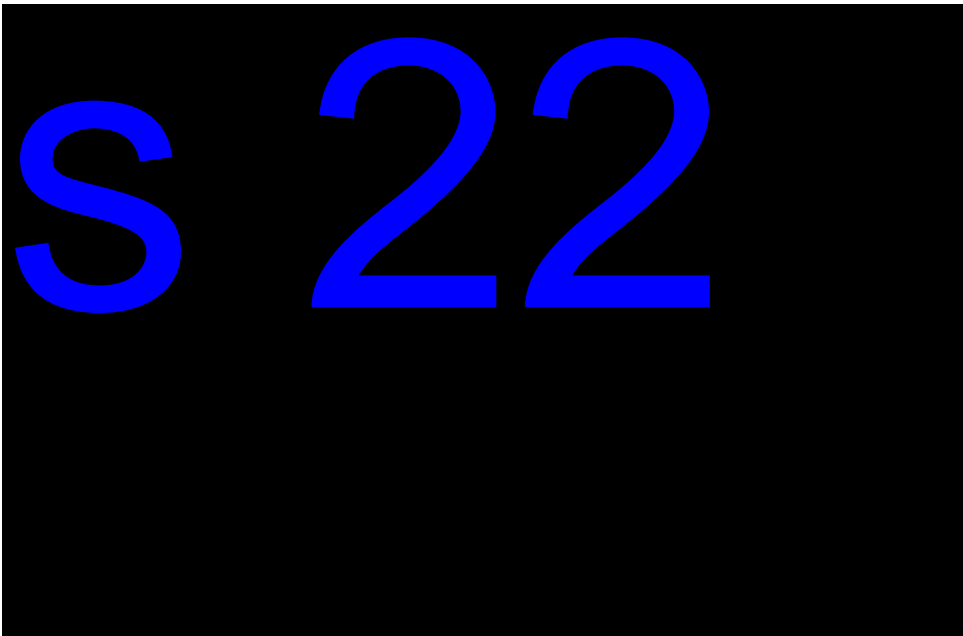
*Part two of the form is optional... and you may request that it be held in confidence by the OAIC. And further - The OAIC will respect the confidence of commercially or operationally sensitive information provided voluntarily in support of a data breach notification, and will only disclose this information after consulting with you, and with your agreement or where required by law.*

Part 2 of the form includes "the number of people affected (range)" which has already been released to the applicant; releasing the name of the agencies, in addition to information previously supplied, will in effect, also release information expected by entities to be kept confidential by the OAIC.

2. Releasing the names of the agencies, could reasonably be expected to have substantial adverse effect on the operations of the OAIC and/or the objective of the NDB scheme to promote notification to affected individuals at risk of serious harm as:
  - a. Releasing information provided by agencies in Part 2 of the NDB form (as outlined above) is likely to affect the willingness of agencies to voluntarily provide this information either upfront in the NDB form or in response to our preliminary inquiries. The only alternative to seeking this information is to issue a compulsory information-gathering notice under s 26WU of the Privacy Act (the delegation currently sits at SESB1 or above), which is time consuming and impact our ability to respond to an incident efficiently
  - b. Compliance with the NDB scheme generally relies on good faith of regulated entities, including agencies, to undertake assessments of data breaches and notify the OAIC. Releasing the names of the agencies may result in under-reporting of data breaches under the NDB scheme by agencies and organisations, and reduced notifications to affected individuals. This would undermine the objectives the scheme to enable individuals to take agency and take positive steps to minimise risk of harm as a result of an incident
  - c. Specifically, the NDB team has observed instances that may indicate underreporting or reluctance to report data breaches by agencies, or that agencies take a longer time to notify of an incident. The OAIC has taken

steps to increase engagement with agencies to promote timely notification and appropriate assessment - while we are seeing a general increase in agency notifications, it is not at the level we would expect given the amount of personal information held by agencies. Releasing the names of all the agencies in the document will likely have an adverse effect on the current trajectory of increasing notifications.

- d. Notification to the OAIC, at times, enables the OAIC's oversight of the notifying agency's assessment of the incident and whether notification of the incident to individuals ought to occur. Notification to affected individuals is not required in all data breach instances notified to the OAIC (outlined further in the points below).
3. The following  data breach notifications in the document bundle are secondary matters, where an agency may not have an obligation to notify the OAIC because an exception under s 26WM applies and so the notification is likely to have been voluntarily made:



s 22



s 47C and 47E(d)

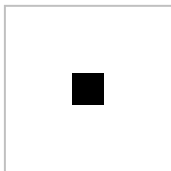
s 22

s 47C and 47E(d)

s 22 (which also appears in the list of matters in point 3 above).

Regards,

s22



s22 <he/him>  
Assistant Director | Notifiable Data Breaches | Dispute Resolution  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
Ps22

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-----Original Message-----

From: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

Sent: Friday, September 6, 2024 4:54 PM

To: s22

Cc: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

Subject: FOIREQ24/00423 FW: Internal review of Freedom of Information request - Government data breach reports from 2020

Good afternoon s22 and s22

Thank you **s22** for discussing the internal review request with me this afternoon. As discussed, we have received a request for IR for decision made in relation to NDB scheme (the marked up documents are attached).

The original decision exempted material under s.47E(d) on the basis that its disclosure could reasonably be expected to have substantial adverse effect on the operations of the agency and it was not in the public interest to release this information. I am considering this position further.

In particular the FOI Guidelines provide that

6.14 The test requires the decision maker to assess the likelihood of the predicted or forecast event, effect or damage occurring after disclosure of a document.

6.15 The use of the word 'could' is less stringent than 'would' and requires analysis of the reasonable expectation rather than the certainty of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.

6.16 The mere risk, allegation, possibility, or chance of prejudice does not qualify as a reasonable expectation. There must be, based on reasonable grounds, at least a real, significant or material possibility of prejudice, if they can be included without disclosing exempt material (s 26, see Part 3).

It would assist me to further consider this issue if you could make further submissions on the real, significant or material possibility of the prejudice occurring (i.e. is there any evidence that disclosure particularly of the name of agencies would effect the willingness of agencies to report)

In addition, to meeting the above test, I must also consider the public interest factors in deciding whether or not to release the material. It would also assist if you could consider any public interest factors against disclosure of this information that may be relevant. To ensure compliance with statutory timeframes could you please provide any further submissions by cob next Friday 13 September 2024.

I will further consider whether internal consultation with **s 22** may be appropriate. I will let you know if this occurs.

Do not hesitate to contact me if you would like to discuss this matter further.

Regards,

**s22** (she/her)

Senior Lawyer

Office of the Australian Information Commissioner Sydney | GPO Box 5288 Sydney NSW 2001 P

s22

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-----Original Message-----

From: CR <[foi+request-11183-7373c2f0@righttoknow.org.au](mailto:foi+request-11183-7373c2f0@righttoknow.org.au)>

Sent: Monday, August 26, 2024 10:58 PM

To: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

Subject: Internal review of Freedom of Information request - Government data breach reports from 2020

\*\*\*\*\*  
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\*\*\*\*\*

Dear Office of the Australian Information Commissioner,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of the Office of the Australian Information Commissioner's handling of my FOI request 'Government data breach reports from 2020' (FOIREQ24/00352).

I am seeking a review on the following grounds:

1. I disagree with the decision-maker's decision to redact material on the basis that disclosure would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the OAIC's operations. Please refer to the decision-maker's statements.
  - i. It is possible that disclosing this information would encourage the OAIC to act more quickly, as it would be subject to public scrutiny.
  - ii. The decision-maker's concern that government agencies might be reticent to provide information if their identities are revealed is unfounded, as the legal obligation to report eligible data breaches would remain unchanged.
  - iii. The decision-maker implies that disclosure could discourage government agencies from providing voluntary information beyond the minimum requirements. The reliance on voluntary information is misplaced. The FOI Act aims to ensure access to information, not incentivise voluntary disclosure. The public's right to know should not be contingent on the goodwill of government agencies. Furthermore, the OAIC can address any concerns about voluntary disclosure through other means, such as providing guidance or incentives for comprehensive reporting.
  - iv. If there was an actual impact on the proper and efficient conduct of the OAIC's operations, it would not rise to the level of 'substantial and adverse'.

2. The decision-makers application of the public interest test was flawed for the following reasons:

2.1 The decision-maker failed to consider the following factors in favour of disclosure:

- i. Disclosure would allow the public to make better-informed decisions about their interactions with government agencies. Currently, there is no way an individual can consider an individual government agency's track record of data privacy and security when deciding whether to share their personal information or not. I note that the OAIC publishes aggregate data in its Notifiable Data Breaches Report. However, the public interest in understanding the specific risks associated with individual agencies is not adequately served by aggregate data alone.
- ii. Disclosure would allow or assist inquiry into possible deficiencies in the conduct or administration of an agency. [FOI Guidelines 6.231]
- iii. Disclosure could reveal deficiencies in privacy legislation. [FOI Guidelines 6.231]

2.2 The decision-maker incorrectly considered the following factors that do not favour disclosure:

A) The decision maker states, "Disclosure would have an adverse effect on the OAIC's proper and efficient operations relating to receiving full and frank disclosure of actual or suspected data breaches from Australian Government agencies."

- i. The frankness and candour argument in the FOI context has been discussed in numerous previous decisions of the Information Commissioner, the AAT, and the courts. Public servants 'are expected to operate within a framework that encourages open access to information and recognises Government information as a national resource to be managed for public purposes'. The FOI Guidelines refer to the FOI Act recognising that Australia's democracy is strengthened when the public is empowered to participate in Government processes and scrutinise Government activities. The FOI Guidelines further state that 'In this setting, transparency of the work of public servants should be the accepted operating environment and fears about a lessening of frank and candid advice correspondingly diminished.'

B) The decision maker states, "Disclosure would undermine the confidence and trust in the OAIC as a regulator to deal with matters it regulates in a sensitive and timely manner."

- i. 'Access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government' is an irrelevant factor as described



in s 11B(4) of the FOI Act and therefore was incorrectly considered in the public interest test.

C) The decision maker states, "Disclosure would reasonably be expected to delay the OAIC's consideration of, and ability to, take further regulatory action in response to an eligible data breach if entities are reluctant to provide timely, full and frank information if their respective identities may be disclosed."

i) As previously stated, government agencies should start with the assumption that public servants are obliged by their position to always provide robust and frank advice and that obligation will not be diminished by the transparency of government activities.

D) The decision maker states, "In case of a breach which meets the requisite threshold of 'serious harm', entities regulated by the Privacy Act are required to notify individuals affected by an eligible data breach of the nature of the breach, inclusive of the type of information captured in their reporting to the OAIC."

i. This is not relevant to the public interest test.

ii. I note that the decision-maker explains that individuals directly affected by data breaches are notified of the breach, however, the public interest extends beyond individual impact. Data breaches have systemic consequences, such as undermining public trust in government agencies or exposing vulnerabilities in critical infrastructure. By disclosing agency names, the public can engage in informed discussions about these broader implications and advocate for policy changes to improve data security.

