



Australian Government
Sport Integrity Australia



SPORT INTEGRITY
AUSTRALIA

FOI Search Minute and Factsheet

What is a document?

The *Freedom of Information Act 1982* (Cth) defines a document as:

- (a) any of, or any part of any of, the following things:
 - i. any paper or other material on which there is writing;
 - ii. a map, plan, drawing or photograph;
 - iii. any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - iv. any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
 - v. any article on which information has been stored or recorded, either mechanically or electronically;
 - vi. any other record of information.
- (b) any copy, reproduction or duplicate of such a thing; or
- (c) any part of such a copy, reproduction or duplicate; but does not include:
 - i. material maintained for reference purposes that is otherwise publicly available; or
 - ii. Cabinet notebooks.

What does this mean?

Virtually any physical or electronic medium from which information can be extracted is considered a document for the purposes of FOI. This includes not only paper and electronic files, but also emails (in electronic and hard copy form, whether personal or business in nature), post-it notes, notepads, file notes, calendars (whether electronic or hard copy), instant and text messages, Microsoft Teams chats, training material, and sound or visual recordings.

Action required

- Complete the search checklist at [Annexure A](#) of this document.
- Complete the schedule of documents at [Annexure B](#) of this document.
- Provide the relevant documents to Legal via email or SharePoint (if there are too many documents to attach to an email).
- Where documents do not exist or cannot be located, the efforts and extent of the search for the documents should be recorded in a signed and dated file note at [Annexure C](#) and sent back to the Legal team.

Search Checklist

Annexure A

FOI reference:	
Date action due:	
FOI applicant:	
Scope of Request:	
Search minute completed by:	
Time spent for search and retrieval:	

Completed	Location	Description of search undertaken/search terms used	Outcome/relevance
<input type="checkbox"/>	Records Management System: HPE Content Manager TRIM		
<input type="checkbox"/>	Electronic documents saved on computers, electronic devices including iPads or tablets, smartphones and apps (for example emails, text messages etc)		
<input type="checkbox"/>	Electronic documents saved on portable media devices		
<input type="checkbox"/>	Hardcopy files (for example documents stored in safes, compactus, tambours, desk drawers, records warehouses)		
<input type="checkbox"/>	If applicable, backup systems		
<input type="checkbox"/>	Other: (please specify)		

Search Certification

I have located document/s that may be relevant to the request and forwarded these to the legal team.

Despite a thorough and diligent search, I have been unable to locate any documents relevant to the terms of the FOI request and have completed the File Note at Annexure C.

I am satisfied that I have undertaken a thorough search for documents relevant to this request and that all reasonable steps have been taken to identify relevant documents and provide them to the decision-maker.

Signature: Date:

Name: Position:



Schedule of Documents

Annexure B

Document number	Date	Number of pages	Description	Any comments, concerns or sensitivities with the release of the documents
Example	<i>Date(s) document created (or date received)</i>	<i>Number of pages or other physical descriptor</i>	<i>Describe the nature of the document and provide details of the author and/or addressee</i>	<p><i>Identify any concerns or sensitivities with the release of the document/s or parts of the document/s. Refer to the FOI Exemptions & Conditional Exemptions Factsheet for guidance.</i></p> <p><i>For example: "The document contains protected information relating to an athlete and NSO" or "The document is a draft document and discusses matters that are still under deliberation" or "The document is a Cabinet document and requires consultation with the Minister's Office before release", etc.</i></p>
1				
2				
3				
4				



File Note

Annexure C

Documents cannot be found, do not exist, or have not been received

[record of searches, including which systems were used to complete searches, the search terms used, potential reasons that the document is not available, and any relevant background]

Signature: Date:

Name: Position:

Document Naming Conventions

Drafts:

- FOI **XX-XX (Surname*)** – Draft Decision Letter – **DATE**
- FOI **XX-XX (Internal Review) (Surname)** – Draft Internal Review Decision Letter – **DATE**
- Admin **XX-XX (Surname)** – Draft Administrative Access Decision Letter – **DATE**
- FOI **XX-XX (Surname)** – Document **XX**** – Marked Up – **DATE**
- FOI **XX-XX (Surname)** – Document Bundle – Marked Up – **DATE**

Final versions to applicant:

- FOI **XX-XX (Surname)** – Decision Letter – **DATE**
- FOI **XX-XX (Internal Review) (Surname)** – Internal Review Decision Letter – **DATE**
- Admin **XX-XX (Surname)** – Administrative Access Decision Letter – **DATE**
- FOI **XX-XX (Surname)** – Document for Release – **DATE**
- FOI **XX-XX (Surname)** – Document Bundle for Release – **DATE**

*Adding the surname makes it easier to identify a request, especially where the FOI reference number may be similar or mistakenly reversed e.g. FOI 24-12 and FOI 24-21.

