

From: OAC - ICE
To: [Redacted]
Cc: [Redacted]
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC-OFFICIAL]
Date: Friday, 27 September 2024 4:42:43 PM
Attachments: FOIREQ24/00423 Documents Redacted and Deleted.pdf
oac001.fo
oac002.fo
oac003.fo
oac004.fo
oac005.fo
oac006.fo
oac007.fo

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.

s.47C and 47E(d)

- [Redacted]
- [Redacted]

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 OAC 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 [Redacted] 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 OAC's disclosure log shortly.

Thank you for your assistance with this matter.

Kind regards

[Redacted]

[Redacted]
Vig Senior Lawyer
Office of the Australian Information Commissioner
E:foi@oaic.gov.au

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Duplicate of document 81



From: [OAIC - FOI](#)
To: s22
Cc: [FOIrequest](#); [OAIC - FOI](#)
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]
Date: Friday, 27 September 2024 4:44:21 PM
Attachments: [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[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.

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.

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 40



From: [OAIC - FOI](#)
To: [Freedom of Information Section](#)
Cc: [OAIC - FOI](#)
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]
Date: Friday, 27 September 2024 4:46:14 PM
Attachments: [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)
[image001.jpg](#)
[image004.jpg](#)
[image005.png](#)
[image006.jpg](#)
[image007.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 the ACQSC, 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.

In relation to the questions raised in your email:

- The OAIC reference numbers released are internal references only and do not provide members of the public with any additional information about the particular data breaches. We do not anticipate an increase in FOI requests to the relevant agencies, given the volume of agencies named in the document, which does not single out particular agencies. If the ACQSC does receive FOI requests relating to this information, the OAIC would be happy to provide further information about the impact that releasing further information about data breaches may have on the administration of the NDB scheme via courtesy consultation.
- The NDB reference numbers captured in the document include data breaches which may not be "eligible data breaches" under the Privacy Act. In the course of consulting with agencies, some agencies advised that for particular data breaches in the table, that 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), and that in their particular circumstances, they would be unwilling to do so in the future if the information was released. This was taken into account by the OAIC in

deciding that exemptions applied to some agency names and reference numbers.

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

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From: Freedom of Information Section <foi@agedcarequality.gov.au>

Sent: Monday, September 23, 2024 12:53 PM

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

Cc: Freedom of Information Section <foi@agedcarequality.gov.au>

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

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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.

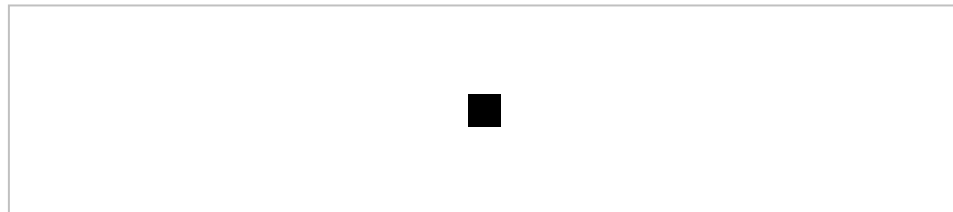
Kind regards

s22

FOI and Privacy Officer
Corporate Operations Group
Aged Care Quality and Safety Commission
E: foi@agedcarequality.gov.au
W: 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 | W www.agedcarequality.gov.au
GPO Box 9819 in your capital city
T [1800 500 294](tel:1800500294)



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>

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:

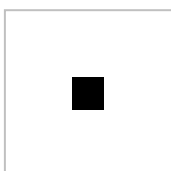
- The name of the agency
- The OAIC reference number associated with the reported breach

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

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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 4:47:35 PM
Attachments: [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)
[image001.jpg](#)
[image007.jpg](#)
[image008.png](#)
[image009.jpg](#)
[image010.jpg](#)
[image011.jpg](#)
[image012.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 AFMA's name and associated NDB reference numbers is not exempt under s 47E(d) of the FOI Act and to release this information to the FOI applicant.

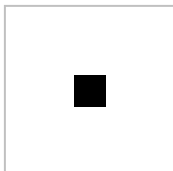
I have found the names and OAIC reference numbers relating to a small number of agencies to be exempt under s 47E(d), on the basis of submissions and consultations with those agencies and the OAIC's NDB team relating to the specific circumstances of the agency/the NDB in question.

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 10:58 AM

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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OFFICIAL

Good Morning s22 and s22

I refer to your email below regarding consultation on matter FOIREQ24/00423.

AFMA does not object to the release of the name of the agency (i.e. AFMA) and the OAIC reference number associated with the reported breach:

- On the condition that, if the delegate determines that this information should be released, all government names (and their corresponding OAC reference numbers) are released. In other words, AFMA's name and the OAIC reference number should not be released if other government names and OAIC reference numbers remain redacted; and
- Nothing the OAIC is not releasing any further information that is contained within the document aside from agency name and the OAIC reference number associated with the reported breach.

If you have any questions, please let me know.