2.3 The public interest in transparency and accountability outweighs any potential harm to the OAIC's operations. Given the high level of public concern about data breaches and the importance of government transparency, the public interest in knowing which agencies are responsible for these breaches is significant. This interest outweighs any speculative harm to the OAIC's operations. This information is crucial for informed public debate, holding agencies accountable, and assessing the effectiveness of government data protection measures. The OAIC's role is to protect the privacy of Australians, and this includes providing them with the information they need to make informed decisions about their interactions with government agencies.

3. The decision-maker states, "As outlined in my decisions above, in my view based on the information before me at this time, I have concerns that disclosure of the nature and specific details of the information in a public forum such as via Right to Know, is likely to prejudice the abilities of these agencies in responding to the data breaches, and the OAIC's ability to gather similar information to assess these breaches in the future."

i) The forum of an FOI request is irrelevant to the decision to deny access to information. FOI applicants have the right to publish disclosed information, and the disclosed documents become accessible to the public via the OAIC's disclosure log.

I am prepared to escalate this matter to the AAT if necessary. Therefore, I respectfully request that this internal review be conducted by a more senior decision-maker, such as a Principal or Senior Officer.

A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.righttoknow.org.au/request/government\\_data\\_breach\\_reports\\_f](https://www.righttoknow.org.au/request/government_data_breach_reports_f)

Yours faithfully,

CR

-----  
Please use this email address for all replies to this request:  
[foi+request-11183-7373c2f0@righttoknow.org.au](mailto:foi+request-11183-7373c2f0@righttoknow.org.au)

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<https://www.righttoknow.org.au/help/officers>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

-----

s 47C and 47E(d)

s 22

From: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
Sent: Wednesday, September 18, 2024 11:47 AM  
To: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

**External Email - Take care when opening attachments, links or responding**

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [log 00352-Bundle.pdf](#) ([foic.gov.au](mailto:foic.gov.au)). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**[REDACTED]**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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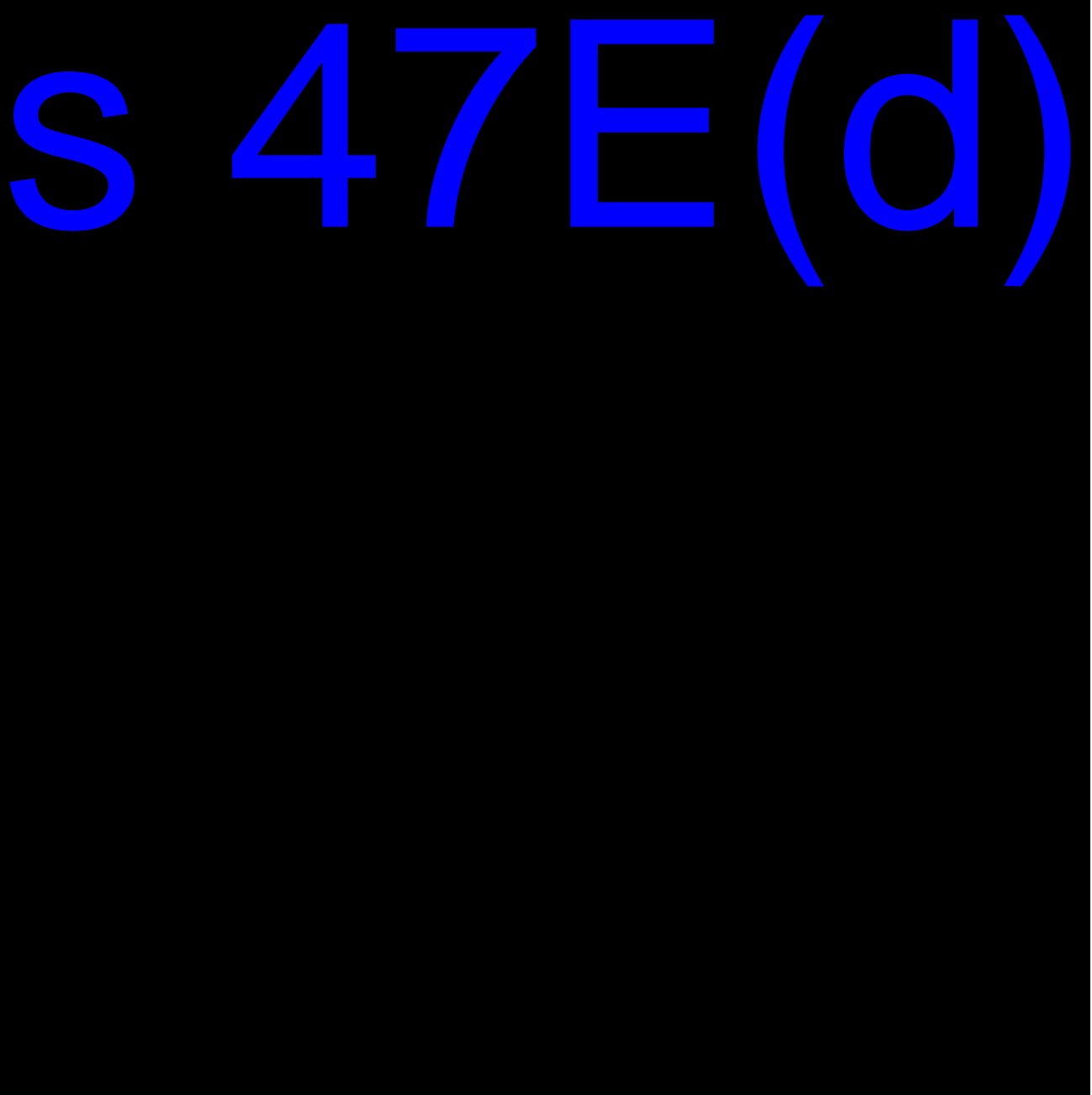
s 47E(d)

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s 47E(d)

**S 47E(d)**



From: [REDACTED]  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunctime Monday 23 September 2024 [SEC=OFFICIAL]  
Date: Wednesday, 25 September 2024 10:00:32 AM  
Attachments: [REDACTED].docx  
[REDACTED].docx  
[REDACTED].docx  
[REDACTED].docx  
[REDACTED].docx

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Hi [REDACTED]

Thanks for that information and your time yesterday.

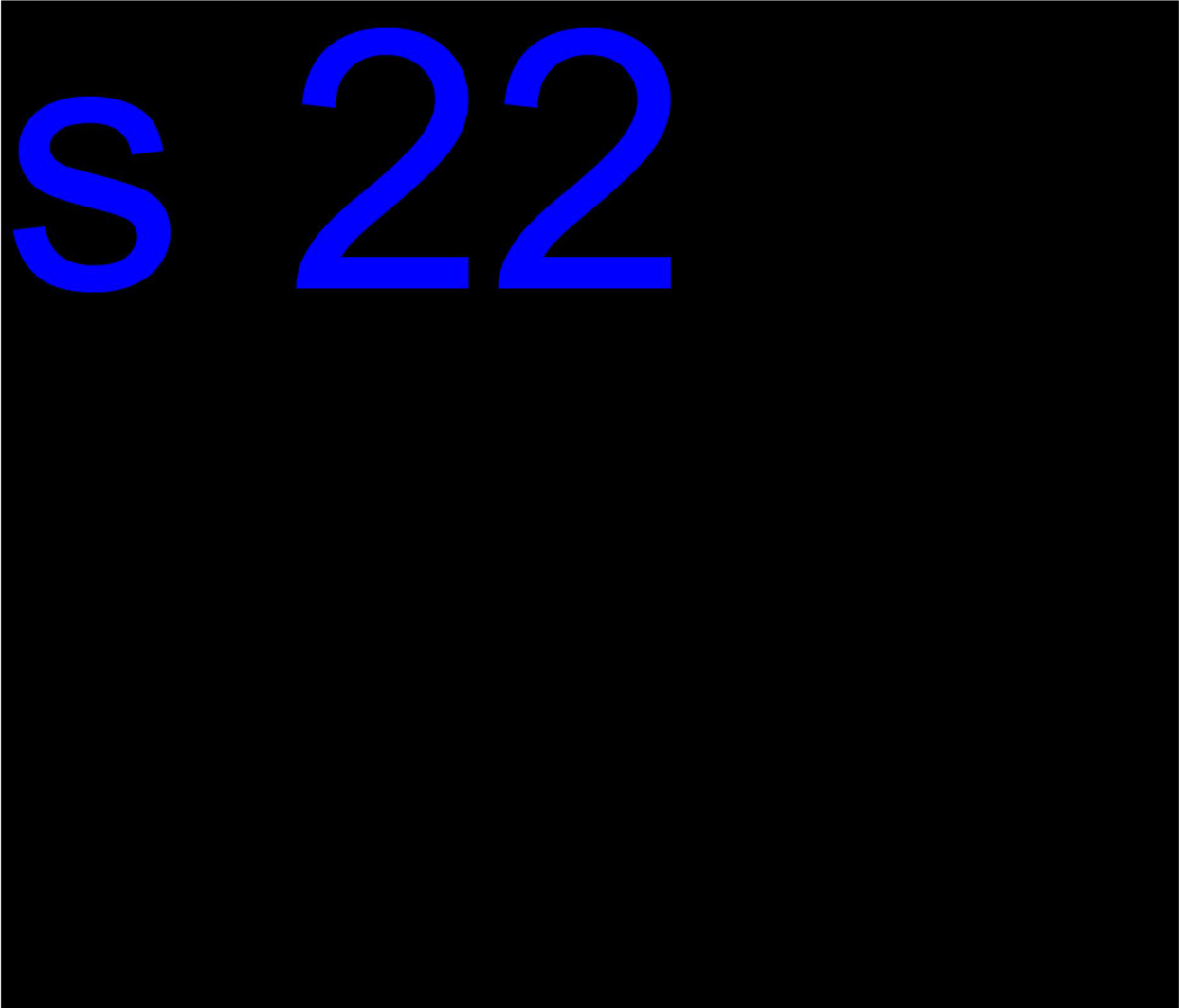
I confirm that NSW Rural Fire Service does not object to the further release of information.

Kind regards

[REDACTED]  
[REDACTED], Legal

NSW Rural Fire Service

The RFS acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present.



From: OAIC - FOI <foi@oaic.gov.au>  
Sent: Wednesday, September 18, 2024 1:47 PM  
To: OAIC - FOI <foi@oaic.gov.au>  
Subject: FOIREQ24/00423 - Consultation - Response required lunctime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: FOIREQ24/00423

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

- 1. Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).
  - The required document is similar to the one released in FOIREQ24/00132.
  - Respondent names are to be included in the scope of this request.

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352\\_Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**622**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [FOI](#)  
**To:** [OAIC - FOI](#)  
**Cc:** [s22](#); [FOI](#)  
**Subject:** RE: [s 47E\(d\)](#) - Freedom of Information Consultation [s 47E\(d\)](#) (Your Ref: FOIREQ24/00423 )  
[SEC=OFFICIAL:Sensitive]  
**Date:** Wednesday, 25 September 2024 10:18:05 AM  
**Attachments:** [image001.gif](#)  
[image004.gif](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

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Good morning [s22](#)

Thank you again for your assistance in this matter. We're hoping to receive an update on your decision.