**This is where there is just one document or the documents are not bundled.



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Exemptions and conditional exemptions under the Freedom of Information Act 1982 (Cth)

The exemptions and conditional exemptions under the *Freedom of Information Act 1982* (Cth) (FOI Act) ensure that sensitive information is properly protected. A person has a legally enforceable right of access to a document of an agency or an official document of a minister unless the document is exempt or conditionally exempt. You should refer to the Office of the Australian Information Commissioner’s FOI Guidelines, Parts 5 (Exemptions) and 6 (Conditional Exemptions), for full details.

Exemptions

Exemptions are not subject to an overriding public interest test. If a document meets the criteria to establish a particular exemption, it is exempt from release. See [Part 5 of the FOI Guidelines](#).

s 33	Exempts documents if their disclosure would, or could reasonably be expected to, cause damage to Australia’s national security, defence or international relations, or would divulge information communicated in confidence to the Commonwealth by a foreign government or an international organisation. This includes information communicated pursuant to a treaty or formal instrument on protection of classified information.
s 34	<p>Exempts Cabinet documents, which are Cabinet submissions, official records of the Cabinet, briefings to a minister on a Cabinet submission, and drafts of Cabinet submissions, official records and Cabinet briefings.</p> <p>A Cabinet submission must have been created for the dominant purpose of being submitted for Cabinet’s consideration and must have actually been submitted or be proposed by a sponsoring minister to be submitted (s 34(1)).</p> <p>Includes a document that is a copy, part of or an extract from an exempt document (s 34(2)), and a document that contains information which would reveal a Cabinet deliberation or decision (except where the deliberation or decision has been officially disclosed) (s 34(3)).</p> <p>A document is not exempt merely because it is an attachment to an exempt document (s 34(4)).</p> <p>A document by which a Cabinet decision is officially published (such as a media release) is not an exempt document (s 34(5)).</p> <p>Information in a Cabinet document is not exempt matter if the information consists of purely factual information, unless disclosure would reveal a Cabinet deliberation or decision whose existence has not been officially disclosed (s 34(6)).</p>
s 37	<p>Exempts documents if their disclosure would or could reasonably be expected to affect the enforcement of law and protection of public safety, including by:</p> <ul style="list-style-type: none"> prejudicing the conduct of an investigation of a breach relating to taxation or proper administration of the law

	<ul style="list-style-type: none"> • revealing the existence or identity of a confidential informant (see s 37(2A) for confidential sources) • endangering any person's life or physical safety • prejudicing a fair trial <p>disclosing lawful methods of investigation or prejudicing methods for protecting public safety.</p>
s 38	<p>Exempts documents to which secrecy provisions apply under a provision of another Act and either:</p> <ul style="list-style-type: none"> • that provision is specified in Schedule 3 of the FOI Act, or • s 38 is expressly applied to the document or information in the document, by that secrecy provision, or by another provision of that or any other enactment (s 38(1)(b)). <p>There are two limitations to this exemption. An applicant has a right of access to a document that is exempt if the relevant secrecy provision does not prohibit disclosure to that applicant. The exemption does not apply if the applicant requests a document which contains their own personal information, except if disclosure is prohibited under the <i>Migration Act 1958</i>.</p>
s 42	<p>Exempts documents subject to legal professional privilege (LPP).</p> <p>The dominant purpose test and the independent legal adviser and client relationship are determinative when considering LPP. Documents are not exempt if the person entitled to claim LPP waives the claim (s 42(3)(a)). Section 42 does not apply to an agency's operational information (as defined in s 8A).</p>

Conditional exemptions

Conditional exemptions, on the other hand, are subject to the public interest test. The public interest test involves determining whether, on balance, the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. See [Part 6 of the FOI Guidelines](#).

Application of the public interest test to conditional exemptions

An agency or minister must give access to a conditionally exempt document unless at the time disclosure would, on balance, be contrary to the public interest (s 11A(5)). The FOI Act sets out certain factors that favour access and some that must not be taken into account (s 11B(3) and (4)).

s 47B	<p>Conditionally exempts documents if their disclosure would or could reasonably be expected to damage Commonwealth-State relations or relations with Norfolk Island or disclose information communicated in confidence by or on behalf of a government or authority of a State to the Commonwealth or the Government of Norfolk Island.</p>
s 47C	<p>Conditionally exempts documents if their disclosure would disclose deliberative processes.</p> <p>Deliberative matter includes opinions, advices, or recommendations that have been obtained, prepared or recorded, and consultations or deliberation that have taken place, as part of the deliberative processes relating to the functions of an agency, a minister or the Government of the Commonwealth or Norfolk Island. Operational information (as defined in s 8A) and purely factual material are not deliberative matter.</p> <p>Does not apply to:</p> <ul style="list-style-type: none"> • reports of scientific or technical experts • reports of a body or organisation established within an agency <p>records of a final decision given in the exercise of a power or of an adjudicative function (s 47C(3)).</p>
s 47D	<p>Conditionally exempts documents if their disclosure would have a substantial adverse effect on the financial or property interests of the Commonwealth or Norfolk Island.</p> <p>Relates both to expenditure and revenue-generating activities, including intellectual property and the Crown's interests in natural resources.</p>