Regards

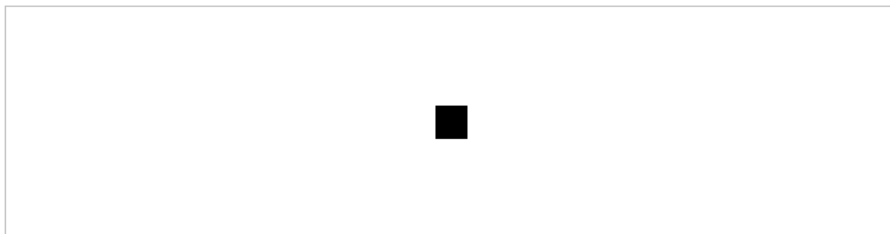
s22

Acting General Counsel
Legal Services, Corporate Governance Branch
Australian Fisheries Management Authority

s22

www.afma.gov.au

Note: I am in the office Monday to Wednesday and I work most Thursdays and Fridays from home.



OFFICIAL

From: OAIC - FOI <FOI@oaic.gov.au>
Sent: Thursday, 19 September 2024 11:09 AM
To: s22
Cc: OAIC - FOI <FOI@oaic.gov.au>
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]

Dear s22

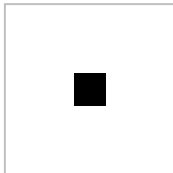
Thank you for your email.

I have **attached** the relevant lines of the spreadsheet. Please note that we are only proposing to release in addition to the material already released agency name and OAIC reference no.

I hope this assists with your consideration, please advise if we can provide any further assistance.

Kind regards,

s22



s22 (he/him)
Paralegal
Office of the Australian Information Commissioner
Melbourne |
E foi@oaic.gov.au

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From: s22
Sent: Wednesday, September 18, 2024 2:37 PM
To: OAIC - FOI <FOI@oaic.gov.au>
Cc: Legal Services <LegalServices@afma.gov.au>; FOI-mailbox <FOI-mailbox@afma.gov.au>
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]



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OFFICIAL

Good Afternoon **s22**

I refer to your email below. Can you please confirm if AFMA appears on this document and if so, the OAIC reference number?

As the document is redacted, we cannot identify the matter that may relate to AFMA. Until this information is known, we are unable to make submissions.

If you would like to discuss, please call me on the number below.

Regards

s22

Acting General Counsel
Legal Services, Corporate Governance Branch
Australian Fisheries Management Authority

s22

www.afma.gov.au

Note: I am in the office Monday to Wednesday and I work most Thursdays and Fridays from home.

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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:

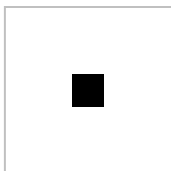
- The name of the agency
- The OAIC reference number associated with the reported breach

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

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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 4:48:31 PM
Attachments: [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)
[image001.jpg](#)
[image004.jpg](#)
[image005.png](#)
[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 **s 47E(d)** name and associated NDB reference numbers is not exempt under s 47E(d) of the FOI Act and to release this information to the FOI applicant. Based on the information available to us, through your submissions and information about the relevant data breaches, we did not consider there to be evidence supporting an exemption.

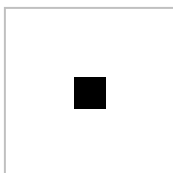
I have found the names and OAIC reference numbers relating to a small number of agencies to be exempt under s 47E(d), on the basis of submissions and consultations with those agencies and the OAIC's NDB team relating to the specific circumstances of the agency/the NDB in question. For each of those data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

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
To: OAIC - FOI
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 [SEC=OFFICIAL]
Date: Friday, 27 September 2024 4:53:42 PM
Attachments: [image005.png](#)
[image008.jpg](#)
[image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
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Thanks s22 We appreciate your update on this matter.

Regards

s22
Acting General Counsel
Legal Services, Corporate Governance Branch
Australian Fisheries Management Authority

s22
www.afma.gov.au

s 22

OFFICIAL

From: OAIC - FOI <FOI@oaic.gov.au>
Sent: Friday, 27 September 2024 4:48 PM
To: s22
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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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 AFMA's name and associated NDB reference numbers is not exempt under s 47E(d) of the FOI Act and to release this information to the FOI applicant.

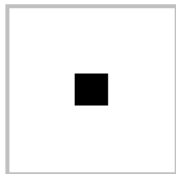
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s22
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Office of the Australian Information Commissioner
E foi@oaic.gov.au

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Sent: Monday, September 23, 2024 10:58 AM
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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AFMA does not object to the release of the name of the agency (i.e. AFMA) and the OAIC reference number associated with the reported breach:

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- Nothing the OAIC is not releasing any further information that is contained within the document aside from agency name and the OAIC reference number associated with the reported breach.

If you have any questions, please let me know.

Regards

s22

Acting General Counsel
Legal Services, Corporate Governance Branch
Australian Fisheries Management Authority

s22

www.afma.gov.au

s 22

OFFICIAL

s 22

s 22

s 22

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**

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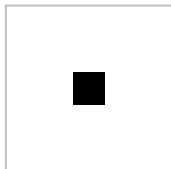
- The name of the agency
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Please provide your response by **1pm Monday 23 September 2024**. Please note that as a decision is due in relation to this matter on **Tuesday 25 September 2024** we are unable to provide an extension of time to respond.