Please contact us if you need any further information or substantiation of our submissions.

Kind regards

**s 47E(d)**

**Duplicate of document 111**



Duplicate of document 111



Duplicate of document 111



Duplicate of document 111



Duplicate of document 111



Duplicate of document 111



Duplicate of document 111

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]
Date: Wednesday, 25 September 2024 10:31:03 AM
Attachments: image007.png, image003.jpg, image004.jpg, image005.jpg, image006.jpg

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Hi [REDACTED]
Apologies, just a follow up.
In the time available, we haven't been able to confirm that the report listed was made by NSW Rural Fire Service.
I'd assume that the AOIC did validate the entries when making the table. However, as there is always prospect for error, and RFS just has this one entry, we would appreciate if the reporting entity could be confirmed before the release.
If it is NSW RFS then we do not object to the further release of information.

Kind regards

[REDACTED]
A/Manager, Legal

NSW Rural Fire Service

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From: [REDACTED]
Sent: Wednesday, September 25, 2024 10:00 AM
To: OAIC - FOI <FOI@oaic.gov.au>
Cc: GIPA <GIPA@rfs.nsw.gov.au>
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Hi [REDACTED]

Thanks for that information and your time yesterday.
I confirm that NSW Rural Fire Service does not object to the further release of information.

Kind regards

[REDACTED]
A/Manager, Legal

NSW Rural Fire Service

The RFS acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present.

From: OAIC - FOI <FOI@oaic.gov.au>
Sent: Tuesday, September 24, 2024 3:05 PM
To: [REDACTED]
Cc: GIPA <GIPA@rfs.nsw.gov.au>; OAIC - FOI <FOI@oaic.gov.au>
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Hi [REDACTED]

The unredacted line relating to the NSW Rural Fire Service is as follows:

[REDACTED]

Please note that we are only proposing to release (in addition to that released in 00352-Bundle.pdf (oaic.gov.au)) agency name and OAIC reference number.

I will call you shortly to discuss.

Kind regards

[REDACTED]

[REDACTED]
A/ Senior Lawyer
Office of the Australian Information Commissioner
E foic@oaic.gov.au

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From: [REDACTED]
Sent: Tuesday, September 24, 2024 2:56 PM
To: OAIC - FOI <FOI@oaic.gov.au>
Cc: GIPA <GIPA@rfs.nsw.gov.au>
Subject: FW: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]
Importance: High

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 [REDACTED]
With apologies for this late reply, your request for consultation on the internal review has come to me late. I understand that, at least as of last week, the intent was for the internal review decision to be made today.
I am attempting to review the information to provide a reply if possible but have been having difficulty identifying the information that relates to NSW Rural Fire Service.
Can you please provide me with an indication of the lines in the table that relate to the NSW Rural Fire Service and any information displayed about the particular notifications? A call to discuss may be the quickest way to relay this information.
Depending on when you come back to me it is possible that I'll be able to provide you with a quick indication of whether we raise any objections.

Are you also able to advise the details of the applicant?

Kind regards

[REDACTED]
A/Manager, Legal

[REDACTED]

NSW Rural Fire Service

The RFS acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present.

From: OAIC - FOI <FOI@oaic.gov.au>
Sent: Wednesday, September 18, 2024 1:47 PM
To: OAIC - FOI <FOI@oaic.gov.au>
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: FOIREQ24/00423

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - The required document is similar to the one released in FOIREQ24/00132.
  - Respondent names are to be included in the scope of this request.

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s.22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** s22  
**Cc:** s22; s22  
**Subject:** RE: FOIREQ24/00423 Consultation with agencies - Government data breach reports from 2020 [SEC=OFFICIAL]  
**Date:** Wednesday, 25 September 2024 12:39:27 PM  
**Attachments:** [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)  
[image001.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image002.jpg](#)

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**Our reference: FOIREQ24/00423**

Dear Commissioners and colleagues

I am writing to provide an update on the below matter, for which I am the decision maker. A decision is due today, 25 September 2024.

**Consultation**

As noted by Emily below, we decided to consult with affected agencies. We wrote to 87 government agencies, seeking their views on the disclosure of their agency name and OAIC reference number(s) in addition to the material already disclosed in the primary decision ([00352-Bundle.pdf \(oaic.gov.au\)](#)).

Of those agencies:

- 14 objected to release of their name and reference numbers for some or all of the NDBs;
- 61 advised that they did not object to release of their name and reference number(s); and
- 12 did not respond.

**Decision**

In making the decision, I considered the submissions of affected agencies along with the important information and context provided by the NDB team – thank you s22 and s22. Most agencies who objected did so on the basis that either the data breach itself or some of the information being linked to them (being the details in the right columns already released) was provided on a voluntary basis, and that they would not be able to be as forthcoming and provide such detail in the future if it would be shared with the public.

I therefore have made the decision not to release an agency's name and OAIC reference where that agency has objected, and:

- the agency was not required to notify the OAIC of that particular data breach (for example, where an exemption applies or where serious harm was not likely to occur); or
- the agency had requested that non-mandatory information be kept confidential by the OAIC (that information, such as number of affected individuals, would be linked

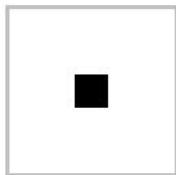
to the agency due to those columns of the document being released both in the original decision and internal review).

Please find attached a redacted version of the document that I propose to release to the applicant. I note that the document to be released will also be placed on the OAIC's disclosure log within 10 working days after access is provided to the applicant.

If you have any further questions in relation to this matter, please do not hesitate to contact me.

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
s22 [E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** OAIC - FOI [FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)

**Sent:** Wednesday, September 18, 2024 9:59 AM

**To:** s22  
[Redacted]

**Cc:** s22  
[Redacted]

[Redacted] [OAIC - FOI <FOI@oaic.gov.au>](mailto:FOI@oaic.gov.au)

**Subject:** RE: FOIREQ24/00423 Consultation with agencies - Government data breach reports from 2020 [SEC=OFFICIAL]

Good afternoon s 22

Thank you for your input into this matter. I have further considered your emails in addition to below submission from s22. I have also considered the submissions made by the applicant in relation to this matter.

**Government agency names / OAIC reference number**

Three main submissions have been made in relation to redaction of agency names under s.47E(d) of the FOI Act. These are:

- Release of the names may circumvent the intention of the scheme;

- Compliance with NDB scheme relies on the good will of agencies; and
- Release of names may result in underreporting by agencies.

To meet the conditional exemption in s.47E(d) it must be demonstrated that there would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the OAIC's operations. The FOI Guidelines at paragraph 6.16

*6.16 The mere risk, allegation, possibility, or chance of prejudice does not qualify as a reasonable expectation. There must be, based on reasonable grounds, at least a real, significant or material possibility of prejudice, if they can be included without disclosing exempt material (s 26, see Part 3).*

Based on the submissions and further discussions with line area, I do not consider there is sufficient information available **at this time** to demonstrate with reasonable expectation that the release of agency names would result in underreporting by agencies or that compliance of the scheme relies on the good will of agencies. Compliance with the NDB scheme does not rely on the good will of agencies, it does rely on agencies complying with their legal obligations under the NDB Scheme. In addition, there is no evidence to suggest that the release of agency names would result in underreporting by agencies subject to the NDB scheme. The line area has conducted an audit of one commonwealth agency which suggested underreporting by that agency under the NDB Scheme. But there is no further evidence to demonstrate that this underreporting is more widespread or that releasing the names of agencies with high level data about a data breach under FOI would contribute to underreporting.

### **Consultation with affected agencies**

I propose to consult with the affected agencies to seek their views on the disclosure of this information. There are potentially 99 government agencies affected and a single email bcc to each agency seeking their views will be sent today **Wednesday 18 September 2024**. Responses will be due by lunchtime **Monday 23 September 2024**. Any responses will be considered prior to the decision being finalised.

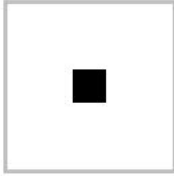
### **Risk of deemed decision**

The internal review decision is **due Wednesday 25 September 2024**. This is a complex review with wider implications for the OAIC and the NDB team. There is currently on 2 days for decision making following return of consultation responses in relation to this matter which may not be sufficient. The only extension of time available to internal review is under s.54D of the FOI Act (application to the OAIC) which is not available in relation to this matter due the internal policy which prevents applications to the OAIC for extension of time. We note that this matter has been requested via right to know website. We will continue to work towards the due date noting that an additional internal resource may be made available to the FOI processing team but given the current due date this may not assist in relation to this matter. I will provide you an additional update early next week.

Regards,



s22



s22 (she/her)  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
s22 E [emily.elliott@oaic.gov.au](mailto:emily.elliott@oaic.gov.au)

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**From:** s22  
**Sent:** Friday, September 13, 2024 10:47 AM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Cc:** s22

**Subject:** RE: FOIREQ24/00423 FW: Internal review of Freedom of Information request - Government data breach reports from 2020 [SEC=OFFICIAL]

Dear s22

We note that Legal Services has sought the views of s 22 about this matter and we would like to defer to s 22 for the agency's position or approach going forward about the release of the names of agencies/organisations. While we see value in publishing names of entities notifying the OAIC (which may be the practice of other jurisdictions), this would be a significant departure from our previous position that would require a considered and consultative approach.

With this specific request, we consider that there are some complexities and factors that weigh against disclosure. We have outlined these below:

1. The OAIC has represented to reporting entities that we collect the information in confidence, particularly any information provided in Part 2 of the form. The NDB form currently states:

*Part two of the form is optional... and you may request that it be held in confidence by the OAIC. And further - The OAIC will respect the confidence of commercially or operationally sensitive information provided voluntarily in*

*support of a data breach notification, and will only disclose this information after consulting with you, and with your agreement or where required by law.*

Part 2 of the form includes "the number of people affected (range)" which has already been released to the applicant; releasing the name of the agencies, in addition to information previously supplied, will in effect, also release information expected by entities to be kept confidential by the OAIC.