<p>s 47E</p>	<p>Conditionally exempts documents if their disclosure would reasonably be expected to affect certain operations of agencies on one or more of the following grounds:</p> <ul style="list-style-type: none"> • prejudice to the effectiveness of procedures or methods for the conduct of tests, examinations or audits • prejudice to the attainment of the objects of particular tests, examinations or audits • a substantial adverse effect on the management or assessment of personnel <p>a substantial adverse effect on the proper and efficient conduct of operations.</p>
<p>s 47F</p>	<p>Conditionally exempts documents if their disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>An agency or minister must take into account:</p> <ul style="list-style-type: none"> • the extent to which the information is well known • whether the person to whom the information relates is known to be associated with the matters dealt with in the document • the availability of the information from publicly accessible sources • any other relevant matters (s 47F(2)). <p>Access can be given to a qualified person nominated by the applicant if it would be detrimental to the applicant's health or well-being to be given direct access to the documents. The qualified persons include medical practitioners, psychiatrists, psychologists, counsellors and social workers.</p>

**FOI
PROCESSING
FLOWCHART**

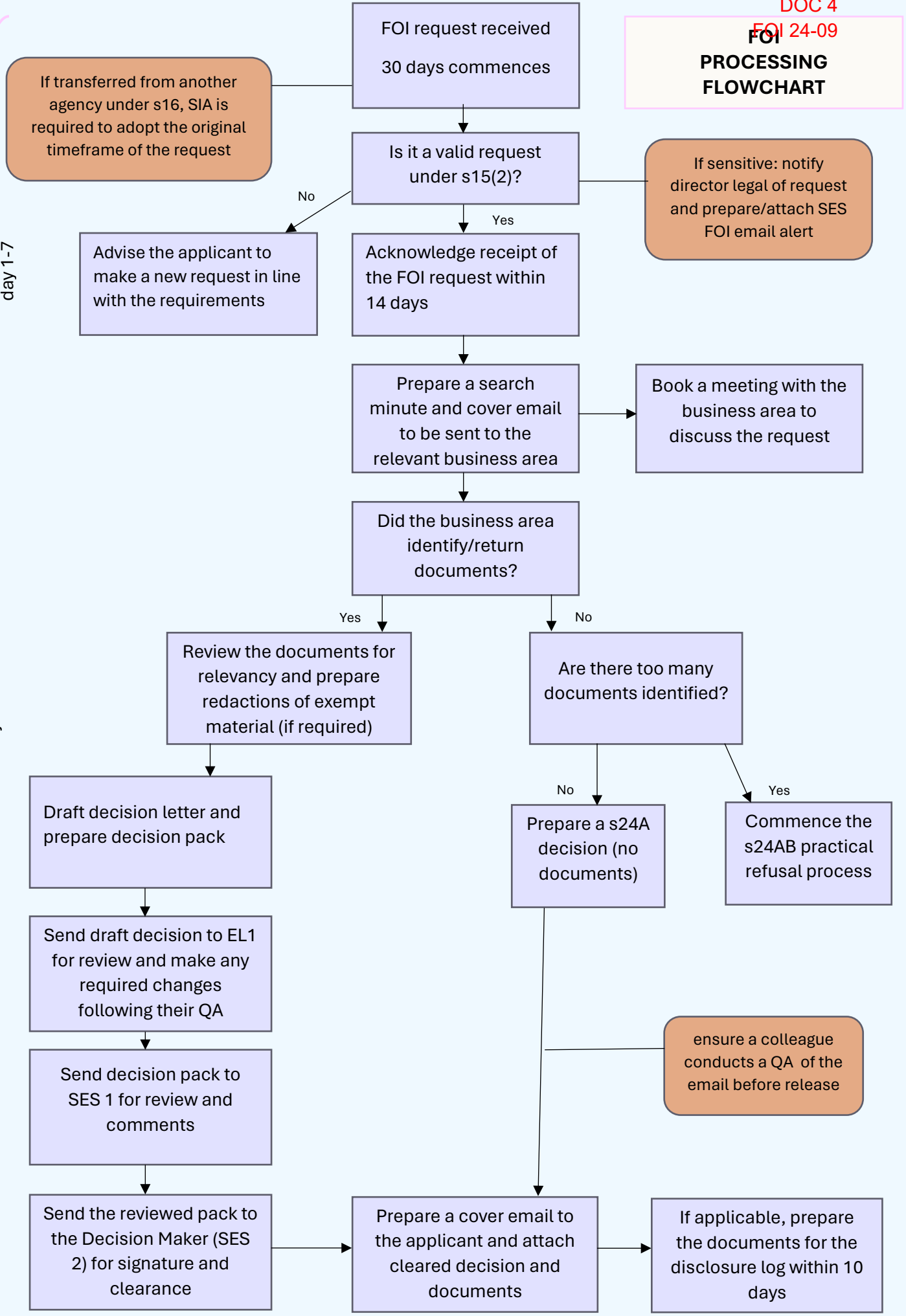
day 1-7

day 7-14

day 14-21

day 21-28

day 28-30



FOI DECISION PACK CHECKLIST

(FOI Reference: **XX-XX**) (Due Date: **XX XXXX 2024**)