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

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: [OAIC - FOI](#)
To: [OAIC - FOI](#)
Subject: FOIREQ24/00423 - Courtesy consultation about an FOI request received by the OAIC
Date: Friday, 27 September 2024 5:05:30 PM
Attachments: [FOIREQ2400432 Document Redacted and Sanitised.pdf](#)
[image001.jpg](#)
[image002.jpg](#)

Our reference: FOIREQ24/00423

Dear FOI contact officer

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.

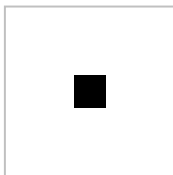
I have decided that the name of your agency and OAIC reference number is not exempt under the FOI Act, and to release this information to the FOI applicant. No additional material was released, other than that already released in the original decision as notified to you previously.

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.

Thank you for your assistance with this matter.

Kind regards



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: [External FOI](#)
To: [OAIC - FOI](#)
Subject: RE: FOIREQ24/00423 - Courtesy consultation about an FOI request received by the OAIC [SEC=OFFICIAL]
Date: Tuesday, 1 October 2024 9:45:51 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

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.

OFFICIAL

Thank you, **s22**.

Kind regards

s22 | In-House Lawyer, Office of General Counsel
Federal Court of Australia | Harry Gibbs Commonwealth Law Courts, 119 North Quay BRISBANE
QLD 4000

From: OAIC - FOI <FOI@oaic.gov.au>
Sent: Friday, September 27, 2024 5:05 PM
To: OAIC - FOI <FOI@oaic.gov.au>
Subject: FOIREQ24/00423 - Courtesy consultation about an FOI request received by the OAIC [SEC=OFFICIAL]

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Our reference: FOIREQ24/00423

Dear FOI contact officer

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 your agency 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.

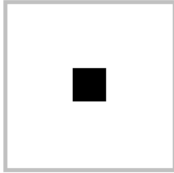
I have found the names and OAIC reference numbers relating to a small number of agencies to be exempt under s 47E(d), on the basis of submissions and consultations with those agencies and the OAIC's NDB team relating to the specific circumstances of the agency/the NDB in question.

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.

Thank you for your assistance with this matter.

Kind regards



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From: DEWR - FOI
To: OAIC - FOI
Cc: DEWR - FOI
Subject: FOIREQ24/00423 - Consultation - Disclosure Log Publication - LEX 1180
Date: Tuesday, 15 October 2024 9:48:31 AM
Attachments: image001.jpg
image002.jpg
image003.jpg
image005.png
image006.png
image008.jpg
image012.jpg

Good Morning s22

I refer to the above matter.

Are you able to advise when, or if, the document with redactions amended per your decision in this matter will be publish on the OAIC disclosure log?

Thank you in advance for your assistance.

Yours sincerely,

s22

Information Law Team
Australian Government Department of Employment and Workplace Relations
s22
dewr.gov.au

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From: OAIC - FOI <FOI@oaic.gov.au>
Sent: Friday, September 27, 2024 4:27 PM
To: DEWR - FOI <FOI@dewr.gov.au>
Cc: OAIC - FOI <FOI@oaic.gov.au>
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180

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



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A/g Senior Lawyer
Office of the Australian Information Commissioner
E foic@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 Digital Workplace Branch and the Quality Assurance and Risk Management Branch in respect to the release of the above sections of the document, pertaining to breaches DBN22/00677 and DBN24/00879 (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

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dewr.gov.au

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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

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From: OAIC - FOI <FOI@oaic.gov.au>
Sent: Friday, September 20, 2024 10:55 AM
To: DEWR - FOI <FOI@dewr.gov.au>
Cc: OAIC - FOI <FOI@oaic.gov.au>
Subject: RE: FOIREQ24/00423 - Consultation - Response required lunchtime Monday 23 September 2024 - LEX 1180

Hi **s22**

Thank you for your email.

The lines relating to DEWR are as follows:

[Redacted]


[Redacted]

Please note that we are only proposing to release (in addition to the material already released at [00352-Bundle.pdf \(oaic.gov.au\)](#)) agency name and OAIC reference no.

I hope this assists with your consideration. If we can provide further assistance, please do not hesitate to contact me.

Kind regards

s22

 **s22**
A/g Senior Lawyer
Office of the Australian Information Commissioner
E.foi@oaic.gov.au

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From: DEWR - FOI <FOI@dewr.gov.au>
Sent: Friday, September 20, 2024 10:22 AM
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

Dear **s22**

We refer to your correspondence of 18 September 2024 below. Thank you for the opportunity for the Department of Employment and Workplace Relations (the department) to provide comment in this matter.

We advise that we are unable to provide meaningful comments on the document in its current form, as we are unable to determine which segments apply to the department. We kindly request that you provide us with a copy of the document with the material relevant to the department unredacted.

If we may be of any further assistance, 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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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

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.



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