2. Releasing the names of the agencies, could reasonably be expected to have substantial adverse effect on the operations of the OAIC and/or the objective of the NDB scheme to promote notification to affected individuals at risk of serious harm as:
  - a. Releasing information provided by agencies in Part 2 of the NDB form (as outlined above) is likely to affect the willingness of agencies to voluntarily provide this information either upfront in the NDB form or in response to our preliminary inquiries. The only alternative to seeking this information is to issue a compulsory information-gathering notice under s 26WU of the Privacy Act (the delegation currently sits at SESB1 or above), which is time consuming and impact our ability to respond to an incident efficiently
  - b. Compliance with the NDB scheme generally relies on good faith of regulated entities, including agencies, to undertake assessments of data breaches and notify the OAIC. Releasing the names of the agencies may result in under-reporting of data breaches under the NDB scheme by agencies and organisations, and reduced notifications to affected individuals. This would undermine the objectives the scheme to enable individuals to take agency and take positive steps to minimise risk of harm as a result of an incident
  - c. Specifically, the NDB team has observed instances that may indicate underreporting or reluctance to report data breaches by agencies, or that agencies take a longer time to notify of an incident. The OAIC has taken steps to increase engagement with agencies to promote timely notification and appropriate assessment - while we are seeing a general increase in agency notifications, it is not at the level we would expect given the amount of personal information held by agencies. Releasing the names of all the agencies in the document will likely have an adverse effect on the current trajectory of increasing notifications.
  - d. Notification to the OAIC, at times, enables the OAIC's oversight of the notifying agency's assessment of the incident and whether notification of the incident to individuals ought to occur. Notification to affected individuals is not required in all data breach instances notified to the OAIC (outlined further in the points below).

3. The following [REDACTED] data breach notifications in the document bundle are secondary matters, where an agency may not have an obligation to notify the OAIIC because an exception under s 26WM applies and so the notification is likely to have been voluntarily made:

s 22

s 47C and 47E(d)

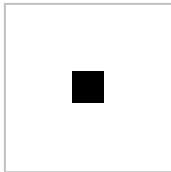
s 22

s 47C and 47E(d)

s 22 (which also appears in the list of matters in point 3 above).

Regards,

s22



s22 <he/him>  
Assistant Director | Notifiable Data Breaches | Dispute Resolution  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
s22

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-----Original Message-----

From: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

Sent: Friday, September 6, 2024 4:54 PM

To: s22

Cc: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

Subject: FOIREQ24/00423 FW: Internal review of Freedom of Information request - Government data breach reports from 2020

Good afternoon s22 and s22

Thank you s22 for discussing the internal review request with me this afternoon. As discussed, we have received a request for IR for decision made in relation to NDB scheme (the marked up documents are attached).

The original decision exempted material under s.47E(d) on the basis that its disclosure could reasonably be expected to have substantial adverse effect on the operations of the agency and it was not in the public interest to release this information. I am considering this position further.

In particular the FOI Guidelines provide that

6.14 The test requires the decision maker to assess the likelihood of the predicted or forecast event, effect or damage occurring after disclosure of a document.

6.15 The use of the word 'could' is less stringent than 'would' and requires analysis of the reasonable expectation rather than the certainty of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.

6.16 The mere risk, allegation, possibility, or chance of prejudice does not qualify as a reasonable expectation. There must be, based on reasonable grounds, at least a real, significant or material possibility of prejudice, if they can be included without disclosing exempt material (s 26, see Part 3).

It would assist me to further consider this issue if you could make further submissions on the real, significant or material possibility of the prejudice occurring (i.e. is there any evidence that disclosure particularly of the name of agencies would effect the willingness of agencies to report)

In addition, to meeting the above test, I must also consider the public interest factors in deciding whether or not to release the material. It would also assist if you could consider any public interest factors against disclosure of this information that may be relevant. To ensure compliance with statutory timeframes could you please provide any further submissions by cob next Friday 13 September 2024.

I will further consider whether internal consultation with [s 22](#) may be appropriate. I will let you know if this occurs.

Do not hesitate to contact me if you would like to discuss this matter further.

Regards,

[s22](#) (she/her)

Senior Lawyer

Office of the Australian Information Commissioner Sydney | GPO Box 5288 Sydney NSW 2001 P

[s22](#)

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-----Original Message-----

From: CR <[foi+request-11183-7373c2f0@righttoknow.org.au](mailto:foi+request-11183-7373c2f0@righttoknow.org.au)>

Sent: Monday, August 26, 2024 10:58 PM

To: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

Subject: Internal review of Freedom of Information request - Government data breach reports from 2020

\*\*\*\*\*  
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\*\*\*\*\*

Dear Office of the Australian Information Commissioner,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of the Office of the Australian Information Commissioner's handling of my FOI request 'Government data breach reports from 2020' (FOIREQ24/00352).

I am seeking a review on the following grounds:

1. I disagree with the decision-maker's decision to redact material on the basis that disclosure would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the OAIC's operations. Please refer to the decision-maker's statements.
  - i. It is possible that disclosing this information would encourage the OAIC to act more quickly, as it would be subject to public scrutiny.
  - ii. The decision-maker's concern that government agencies might be reticent to provide information if their identities are revealed is unfounded, as the legal obligation to report eligible data breaches would remain unchanged.
  - iii. The decision-maker implies that disclosure could discourage government agencies from providing voluntary information beyond the minimum requirements. The reliance on voluntary information is misplaced. The FOI Act aims to ensure access to information, not incentivise voluntary disclosure. The public's right to know should not be contingent on the goodwill of

government agencies. Furthermore, the OAIC can address any concerns about voluntary disclosure through other means, such as providing guidance or incentives for comprehensive reporting.

iv. If there was an actual impact on the proper and efficient conduct of the OAIC's operations, it would not rise to the level of 'substantial and adverse'.

2. The decision-makers application of the public interest test was flawed for the following reasons:

2.1 The decision-maker failed to consider the following factors in favour of disclosure:

i. Disclosure would allow the public to make better-informed decisions about their interactions with government agencies. Currently, there is no way an individual can consider an individual government agency's track record of data privacy and security when deciding whether to share their personal information or not. I note that the OAIC publishes aggregate data in its Notifiable Data Breaches Report. However, the public interest in understanding the specific risks associated with individual agencies is not adequately served by aggregate data alone.

ii. Disclosure would allow or assist inquiry into possible deficiencies in the conduct or administration of an agency. [FOI Guidelines 6.231] iii. Disclosure could reveal deficiencies in privacy legislation. [FOI Guidelines 6.231]

2.2 The decision-maker incorrectly considered the following factors that do not favour disclosure:

A) The decision maker states, "Disclosure would have an adverse effect on the OAIC's proper and efficient operations relating to receiving full and frank disclosure of actual or suspected data breaches from Australian Government agencies."

i. The frankness and candour argument in the FOI context has been discussed in numerous previous decisions of the Information Commissioner, the AAT, and the courts. Public servants 'are expected to operate within a framework that encourages open access to information and recognises Government information as a national resource to be managed for public purposes'. The FOI Guidelines refer to the FOI Act recognising that Australia's democracy is strengthened when the public is empowered to participate in Government processes and scrutinise Government activities. The FOI Guidelines further state that 'In this setting, transparency of the work of public servants should be the accepted operating environment and fears about a lessening of frank and candid advice correspondingly diminished.'

B) The decision maker states, "Disclosure would undermine the confidence and trust in the OAIC as a regulator to deal with matters it regulates in a sensitive and timely manner."

i. 'Access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government' is an irrelevant factor as described in s 11B(4) of the FOI Act and therefore was incorrectly considered in the public interest test.

C) The decision maker states, "Disclosure would reasonably be expected to delay the OAIC's consideration of, and ability to, take further regulatory action in response to an eligible data breach if entities are reluctant to provide timely, full and frank information if their respective identities may be disclosed."

i) As previously stated, government agencies should start with the assumption that public servants are obliged by their position to always provide robust and frank advice and that obligation will not be diminished by the transparency of government activities.

D) The decision maker states, "In case of a breach which meets the requisite threshold of 'serious harm', entities regulated by the Privacy Act are required to notify individuals affected by an

eligible data breach of the nature of the breach, inclusive of the type of information captured in their reporting to the OAIC."

i. This is not relevant to the public interest test.

ii. I note that the decision-maker explains that individuals directly affected by data breaches are notified of the breach, however, the public interest extends beyond individual impact. Data breaches have systemic consequences, such as undermining public trust in government agencies or exposing vulnerabilities in critical infrastructure. By disclosing agency names, the public can engage in informed discussions about these broader implications and advocate for policy changes to improve data security.

2.3 The public interest in transparency and accountability outweighs any potential harm to the OAIC's operations. Given the high level of public concern about data breaches and the importance of government transparency, the public interest in knowing which agencies are responsible for these breaches is significant. This interest outweighs any speculative harm to the OAIC's operations. This information is crucial for informed public debate, holding agencies accountable, and assessing the effectiveness of government data protection measures. The OAIC's role is to protect the privacy of Australians, and this includes providing them with the information they need to make informed decisions about their interactions with government agencies.

3. The decision-maker states, "As outlined in my decisions above, in my view based on the information before me at this time, I have concerns that disclosure of the nature and specific details of the information in a public forum such as via Right to Know, is likely to prejudice the abilities of these agencies in responding to the data breaches, and the OAIC's ability to gather similar information to assess these breaches in the future."

i) The forum of an FOI request is irrelevant to the decision to deny access to information. FOI applicants have the right to publish disclosed information, and the disclosed documents become accessible to the public via the OAIC's disclosure log.

I am prepared to escalate this matter to the AAT if necessary. Therefore, I respectfully request that this internal review be conducted by a more senior decision-maker, such as a Principal or Senior Officer.

A full history of my FOI request and all correspondence is available on the Internet at this address: [https://www.righttoknow.org.au/request/government\\_data\\_breach\\_reports\\_f](https://www.righttoknow.org.au/request/government_data_breach_reports_f)

Yours faithfully,

CR

-----  
Please use this email address for all replies to this request:  
[foi+request-11183-7373c2f0@righttoknow.org.au](mailto:foi+request-11183-7373c2f0@righttoknow.org.au)

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:

<https://www.righttoknow.org.au/help/officers>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

-----

**From:** s22  
**To:** [OAIC - FOI](#)  
**Cc:** s22  
**Subject:** FW: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Thursday, 26 September 2024 3:36:39 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image001.jpg](#)

---

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Colleagues

Received an out of office for s22 would appreciate a response to the below please.

s22

s22

s22

---

**From:** s22  
**Sent:** Thursday, September 26, 2024 2:11 PM  
**To:** s22  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Hi s22

Further to the below, can we please receive a copy of the released document or advice when published?

I was asked if the name of the applicant can be provided. I suggested no, but said I would ask?

Happy to discuss

s22

s22

s22

---

**From:** foi <[foi@ndis.gov.au](mailto:foi@ndis.gov.au)>  
**Sent:** Monday, September 23, 2024 12:08 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Cc:** foi <[foi@ndis.gov.au](mailto:foi@ndis.gov.au)>  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23

September 2024 [SEC=OFFICIAL]

Dear **s22**

Thank you for allowing the NDIA the opportunity to comment on the proposed release.