I confirm that the following actions have been undertaken during the processing of this request:

	Required Action	YES	N/A	Supporting documentation
1.	Executive Notification Executive staff were notified of the request upon receipt.		X	
2.	Search Minute The document/s listed in the Schedule are those documents relevant to this request and were located after thorough and extensive searches by the relevant business area(s).	X		
3.	Internal Consultation All relevant business areas have been contacted and consulted in relation to any potential sensitivities with the disclosure of the document/s or parts of the document/s.			
4.	Courtesy Consultation (Informal) All relevant Commonwealth departments/agencies have been consulted in relation to the document/s identified and/or known sensitivities.			
5.	Third Party Consultation & Submissions All third-party stakeholders have been identified and where relevant consulted in accordance with the FOI Act and I have considered all third-party comments and/or submissions received in making my decision about access to third party information.			
6.	External Legal Advice External advice was sought in relation to the processing of the request, litigation risk, or non-FOI advice.			
7.	Minister’s Office consultation The MO was notified and consulted about the request and any sensitivities (where identified).			
8.	Decision I have prepared the decision in an independent manner: (a) where material is exempt, the decision letter includes review rights and is supported by a Statement of Reasons for each applicable exemption; and (b) the schedule has been finalised in line with the decision.			
9.	Disclosure Log I consider that no exemptions under subsection 8(2)(g) of the FOI Act apply and that the documents released in this request are to be published on the agency’s disclosure log.			

Action officers’ declaration:

<p>I am satisfied that this FOI request has been processed in accordance with:</p> <p><input type="checkbox"/> The <i>Freedom of Information Act 1982</i> (Cth); and</p> <p><input type="checkbox"/> The decision letter, statement of reasons and relevant documents have been processed to promote the objects of the FOI Act.</p>	
Name:	Signature:
Date:	

Supporting Documentation

Where confirmation is being provided that an action has been undertaken the following should be provided as attachments to the FOI Procedures Checklist prior to the Decision maker providing their declaration.

	Required Action	Supporting documentation
1.	Executive Notification Executive staff were notified of the request upon receipt.	<ul style="list-style-type: none"> A copy of the sent email notification
2.	Search Minute The document/s listed in the Schedule are those documents relevant to this request and were located after thorough and extensive searches of the relevant business areas.	<ul style="list-style-type: none"> The completed and returned search minute completed by the business area
3.	Internal Consultation All relevant business areas have been contacted and consulted in relation to any potential sensitivities with the disclosure of the document/s or parts of the document/s.	<ul style="list-style-type: none"> A copy of any correspondence to/from the business areas and any responses received
4.	Courtesy Consultation (Informal) All relevant Commonwealth departments/agencies have been consulted in relation to the document/s identified and/or known sensitivities.	<ul style="list-style-type: none"> A copy of any correspondence issued to Commonwealth departments/agencies and any responses received
5.	Third Party Consultation & Submissions All third-party stakeholders have been identified and where relevant consulted in accordance with the FOI Act and I have considered all third-party comments and/or submissions received in making my decision about access to third party information.	<ul style="list-style-type: none"> A copy of the consultation letters issued to third parties and any responses received
6.	External Legal Advice External advice was sought in relation to the processing of the request, litigation risk, or non-FOI advice.	<ul style="list-style-type: none"> A copy of the external advice/file note of conversation
7.	Minister's Office consultation The MO was notified and consulted about the request and any sensitivities (where identified).	<ul style="list-style-type: none"> A copy of the email notification and any responses received
8.	Decision I have prepared the decision in an independent manner: (a) where material is exempt, the decision letter includes review rights and is supported by a Statement of Reasons for each applicable exemption; and (b) the schedule has been finalised in line with the decision.	<ul style="list-style-type: none"> A copy of the decision and documents
9.	Disclosure Log I consider that no exemptions under subsection 8(2)(g) of the FOI Act apply and that the documents released in this request are to be published on the agency's disclosure log.	N/A



Australian Government
Sport Integrity Australia



SPORT INTEGRITY
AUSTRALIA

Unit 14, 5 Tennant St, Fyshwick ACT 2609
PO Box 1744, Fyshwick, ACT, 2609
General enquiries 13 000 27232
If outside Australia +61 2 6222 4200
ABN 70588505483
sportintegrity.gov.au

<10 April 2024>

<Title> <Name> <Surname>
<Company>

<By email only: XXX >

PRIVATE AND CONFIDENTIAL

Dear <Title> <Surname>,

Decision on your Freedom of Information Request – FOI <XX-XX>

I refer to your request of <date> to Sport Integrity Australia (**SIA**) seeking access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to:

“INSERT exact request wording”.

On <date>, we acknowledged receipt of your request.