The NDIA does not have any concerns if the OAIC were to release:

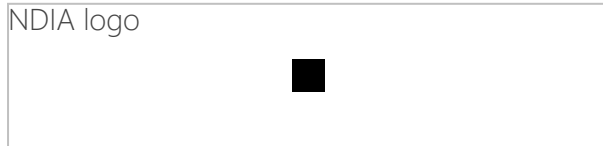
- The name of the agency
- The OAIC reference number associated with the reported breach

Kind regards

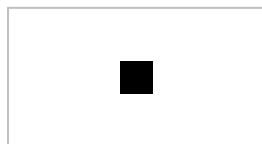
**s22**

Early Resolution and Triage  
Complaints Management and FOI Branch  
**National Disability Insurance Agency**  
E [foi@ndis.gov.au](mailto:foi@ndis.gov.au)

NDIA logo



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



---

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

You don't often get email from [foi@oaic.gov.au](mailto:foi@oaic.gov.au). [Learn why this is important](#)

Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*

- *The required document is similar to the one released in FOIREQ24/00132.*
- *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

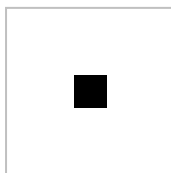
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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\*\*\*\*\*



**From:** [OAIC - FOI](#)  
**To:** [FOI](#)  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 8:45:13 AM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)

---

**Our reference: FOIREQ24/00423**

Dear **s22**

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

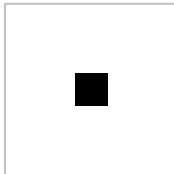
I have decided that the name of **s 47E(d)** and the associated OAIC reference number is exempt under s 47E(d) of the FOI Act. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

**s22**



**s22**

A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E \[foi@oaic.gov.au\]\(mailto:foi@oaic.gov.au\)](mailto:foi@oaic.gov.au)

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Duplicate of document 105



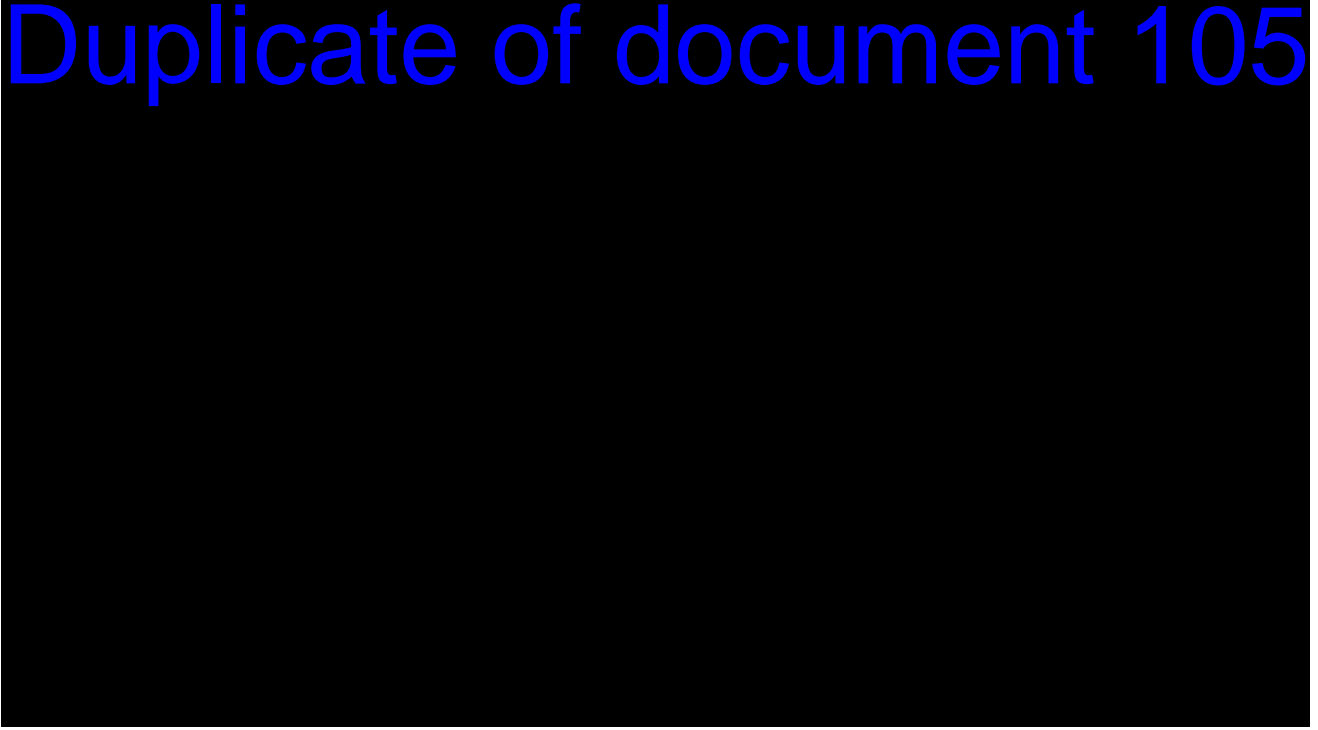
Duplicate of document 105



Duplicate of document 105



Duplicate of document 105



**From:** [OAIC - FOI](#)  
**To:** [FOI](#)  
**Cc:** s22; [OAIC - FOI](#)  
**Subject:** RE: s 47E(d) - Freedom of Information Consultation s 47E(d) /Your Ref: FOIREQ24/00423 )  
[SEC=OFFICIAL:Sensitive]  
**Date:** Friday, 27 September 2024 8:47:07 AM  
**Attachments:** [image002.jpg](#)  
[image003.jpg](#)  
[image005.jpg](#)  
[image008.gif](#)  
[image009.gif](#)  
[image010.jpg](#)  
[image011.jpg](#)

---

**Our reference: FOIREQ24/00423**

Dear s22

Thank you for your submissions in respect of the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

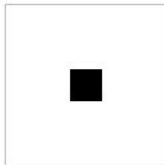
I have decided that the name of s 47E(d) and the associated OAIC reference numbers are **exempt** under s 47E(d) of the FOI Act. As such I **will not be releasing this information** to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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Duplicate of document 116



From: OAIIC - FOI  
To: s22  
Cc: s22, s22  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC-OFFICIAL]  
Date: Friday, 27 September 2024 8:49:26 AM  
Attachments: FOIREQ24/00423 - Document Detected and Scrapped.pdf  
FOIREQ24/00423  
FOIREQ24/00423  
FOIREQ24/00423  
FOIREQ24/00423  
FOIREQ24/00423

Our reference: FOIREQ24/00423

Hi s22

Thank you for your submissions in respect of the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I can confirm that NSW Rural Fire Service was the correct reporting entity for the data breach listed in the table. Accordingly I have decided that the name and OAIIC reference number is not exempt under the FOI Act, and to release this information to the FOI applicant. No additional material was released, other than that already released in the original decision as notified to you previously.

I have found the names and OAIIC reference numbers relating to a small number of agencies to be exempt under s 47E(d), on the basis of submissions and consultations with those agencies and the OAIIC's NDB team relating to the specific circumstances of the agency/the NDB in question.

A copy of the document as released to the applicant is attached. This was released on 25 September 2024 and will be published on the OAIIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
AVG Senior Lawyer  
Office of the Australian Information Commissioner  
E.foi@oaiic.gov.au

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From: s22  
Sent: Wednesday, September 25, 2024 10:31 AM  
To: OAIIC - FOI <FOI@oaiic.gov.au>  
Cc: GIPA <GIPA@rfs.nsw.gov.au>  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC-OFFICIAL]

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Hi s22

Apologies, just a follow up.

In the time available, we haven't been able to confirm that the report listed was made by NSW Rural Fire Service.

I'd assume that the AOIC did validate the entries when making the table. However, as there is always prospect for error, and RFS just has this one entry, we would appreciate if the reporting entity could be confirmed before the release.

If it is NSW RFS then we do not object to the further release of information.

Kind regards

s22

AVG Manager, Legal

NEW Rural Fire Service

The RFS acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present.

From: s22  
Sent: Wednesday, September 25, 2024 10:00 AM  
To: OAIIC - FOI <FOI@oaiic.gov.au>  
Cc: GIPA <GIPA@rfs.nsw.gov.au>  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC-OFFICIAL]

Hi s22

Thanks for that information and your time yesterday.

I confirm that NSW Rural Fire Service does not object to the further release of information.

Kind regards

s22

AVG Manager, Legal

NEW Rural Fire Service

The RFS acknowledges the Traditional Owners of Country throughout Australia. We pay our respects to Elders past and present.



# S 22

From: OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
 Sent: Wednesday, September 18, 2024 1:47 PM  
 To: OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
 Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: FOIREQ24/00423

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - The required document is similar to the one released in FOIREQ24/00132.
  - Respondent names are to be included in the scope of this request.

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf](https://www.oaic.gov.au/disclosure-log/00352-Bundle.pdf) ([oaic.gov.au](https://www.oaic.gov.au)). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**S22**  
 Senior Lawyer  
 Office of the Australian Information Commissioner  
 Sydney | GPO Box 5288 Sydney NSW 2001  
[E \[foi@oaic.gov.au\]\(mailto:foi@oaic.gov.au\)](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** s22  
**Cc:** s22; [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 8:51:22 AM  
**Attachments:** [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)  
[image005.jpg](#)  
[image007.jpg](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.jpg](#)  
[image012.jpg](#)

---

**Our reference: FOIREQ24/00423**

Dear s22

Thank you for your email and submissions in respect of FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that the name of the NDIA and OAIC reference number is not exempt under the FOI Act, and to release this information to the FOI applicant. No additional material was released, other than that already released in the original decision as notified to you previously.

I have found the names and OAIC reference numbers relating to a small number of agencies to be exempt under s 47E(d), on the basis of submissions and consultations with those agencies and the OAIC's NDB team relating to the specific circumstances of the agency/the NDB in question.

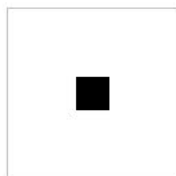
A copy of the document as released to the applicant is attached. This was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

The applicant is named 'CR' and has made the request via Right to Know.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** s22  
**Sent:** Thursday, September 26, 2024 3:37 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Cc:** s22  
**Subject:** FW: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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open attachments unless you recognise the sender and know the content is safe.

Colleagues

Received an out of office for Emily, would appreciate a response to the below please.

s22

s22

s22

---

From: s22

Sent: Thursday, September 26, 2024 2:11 PM

To: s22

Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Hi s22

Further to the below, can we please receive a copy of the released document or advice when published?

I was asked if the name of the applicant can be provided. I suggested no, but said I would ask?

Happy to discuss

s22

s22

s22

---

From: foi <[foi@ndis.gov.au](mailto:foi@ndis.gov.au)>

Sent: Monday, September 23, 2024 12:08 PM

To: OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

Cc: foi <[foi@ndis.gov.au](mailto:foi@ndis.gov.au)>

Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Dear s22

Thank you for allowing the NDIA the opportunity to comment on the proposed release.

The NDIA does not have any concerns if the OAIC were to release:

- The name of the agency
- The OAIC reference number associated with the reported breach

Kind regards



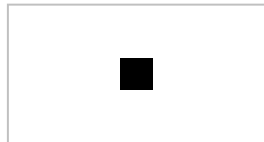
**s22**

Early Resolution and Triage  
Complaints Management and FOI Branch  
**National Disability Insurance Agency**  
E [foi@ndis.gov.au](mailto:foi@ndis.gov.au)

NDIA logo



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---

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

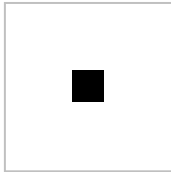
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**s22**  
 Senior Lawyer  
 Office of the Australian Information Commissioner  
 Sydney | GPO Box 5288 Sydney NSW 2001  
 E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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\*\*\*\*\*

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\*\*\*\*\*



**From:** [FOI](#)  
**To:** [OAIIC - FOI](#)  
**Cc:** [s22](#); [FOI](#)  
**Subject:** RE: [s 47E\(d\)](#) - Freedom of Information Consultation [s 47E\(d\)](#) (Ref: FOIREQ24/00423 )  
[SEC=OFFICIAL:Sensitive]  
**Date:** Friday, 27 September 2024 8:51:42 AM  
**Attachments:** [image001.gif](#)  
[image004.gif](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image013.jpg](#)  
[image014.jpg](#)  
[image002.jpg](#)

---

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Good morning [s22](#)

Thank you for considering and accepting [s 47E\(d\)](#) submissions, and for your confirmation below.

Kind regards

**s 47E(d)**

**Duplicate of document 121**

Duplicate of document 121



Duplicate of document 121



Duplicate of document 121



Duplicate of document 121



Duplicate of document 121

Duplicate of document 121



Duplicate of document 121



**From:** [OAIC - FOI](#)  
**To:** s22  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 2:58:41 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.png](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)

---

**Our reference: FOIREQ24/00423**

Dear s22

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

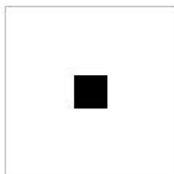
I have decided that the name of s 47E(d) and the associated OAIC reference number is exempt under s 47E(d) of the FOI Act. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** s22  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024  
**Date:** Friday, 27 September 2024 3:00:55 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.gif](#)  
[image004.jpg](#)  
[image005.jpg](#)

---

OAIC ref: FOIREQ24/00432

Dear s22

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

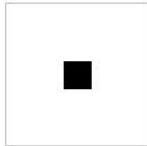
I have decided that the name of s 47E(d) and the associated OAIC reference number is exempt under s 47E(d) of the FOI Act. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** [foi](#)  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: [REDACTED] FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 3:05:59 PM  
**Attachments:** [image001.jpg](#)  
[image004.jpg](#)  
[image005.jpg](#)  
[image002.jpg](#)

---

**OAIC ref: FOIREQ24/00423**

Dear [REDACTED]

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

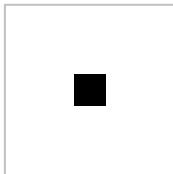
I have decided that the name [REDACTED] s 47E(d) and the associated OAIC reference number is exempt under s 47E(d) of the FOI Act. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

[REDACTED]



[REDACTED]  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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From: [OAC - 22](#)  
To: [\[REDACTED\]](#)  
Cc: [\[REDACTED\]](#), [OAC - 22](#)  
Subject: FOI request 24/00423 - Consultation - Response required by Monday 23 September 2024 [REC-OFFICIAL]  
Date: Friday, 27 September 2024 3:11:09 PM  
Attachments: [\[REDACTED\].docx](#), [\[REDACTED\].docx](#), [\[REDACTED\].docx](#)

OAIC ref: FOIREQ24/00423

Dear [\[REDACTED\]](#),

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that the name [\[REDACTED\]](#) and the associated OAIC reference number is exempt under s 47E(d) of the FOI Act. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

[\[REDACTED\]](#)



[\[REDACTED\]](#)  
Acting Senior Lawyer  
Office of the Australian Information Commissioner  
[foia@oiaic.gov.au](mailto:foia@oiaic.gov.au)

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S 22

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From: [OAIIC\\_HCI](#)  
To: [OAI](#)  
Cc: [s22](#); [OAIIC\\_HCI](#)  
Subject: RE: FOIREQ24/00523 - Consultation - Response required by deadline Monday 23 September 2024 [SEC-OFFICIAL]  
Date: Friday, 27 September 2024 2:14:19 PM  
Attachments: [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

OAIC ref: FOIREQ24/00423

Dear [s22](#),

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that the name of [s 47E\(d\)](#) and the associated OAIC reference number is exempt under s 47E(d) of the FOI Act. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

[s22](#)



[s22](#)  
Acting Senior Lawyer  
Office of the Australian Information Commissioner  
[F.foi@oaic.gov.au](mailto:F.foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** [Freedom of Information](#)  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 3:17:06 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.png](#)  
[image004.jpg](#)

---

**OAIC ref: FOIREQ24/00423**

Dear **s22**

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

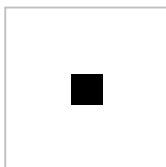
I have decided that the name of **s 47E(d)** and the associated OAIC reference number is exempt under s 47E(d) of the FOI Act. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

**s22**



**s22**  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** [FOIOfficer](#)  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: [External] FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 3:20:12 PM  
**Attachments:** [image001.jpg](#)  
[image003.jpg](#)  
[image004.png](#)  
[image005.png](#)  
[image006.jpg](#)  
[image007.jpg](#)

---

**OAIC ref: FOIREQ24/00423**

Dear **s22**

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

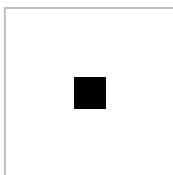
I have decided that the entry in the document pertaining to **s 47E(d)** is out of scope of the FOI request due to it not being a Commonwealth government entity. As such I will not be releasing this information to the FOI applicant.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

**s22**



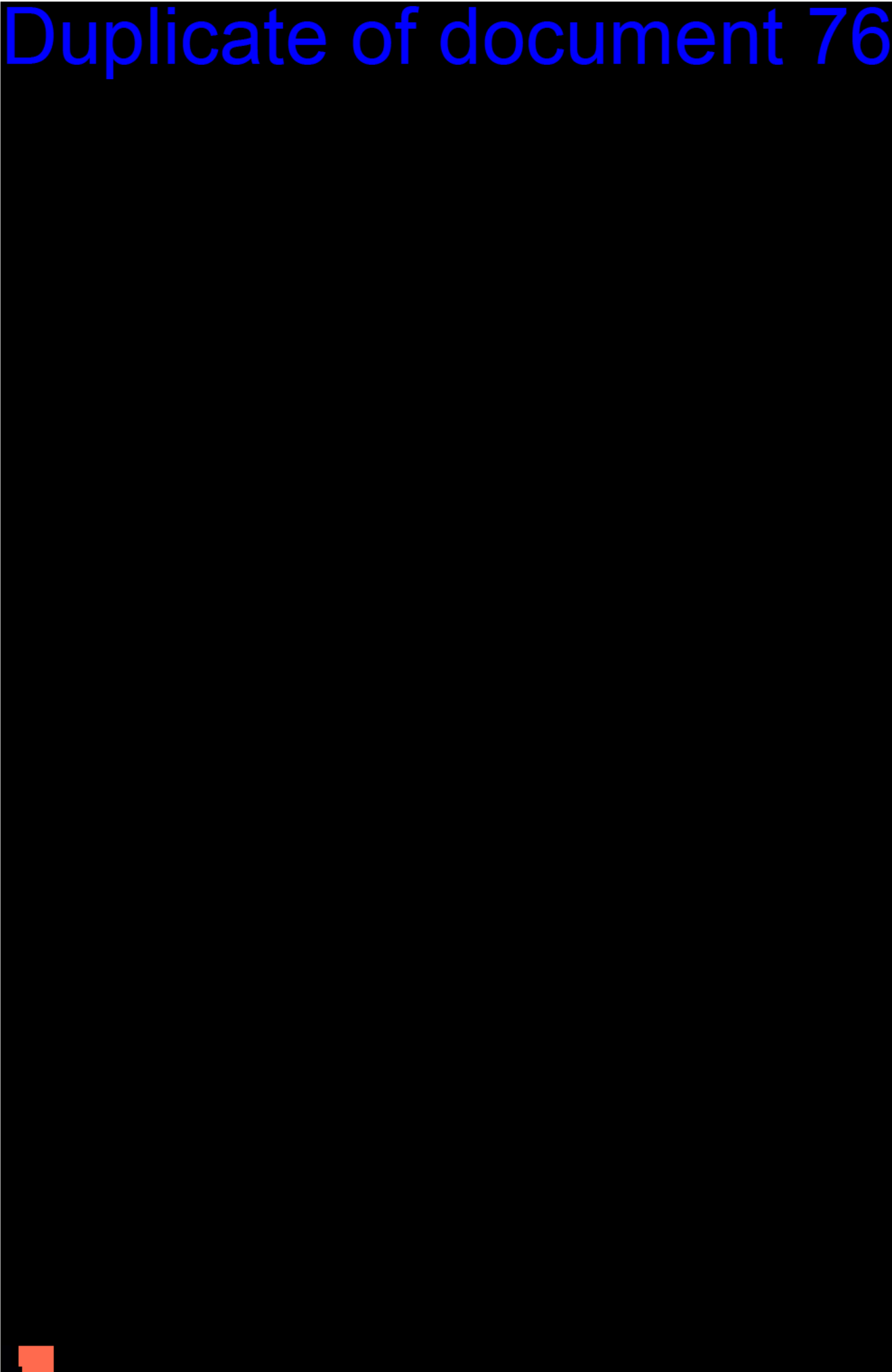
**s22**  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E.foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [FOIOfficer](#)  
**To:** [OAIC - FOI](#); [FOIOfficer](#)  
**Subject:** RE: [External] FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 4:07:48 PM  
**Attachments:** [image002.png](#)  
[image005.png](#)  
[image008.jpg](#)  
[image009.jpg](#)  
[image010.png](#)  
[image011.jpg](#)  
[image012.jpg](#)

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Thank you, Molly. Much obliged.

S 47E(d)

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Duplicate of document 131



Duplicate of document 131



Duplicate of document 131



Duplicate of document 131



Duplicate of document 131





From: OAIC - FOI  
To: DEWR - FOI  
Cc: OAIC - FOI  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180  
Date: Friday, 27 September 2024 4:26:47 PM  
Attachments: image00.jpg  
image05.jpg  
image07.jpg  
image09.jpg  
image10.png  
image11.png  
image12.jpg

Our reference: FOIREQ24/00423

Dear s22

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that the name of DEWR and the associated OAIC reference number is not exempt under s 47E(d) of the FOI Act. As such this has been released to the FOI applicant. No additional material was released other than that already released in the original decision.