<SELECT and INSERT the option/s applicable from the below box and then DELETE the box containing the inapplicable options>

Option 1 (scope clarification and section 15AA EOT)

On <date>, we wrote to you to clarify the scope of your request and request an extension of time of <30> days to process it under section 15AA of the FOI Act until <date>.

On <date>, you advised the following:

<INSERT applicant's response>.

<I would like to thank you for agreeing to extend the timeframe for processing your request>.

Option 2 (scope clarification)

On <date>, we wrote to you to clarify the scope of your request.

On <date>, you advised the following:

<INSERT applicant's response>.

Option 3 (section 15AA EOT)

On <date>, we requested an extension of time of <30> days to process your request under section 15AA of the FOI Act. You agreed to the extension on <date> <the same date>, making a decision due to you by <date>.

I would like to thank you for agreeing to extend the timeframe for processing your request.

Option 4 (section 22 redactions)

On <date>, we requested your agreement to remove any material that relates to matters outside the scope of your request under section 22 of the FOI Act (irrelevant material). You agreed to this by email on <date> <the same date>. OR On <date>, we advised that where there is no objection from you, the names and contact details of junior officers will be redacted under section 22 of the FOI Act on the basis that these details are irrelevant to your request.

Option 5 (section 15AB EOT)

On <date>, we notified you that we required additional time to process your request and had applied for an extension of time of <30 days> from the Office of the Australian Information Commissioner (**OAIC**) under section 15AB of the FOI Act.

On <date>, the OAIC granted that request, making a decision due to you by <date>.

Option 6 (section 15AC EOT)

<The OAIC did not agree to the request for an extension of time under section 15AB of the FOI Act>.

On <date>, we requested a further extension of time of <30> days to process your request under section 15AC of the FOI Act. As the due date for a decision was <date>, a deemed refusal decision is taken to have been made on this request under section 26 of the FOI Act.

Under subsection 54(1) of the FOI Act, a decision made, or deemed to have been made, cannot be internally reviewed. However, you have the right to seek the Australian Information Commissioner's (**Information Commissioner**) review of the agency's deemed decision.

OR

On <date>, the OAIC granted the agency an additional <30> day extension of time to process your request under section 15AC of the FOI Act, making a decision due to you by <date>.

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests. The purpose of this letter is to give you a decision about access to documents you requested under the FOI Act.

My decision

I have identified <number> document/s in scope of your request. The document/s is/are set out in the schedule at Attachment A.

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

Option 1 (document/s being released in full)

grant access in full to the document OR all the documents in scope of your request.

Option 2 (documents being released in full with irrelevant material redacted under section 22 of the FOI Act)

grant access in full to the document OR all the documents in scope of your request, subject to the deletion of irrelevant material under section 22 of the FOI Act.

Option 3 (all documents being released in part with or without irrelevant material redacted under section 22 of the FOI Act)

grant access in part to the document OR all the documents in scope of your request, subject to the redaction of exempt material under section/s XX of the FOI Act <and irrelevant material under section 22 of the FOI Act>.

Option 4 (grant access in part under different exemption claims)

grant access to Document/s XX under section/s XX of the FOI Act, and Document/s XX under section XX of the FOI Act <and irrelevant material under section 22 of the FOI Act>.

Option 5 (mix of partial/full release and/or refusal of documents)

grant access in part to Document/s XX, subject to the redaction of exempt material under section/s XX of the FOI Act <and irrelevant material under section 22 of the FOI Act>; refuse access to Document/s XX under section/s XX of the FOI Act; and grant access in full to Document/s XX <and irrelevant material under section 22 of the FOI Act>.

Option 6 (refusal of all documents in full under the same exemption claim)

refuse access to all documents under section/s XX of the FOI Act.

Option 7 (refusal of all documents in full under different exemption claims)

refuse access to Document/s XX under section/s XX of the FOI Act, and Document/s XX under section XX of the FOI Act.

My reasons for this decision are set out at Attachment B. – DELETE where Option 1 is chosen.

Third Party Consultation – INSERT ONLY IF RELEVANT

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

<Where applicable, the material not subject to third party review rights will be provided to you following payment of any outstanding charges>.

Review rights

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

Internal review

Under section 54 of the FOI Act, you may apply in writing to Sport Integrity Australia for an internal review of my decision within 30 days of receiving this letter. If you wish to make such an application, please contact: foi@sportintegrity.gov.au.

Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another Decision Maker within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of receiving this letter and be lodged in one of the following ways:

Online: [Information Commissioner Review Application form](#)
Email: foidr@oaic.gov.au
Post: GPO Box 5288, Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at: www.oaic.gov.au/freedom-of-information/foi-reviews.

Questions about this decision

If you wish to discuss this decision, please contact: foi@sportintegrity.gov.au.

Kind regards,

<Name> <Surname>
<Position>
Sport Integrity Australia



Australian Government
Sport Integrity Australia



SPORT INTEGRITY
AUSTRALIA

Unit 14, 5 Tennant St, Fyshwick ACT 2609
PO Box 1744, Fyshwick, ACT, 2609
General enquiries 13 000 27232
If outside Australia +61 2 6222 4200
ABN 70588505483
sportintegrity.gov.au

FOI 24-09

SCHEDULE OF DOCUMENTS – FOI **XX-XX**

ATTACHMENT A

Document number	Date of document	Number of Pages	Description	Decision on access	Exemption
1	<11/07/2023>	<5>	<Internal email regarding XX>	<Release in part>	<s 38>
2					
3					



REASONS FOR DECISION – FOI **XX-XX**

ATTACHMENT B

Material taken into account

In making my decision, I have considered:

- the terms of your request **<and as revised on DATE>**
- the nature of the documents requested
- advice from business areas with responsibility for matters relating to the documents requested
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**the Guidelines**)¹
- the relevant provisions of the *Sport Integrity Australia Act 2020* (Cth) (**SIA Act**)
- **DELETE IF IRRELEVANT** - the views of third parties, and
- the relevant provisions of the FOI Act.

Reasons for decision

I have decided to **<grant access>** **<grant part access>** **<refuse access>** to the material within scope of your request, subject to the following provisions of the FOI Act.

Section 34 – Cabinet documents

Section 38 – Documents to which secrecy provisions of enactments apply

Section 42 – Documents subject to legal professional privilege

Section 42 of the FOI Act exempts a document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege. The Guidelines note at paragraph 5.129 that, at common law, determining whether a communication is privileged was outlined in the case of *Grant v Downs*,² and requires consideration of:

- whether there is a legal adviser-client relationship;
- whether the communication was for the purpose of giving or receiving legal advice, or use in connection with actual or anticipated litigation;
- whether the advice given is independent; and
- whether the advice given is confidential.

The **document/s OR Documents XX and XX** contain communications between **SIA and its legal advisers/ the SIA Legal team and XX** and **was/were** brought into existence for the dominant purpose of **obtaining or providing** independent legal advice.³ The advice was **provided or obtained** in confidence, and that confidence has been

¹ Available at: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

² *Grant v Downs* (1976) 135 CLR 674.

³ Paragraph 5.136 of the Guidelines provides:

Whether LPP attaches to a document depends on the purpose for which the communication in the document was created. The High Court has confirmed that the common law requires a dominant purpose test rather than a sole purpose test. The communication may have been brought into existence for more than one purpose but

maintained over the advice. I am satisfied that legal professional privilege has not been waived, as the **document/s has/have** not been distributed further than reasonably necessary for internal operational purposes, and the substance of the legal advice contained in the **document/s** has not been used in any way which is inconsistent with the maintenance of the confidentiality of the advice.

I am therefore satisfied that the **document/s** would be subject to a claim of legal professional privilege and justifiably withheld from production in legal proceedings.

Section 42 is not a conditional exemption claim. Therefore, the public interest test under subsection 11(5) of the FOI Act does not apply.

Section 47C – Deliberative processes

Section 47C of the FOI Act provides that a document is conditionally exempt if it contains deliberative matter in the nature of, or relating to:

- an opinion, advice or recommendation that has been obtained, prepared, or recorded; or
- a consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency, Minister, or the Government.

The Guidelines at paragraph 6.58 provide that a deliberative process involves the exercise of judgement in developing and making a selection from different options:

The action of deliberating, in common understanding, involves the weighing up or evaluation of the competing arguments or considerations that may have a bearing upon one's course of action. In short, the deliberative processes involved in the functions of an agency are its thinking processes – the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.⁴

Pursuant to subsection 47C(2)(b) of the FOI Act, deliberative material does not include information that is purely factual. Comparatively, paragraph 6.73 of the Guidelines provides that 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content such that it is impractical to excise it.

I am satisfied that the relevant material in the **document/s OR Documents XX** is not purely factual and is deliberative matter within the meaning of subsection 47C(1) of the FOI Act, being in the nature of and relating to:

- opinion, advice and recommendations; or
- a consultation or deliberation that has taken place, in the course of, or for the purposes of, a deliberative process of the government, an agency or Minister.

OR

While the document or some of the documents can be considered to contain 'purely factual material, this information is central to the content and purpose of the deliberative information the **document/s**. I therefore consider that it would be impractical to excise this information from the **document/s**. Paragraph 6.74 of the Guidelines advises that "where a decision maker finds it difficult to separate the purely factual material from the deliberative matter, both elements may be exempt."

I consider the release of the conditionally exempt material would disclose SIA's deliberative process in relation to **<describe why the material is considered to be deliberative>**. Disclosure of such information could reasonably inhibit the agency's ability to develop and discuss preliminary views on issues in a frank and robust manner in the future.

Accordingly, I have decided that this information is conditionally exempt pursuant to subsection 47C(1) of the FOI Act.

will be privileged if the main purpose of its creation was for giving or receiving legal advice or for use in actual or anticipated litigation.

⁴ See *Re JE Waterford and Department of Treasury (No 2)* [1984] AATA 67.

Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have considered whether disclosure of the information would be contrary to the public interest, as set out below.