As discussed over the phone, we decided to provide additional context in the decision letter itself as the document captures the relevant information the OAIC had at a point in time, even if it may give an incomplete picture. The applicant was advised in the decision letter that in the case of both breaches DEWR's data was accessed by a third party, either maliciously or without authorisation.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
ATG Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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From: DEWR - FOI <FOI@dewr.gov.au>  
Sent: Monday, September 23, 2024 5:20 PM  
To: OAIC - FOI <FOI@oaic.gov.au>  
Cc: DEWR - FOI <FOI@dewr.gov.au>  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180

Good afternoon s22

We refer to your correspondence of 20 September 2024, seeking the Department of Employment and Workplace Relations' (the department) comments in relation to the proposed release of:

- the name of the department, and
- the OAIC reference number associated with the reported joint notifiable data breach

in the document created by the Office of the Australian Information Commissioner (OAIC) under the *Freedom of Information Act 1982* (FOI Act). You informed us that the document, in redacted form, is accessible at [00352-Bundle.pdf \(oaic.gov.au\)](#).

We have consulted with the s 22 and the s 22 in respect to the release of the above sections of the document, pertaining to breaches s 22 and s 22 (the breaches). The department does not object to the release of the department's name and OAIC reference number associated with the breaches in the document.

We note that in the case of both breaches the department's data was accessed by a third party, either maliciously or without authorisation. We ask that this be reflected in the document or OAIC's decision in this matter.

We note that you informed us during our conference on Friday 23 September 2024 that the majority of agencies responding to this consultation had not made objections. If the decision maker is considering not granting access to the additional pieces of information in the document, the department would ask to first discuss the reasons for those considerations with you.

Additionally, if the additional information in the document is to be released, can you please confirm the date that the release to the FOI applicant will occur. This will assist us in briefing the necessary areas within the department.

If you have any questions please contact me by return email or on my direct line, s22.

Yours sincerely,

s22

Information Law Team  
Australian Government Department of Employment and Workplace Relations  
s22  
[dewr.gov.au](http://dewr.gov.au)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.

From: DEWR - FOI <FOI@dewr.gov.au>  
Sent: Monday, September 23, 2024 1:11 PM  
To: OAIC - FOI <FOI@oaic.gov.au>  
Cc: DEWR - FOI <FOI@dewr.gov.au>  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180

Good afternoon s22

We refer to your correspondence of 20 September 2024, seeking the Department of Employment and Workplace Relations' (the department) comments in relation to the proposed release of:

- the name of the agency, and
- the OAIC reference number associated with the reported breach

of the document created under the *Freedom of Information Act 1982* (FOI Act), and accessible at [00352-Bundle.pdf \(oaic.gov.au\)](#).

We are currently consulting with the relevant internal line areas, and need to brief the relevant executive. We request an extension of time until the end of the day to respond.

Should you wish to discuss this matter please contact me by return email or on my direct line, s22.

Yours sincerely,

s22

Information Law Team  
Australian Government Department of Employment and Workplace Relations  
s22  
[dewr.gov.au](http://dewr.gov.au)

The Department of Employment and Workplace Relations acknowledges the traditional owners and custodians of country throughout Australia and their continuing connection to land, waters and community. We pay our respects to them and their cultures, and Elders past, present and emerging.



**From:** OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
**Sent:** Wednesday, September 18, 2024 1:47 PM  
**To:** OAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024

Our reference: FOIREQ24/00423

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**S22**  
Senior Lawyer  
Office of the Australian Information Commissioner  
Sydney | GPO Box 5288 Sydney NSW 2001  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** [GIPA-DCS](#)  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - For Further Consideration  
**Date:** Friday, 27 September 2024 4:28:44 PM  
**Attachments:** [image001.jpg](#)  
[image002.jpg](#)  
[image003.jpg](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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**Our reference: FOIREQ24/00423**

Dear **s22**

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that the name of Service NSW and the associated OAIC reference number is not exempt under s 47E(d) of the FOI Act. As such this has been released to the FOI applicant.

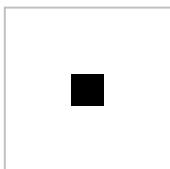
Noting your submissions regarding the number of people affected by the relevant data breach, we have decided to provide additional context in the decision letter itself as the document in question captures the relevant information the OAIC had at a point in time, even if it may give an incomplete picture. The applicant was advised in the decision letter of the correct estimate as notified to us by Service NSW, however the OAIC's reporting reflected in the document captures the OAIC's understanding of the data breach at a point in time as recorded by the OAIC when registering the NDB.

The redacted document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

**s22**



**s22**

A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E \[foi@oaic.gov.au\]\(mailto:foi@oaic.gov.au\)](mailto:foi@oaic.gov.au)

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**From:** GIPA-DCS <gipa@customerservice.nsw.gov.au>  
**Sent:** Monday, September 23, 2024 12:47 PM  
**To:** OAIC - FOI <FOI@oaic.gov.au>  
**Subject:** FOIREQ24/00423 - Consultation - For Further Consideration

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Dear s22

Please see attached our response in reply for consultation.

Kind regards

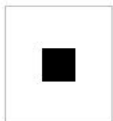
s22 (she/her)  
Support Advisor

**Department of Customer Service**

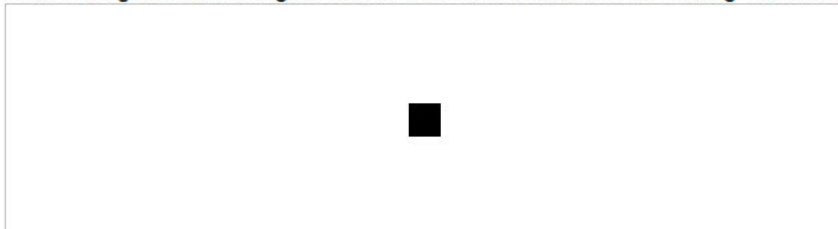
E [gipa@customerservice.nsw.gov.au](mailto:gipa@customerservice.nsw.gov.au)

[nsw.gov.au](http://nsw.gov.au)

Level 7, McKell Building  
2-24 Rawson Place  
Sydney NSW 2000



I acknowledge the Traditional Custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.



Please find attached letter for your consideration before the release of the data.

s 22

§ 22

# S 22

**From:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <[FOI@oaic.gov.au](mailto:FOI@oaic.gov.au)>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.



As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

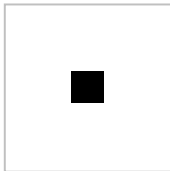
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** [Freedom of Information](#)  
**Cc:** [REDACTED]; [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 4:30:42 PM  
**Attachments:** [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)  
[image012.png](#)  
[image013.jpg](#)  
[image014.jpg](#)

---

Our reference: FOIREQ24/00423

Dear **s22**

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that **s 47E(d)** and the OAIC reference number are **not exempt** under s 47E(d) of the FOI Act.

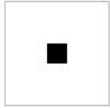
In cases where agencies objected to the release of their information in this document, these objections and submissions were considered on a case-by-case basis against the circumstances of that particular agency and data breach. Where information was considered exempt following an objection, the relevant agency had either requested that certain information be held in confidence when completing the NDB form and/or the agency was not required to notify the OAIC of that particular data breach (for example, where an exemption applies or where serious harm was not likely to occur). Neither of these circumstances applied to the data breach reported **s 47E(d)**, which was why I decided we did not have sufficient information available to justify an exemption.

The attached document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

**s22**



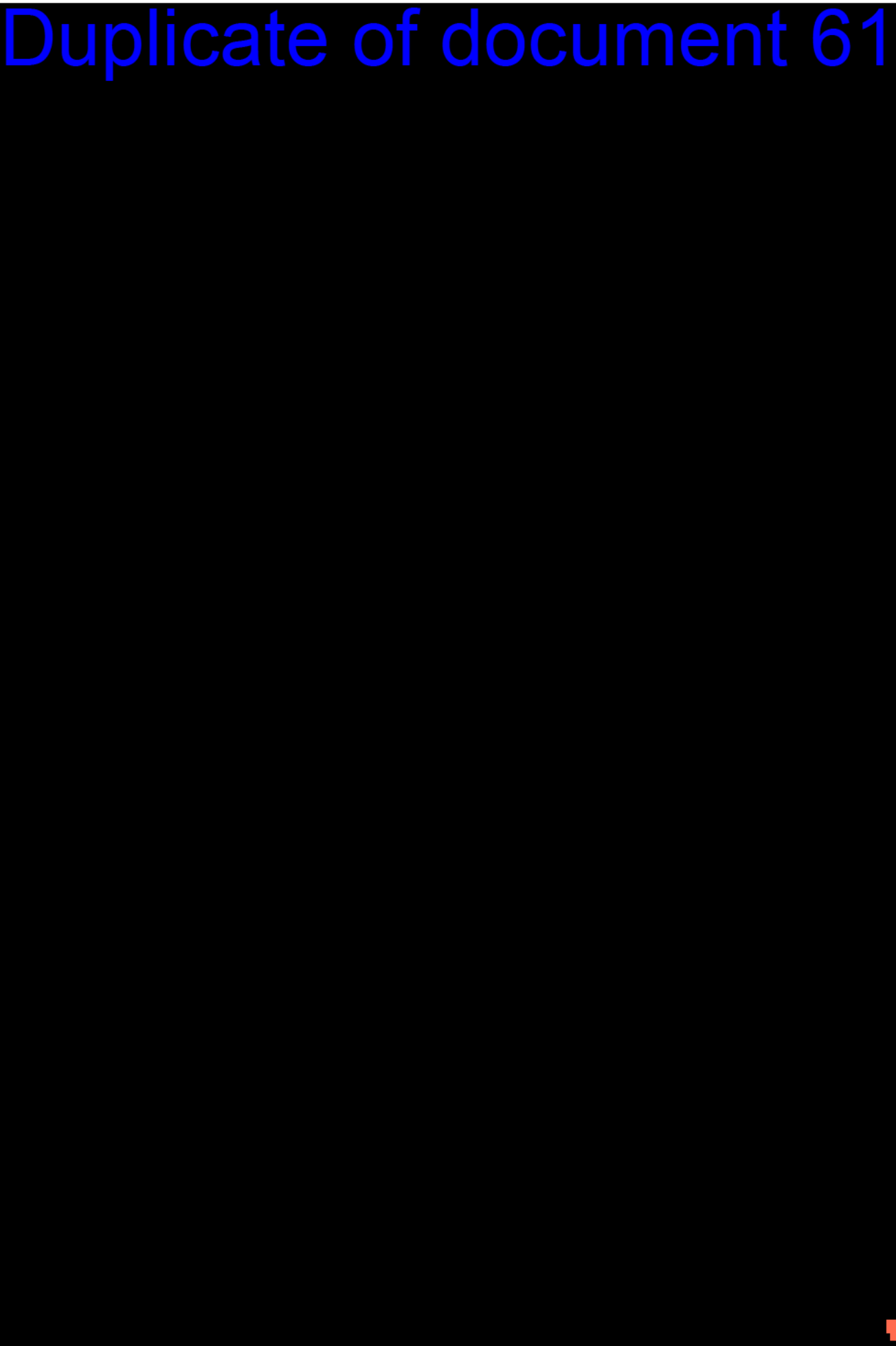
**s22**  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** s22  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 4:32:00 PM  
**Attachments:** [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)  
[image001.jpg](#)  
[image002.jpg](#)  
[image004.png](#)  
[image005.jpg](#)  
[image006.jpg](#)

---

**Our reference: FOIREQ24/00423**

Dear s22

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that Dubbo Regional Council's name and associated NDB reference number is not exempt under s 47E(d) of the FOI Act and to release this information to the FOI applicant.

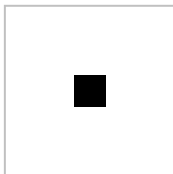
I have found the names and OAIC reference numbers relating to a small number of agencies to be exempt under s 47E(d), on the basis of submissions and consultations with those agencies and the OAIC's NDB team relating to the specific circumstances of the agency/the NDB in question.

The attached document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** s22  
**Sent:** Monday, September 23, 2024 1:00 PM  
**To:** OAIC - FOI <foi@oaic.gov.au>

**Subject:** RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

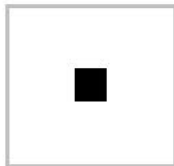
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Afternoon s22

Ultimately the decision does not fall with us as stated in your request, however Council do not object to the additional disclosure of the below only, and only if it is decided for all agencies on the list.

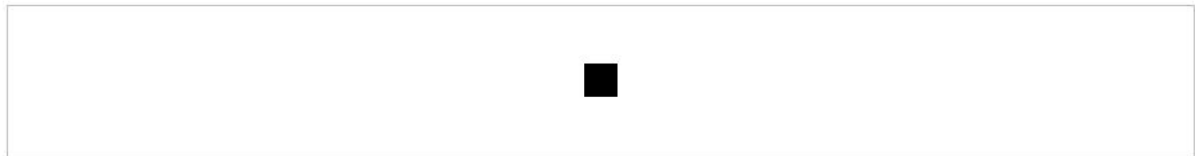
- The name of the agency
- The OAIC reference number associated with the reported breach

Kind Regards,



s22 (She/Her)  
Acting Chief Information Officer  
Information Services  
s22

*We acknowledge the traditional custodians of the Wiradjuri land where we work and their ongoing connections to land and community.*



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**From:** OAIC - FOI <FOI@oaic.gov.au>

**Sent:** Wednesday, September 18, 2024 1:47 PM

**To:** OAIC - FOI <FOI@oaic.gov.au>

**Subject:** FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - *The required document is similar to the one released in FOIREQ24/00132.*
  - *Respondent names are to be included in the scope of this request.*

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log [00352-Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

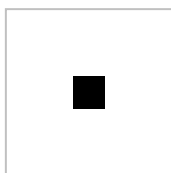
- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



s22

Senior Lawyer

Office of the Australian Information Commissioner

Sydney | GPO Box 5288 Sydney NSW 2001

E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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**From:** [OAIC - FOI](#)  
**To:** [FOI](#)  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: DRAFT - FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - Defence Response [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 4:33:45 PM  
**Attachments:** [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)  
[image001.jpg](#)  
[image003.jpg](#)  
[image005.jpg](#)  
[image006.jpg](#)  
[image007.jpg](#)  
[image008.jpg](#)

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**Our reference: FOIREQ24/00423**

Dear **s22**

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

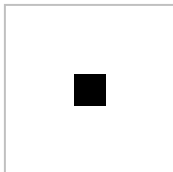
**s 47C and 47E(d)**

The attached document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

**s22**



**s22**  
A/g Senior Lawyer  
Office of the Australian Information Commissioner  
[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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From: OAIK - FOI  
To: FOI FOI  
Cc: OAIK - FOI  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]  
Date: Friday, 27 September 2024 4:35:45 PM  
Attachments: FOIREQ2400423 Document Redacted and Sanitised.pdf  
image001.jpg  
image002.jpg  
image005.jpg  
image008.png  
image009.png  
image010.jpg  
image011.jpg

OAIC ref: FOIREQ24/00423

Dear s22

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

s 47C and 47E(d)

The attached document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

s22



s22  
AVG Senior Lawyer  
Office of the Australian Information Commissioner  
E.foi@oaic.gov.au

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**From:** [OAIC - FOI](#)  
**To:** [FOI](#)  
**Cc:** [OAIC - FOI](#)  
**Subject:** RE: [§ 47E\(d\)](#) - OAIC Consultation (FOIREQ24/00423) - Consultation - Additional information - Response requested by lunchtime Monday 23 Sept 2024 [SEC=OFFICIAL]  
**Date:** Friday, 27 September 2024 4:39:06 PM  
**Attachments:** [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)  
[image003.jpg](#)  
[image004.jpg](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.jpg](#)  
[image009.jpg](#)  
[image010.jpg](#)  
[image011.jpg](#)

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**Our reference: FOIREQ24/00423**

Dear [s22](#)

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

**s 47C and 47E(d)**

In cases where agencies objected to the release of their information in this document, these objections and submissions were considered on a case-by-case basis against the circumstances of that particular agency and data breach. Where information was considered exempt following an objection, the relevant agency had either requested that certain information be held in confidence when completing the NDB form and/or the agency was not required to notify the OAIC of that particular data breach (for example, where an exemption applies or where serious harm was not likely to occur). Neither of these circumstances applied to [s 22](#) which was why I decided we did not have sufficient information available to justify an exemption.

The attached document was released on 25 September 2024 and will be published on the OAIC's disclosure log shortly.

We apologise for not responding sooner regarding your question on timeframes. It was not possible to extend the consultation or decision timeframe, and due to the volume of agencies we have been consulting with on this matter, we are only able to update agencies on our final decision today.

Thank you for your assistance with this matter.

Kind regards

[s22](#)

[s22](#)  
A/g Senior Lawyer  
Office of the Australian Information Commissioner



[E foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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From: OAI - FOI  
To: FOI  
Cc: OAI - FOI  
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEG-OFFICIAL]  
Date: Friday, 27 September 2024 4:40:48 PM  
Attachments: [FOIREQ24\\_00423.docx](#)  
[FOIREQ24\\_00423.docx](#)  
[FOIREQ24\\_00423.docx](#)

Our reference: FOIREQ24/00423

Dear [Redacted]

Thank you for your submissions in respect to the FOI request FOIREQ24/00423.

I have had regard to your submissions when making the decision on this request.

I have decided that the name of CSIRO and the associated OAI reference number is not exempt under s 47E(d) of the FOI Act. As such this has been released to the FOI applicant.

As discussed with you over the phone, we decided to provide additional context in the decision letter itself as the document captures the relevant information the OAI had at a point in time, even if it may give an incomplete picture. The applicant was advised that the CSIRO had reported the relevant data breach on a secondary (that is, voluntary) basis, as it was a service provider whose systems had been affected.

The redacted document was released on 25 September 2024 and will be published on the OAI's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

[Redacted]

[Redacted]  
[Redacted] Senior Lawyer  
Office of the Australian Information Commissioner  
E [foi@oai.gov.au](mailto:foi@oai.gov.au)

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From: FOI <foi@csiro.au>  
Sent: Monday, September 23, 2024 10:08 AM  
To: OAI - FOI <foi@oai.gov.au>  
Cc: FOI <foi@csiro.au>  
Subject: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEG-OFFICIAL]

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Hi [Redacted]

Thank you for consulting CSIRO.

CSIRO's FOI Team can confirm that we have no concerns with the proposed release, which would effectively identify CSIRO (and OAI matter number) in association with one row entry in the document (without disclosing the substantive detail of the relevant breach).

[Redacted]

CSIRO also notes that the OAI is considering the submissions of each consulted entity on their merits. We accept that this is the correct approach. CSIRO simply submits that, should it transpire that only CSIRO, or a small number of entities, are to be disclosed in the document, all entities should instead remain redacted on the basis that bringing attention to only one entity, or a few select entities, would likely cause a distorted level of attention to those entities and unreasonably affect their operations. Of course, on the understanding that the majority of entities which have responded have not objected, we think it unlikely that this will be an issue.

If you would like any further information regarding CSIRO's submissions above, please do not hesitate to contact us.

Kind regards,

[Redacted]  
FOI Administrative Officer  
Enterprise Legal | CSIRO  
[Redacted]  
North Building, Gate 5, Normansby Road, Clayton VIC 3168  
Postal Address: CSIRO, Private Bag 10, Clayton South VIC 3169

CSIRO acknowledges the Traditional Owners of the land, sea and waters, of the area that we live and work on across Australia. We acknowledge their continuing connection to their culture and we pay our respects to their Elders past and present.





# S 22

From: FOI <[foi@csiro.au](mailto:foi@csiro.au)>  
 Sent: Thursday, 19 September 2024 8:13 AM  
 To: DAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
 Cc: FOI <[foi@csiro.au](mailto:foi@csiro.au)>  
 Subject: FOIREQ24/00423 - Consultation - Response required lunthtime Monday 23 September 2024 [SEC=OFFICIAL]

Dear **S22**,

Thank you for consulting CSIRO.

CSIRO will review the document and provide any comments as soon as possible, noting your deadline of **1pm, Monday 23 September 2024**.

Kind regards,

**S22**  
 FOI Administrative Officer  
 Enterprise Legal | CSIRO  
 North Building, Gate 5, Normandy Road, Clayton VIC 3168  
 Postal Address: CSIRO, Private Bag 10, Clayton South VIC 3169

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From: DAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
 Sent: Wednesday, 18 September 2024 1:47 PM  
 To: DAIC - FOI <[foi@oaic.gov.au](mailto:foi@oaic.gov.au)>  
 Subject: FOIREQ24/00423 - Consultation - Response required lunthtime Monday 23 September 2024 [SEC=OFFICIAL]

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Our reference: **FOIREQ24/00423**

Dear FOI contact officer

The OAIC has received a request under the *Freedom of Information Act 1982* (the FOI Act) for access to:

1. *Data breach reports from 1 January 2020 to 5 July 2024 where the respondent's sector is government (local, state, and federal government).*
  - The required document is similar to the one released in FOIREQ24/00132.
  - Respondent names are to be included in the scope of this request.

The OAIC made a primary decision to create a document under s.17 of the FOI Act and release the document in part, redacting respondent (government names) under s.47E(d) of the FOI Act. A copy of the document released to the applicant is available on our disclosure log: [00352\\_Bundle.pdf \(oaic.gov.au\)](#). The applicant has made a request for internal review of this decision and in particular the decision to redact government names under s.47E(d) of the FOI Act. I am currently reviewing the decision.

As an agency listed on the document, could you please consider and provide submissions as to whether you object to the additional disclosure of:

- The name of the agency
- The OAIC reference number associated with the reported breach

I am not considering releasing any further information that is contained within the document, apart from that listed above.

Please note that your comments will be taken into consideration, but that the ultimate decision on disclosure falls with the FOI decision maker.

Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 26 September 2024** we are unable to provide an extension of time to respond.

Thank you in advance for your assistance with this matter.



**S22**  
 Senior Lawyer  
 Office of the Australian Information Commissioner  
 Sydney | GPO Box 5288 Sydney NSW 2001  
 E [foi@oaic.gov.au](mailto:foi@oaic.gov.au)

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