Subsection 11A(5) – The public interest test

Section 47C of the FOI Act is a conditional exemption, meaning that it is subject to the application of the public interest test under section 11A(5) of the FOI Act.

I have considered the factors favouring disclosure under subsection 11B(3) of the FOI Act and find that disclosure of the material may:

<Select the relevant factor/s which apply to the specific document/s that are conditionally exempt>

- promote the objects of the FOI Act; and/or
- inform debate on a matter of public importance; and/or
- promote effective oversight of public expenditure; and/or
- allow a person to access his or her own personal information.

The FOI Act does not list any specific factors weighing against disclosure. However, I have considered the non-exhaustive factors against disclosure listed in the Guidelines and the particular circumstances relevant to the conditionally exempt material.

I consider the release of the conditionally exempt material could reasonably be expected to:

<Examples suggested below. Delete irrelevant ones and/or add factors which may be applicable and specific to the conditionally exempt material>

- impair the effectiveness of the Cabinet process by inhibiting the full canvassing of deliberative matters in the development of Cabinet material;
- undermine the integrity of the agency's ability to provide frank and full advice and recommendations, and to consider and weigh up information regarding the subject matter;
- hinder the future deliberations and decision making processes of the agency;
- prejudice the ability of the agency to obtain similarly confidential and sensitive information from stakeholders and other agencies in the future;
- be expected to prejudice the agency's ability to obtain similar information in the future;
- **XX.**

I confirm I have not taken any of the irrelevant factors sets out under subsection 11(4) of the FOI Act into account.

I consider that, on balance, the disclosure of the conditionally exempt information would be contrary to the public interest. I am satisfied that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information.

Accordingly, I consider the information to be exempt under section 47C of the FOI Act.

Section 47E(d) – Certain operations of agencies

Section 47F – Personal privacy

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve an unreasonable disclosure of personal information.

'Personal information' has the same meaning as in the *Privacy Act 1988* (Cth) and is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not; and

- b. whether the information or opinion is recorded in a material form or not.

Personal information may be conditionally exempt subject to the following considerations:

- (a) the extent to which the information is well known;
- (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- (c) the availability of the information from publicly accessible sources; and
- (d) any other matters that the agency or Minister considers relevant.⁵

I consider that <parts of> Documents XX contain the personal information of <third-party individuals> <staff members>, in particular <their name>, <email address>, <place of work>, <mobile phone number> or <personal opinion>. This information is not publicly available, and I consider that release of this information would constitute an unreasonable disclosure of personal information and there would be no public purpose achieved through such disclosure.

Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have considered whether disclosure of the information would be contrary to the public interest, as set out below.

Subsection 11A(5) - The public interest test

Section 47F of the FOI Act is subject to the application of the public interest test under subsection 11A(5) of the FOI Act.

I have considered the factors favouring disclosure under subsection 11B(3) of the FOI Act and find that disclosure of the material may:

<Select the relevant factor/s which apply to the specific document/s that are conditionally exempt>

- promote the objects of the FOI Act; and/or
- inform debate on a matter of public importance; and/or
- promote effective oversight of public expenditure; and/or
- allow a person to access his or her own personal information.

The FOI Act does not list any specific factors weighing against disclosure. However, I have considered the non-exhaustive factors against disclosure listed in the Guidelines and the particular circumstances relevant to the conditionally exempt material.

I have identified the following factors weighing against disclosure:

<Examples suggested below. Delete irrelevant ones and/or add factors which may be applicable and specific to the conditionally exempt material>

- disclosure of personal information could reasonably be expected to prejudice the protection of an individual's right to privacy;
- the information is generally not well known or publicly available;
- disclosure of the information would not advance scrutiny of any decision falling within scope of your FOI request, particularly with regard to staff who are not relevant decision-makers and non-SES staff members who are acting under the direction of senior staff in the course of their ordinary duties;
- the release of the individual/s personal information in connection with the subject matter of the document/s would likely cause some detriment, particularly the release of personal information such as

⁵ See subsection 47F(1) of the FOI Act.

email addresses and mobile phone numbers, which could result in the **individual/s** being contacted outside of appropriate official channels, including outside business hours;

- no public purpose or interest in increasing transparency of government would be achieved through the release of the information;
- there is a public interest in APS employees fulfilling their obligations under the *Work Health and Safety Act 2011* (Cth), in particular by preventing the exposure of staff members from potential harassment or threats.

I confirm I have not taken any of the irrelevant factors sets out under subsection 11(4) of the FOI Act into account.

I consider that, on balance, the disclosure of the conditionally exempt information would be contrary to the public interest. I am satisfied that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information.

Accordingly, I consider the information to be exempt under section 47F of the FOI Act.

Section 22 – Access to edited copies with exempt or irrelevant matter deleted



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AUSTRALIA

Unit 14, 5 Tennant St, Fyshwick ACT 2609
PO Box 1744, Fyshwick, ACT, 2609
General enquiries 13 000 27232
If outside Australia +61 2 6222 4200
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10 April 2024

<Title> <First & Last Name>

By email only: <email address>

PRIVATE AND CONFIDENTIAL

Dear <Title> <Last Name>,

Decision on your Internal Review Request – FOI XX-XX (Internal Review)

I am writing to give you my decision following your request for internal review of <Decision-Maker's name> decision dated <DATE>, which <summary primary decision made> under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

I am authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests. I was not involved in, or consulted on, the making of the decision under review (**FOI XX-XX - the primary decision**).

My decision

I have decided to affirm the primary decision and <summary of primary decision made>.

OR

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

Option 1 (document/s being released in full)

grant access in full to the document OR all the documents in scope of your request.

Option 2 (documents being released in full with irrelevant material being redacted under section 22 of the FOI Act)

grant access in full to the document OR all the documents in scope of your request, subject to the deletion of irrelevant material under section 22 of the FOI Act.

Option 3 (all documents being released in part with or without irrelevant material being redacted under section 22 of the FOI Act)

grant access in part to the document OR all the documents in scope of your request, subject to the redaction of exempt material under section/s XX of the FOI Act <and irrelevant material under section 22 of the FOI Act>.

Option 4 (grant access in part under different exemption claims)

grant access to Document/s XX under section/s XX of the FOI Act, and Document/s XX under section XX of the FOI Act <and irrelevant material under section 22 of the FOI Act>.

Option 5 (mix of partial/full release and/or refusal of documents)

grant access in part to Document/s XX, subject to the redaction of exempt material under section/s XX of the FOI Act <and irrelevant material under section 22 of the FOI Act>; refuse access to Document/s XX under section/s XX of the FOI Act; and grant access in full to Document/s XX <and irrelevant material under section 22 of the FOI Act>.

Option 6 (refusal of all documents in full under the same exemption claim)

refuse access to all documents under section/s XX of the FOI Act.

Option 7 (refusal of all documents in full under different exemption claims)

refuse access to Document/s XX under section/s XX of the FOI Act, and Document/s XX under section XX of the FOI Act.

The relevant background and reasons for my decision are set out below.

Background

On <DATE>, you requested access to the following:

<“insert exact wording of request”>.

On <DATE>, under the primary decision, the <summary of primary decision made>.

On <DATE>, you applied for an internal review of the primary decision, in the following terms:

<“insert exact wording of request”>.

On <DATE> or <the same date>, we acknowledged receipt of your application for internal review.

The statutory period for processing an internal review request is 30 days. Therefore, a decision is due by <DATE>.

Material taken into account

In making my decision on your request for internal review, I have considered the following:

- your application for internal review,
- the **document/s** falling within the scope of your request for internal review,
- the primary decision dated **<DATE>**,
- the relevant provisions of the FOI Act and the *Sport Integrity Australia Act 2020* (Cth) (**Sport Integrity Australia Act**), and
- the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).¹

Reasons for decision

Under the primary decision, the agency located **XX document/s** in scope of your request.

In your request for an internal review, you did not raise issues with the searches conducted under the request. I have therefore identified the same **XX document/s** as falling in scope of the internal review.

OR

In your request for an internal review, you **<summarise any issues the applicant has raised with the searches conducted>**. We have therefore conducted further searches for any additional documents in scope of your request and **<did not identify any further documents>** **<identified an additional XX document/s>**.

My reasons for this decision are set out at Attachment B.

Your review rights

You can apply for an Information Commissioner review of this decision.

Information Commissioner review

Under section 54M of the FOI Act, you may seek review of this decision by the Australian Information Commissioner. Your application must be made within 30 days of you receiving this notice.

The Office of the Australian Information Commissioner (OAIC) is an independent holder who may review decisions of agencies and Ministers under the FOI Act.

Applications for an Information Commission review (IC review) or to make a complaint may be lodged by email to: foidr@oaic.gov.au. Other information about FOI or the OAIC can be requested at:

Online:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

Email: enquiries@oaic.gov.au

Post: GPO Box 2999, Canberra ACT 2601

In person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner's website: www.oaic.gov.au/freedom-of-information/foi-reviews.

¹ The FOI Guidelines can be accessed via the following link: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

Questions about this decision

If you wish to discuss this decision, please contact: foi@sportintegrity.gov.au.

Kind regards,

<Name><Surname>
<Position>
Sport Integrity Australia



Australian Government
Sport Integrity Australia



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SCHEDULE OF DOCUMENTS – FOI <XX-XX (Internal Review)>

ATTACHMENT A

Document number	Date of document	Number of Pages	Description	Decision on access	Exemption
1	<11/07/2023>	<5>	<Internal email regarding XX>	<Release in part>	<s 38>
2					
3					



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REASONS FOR DECISION – FOI <XX-XX (Internal Review)>

ATTACHMENT B

Material taken into account

In making my decision, I have considered:

- the terms of your request <and as revised on DATE>
- the nature of the documents requested
- advice from business areas with responsibility for matters relating to the documents requested
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**the Guidelines**)²
- the relevant provisions of the *Sport Integrity Australia Act 2020* (Cth) (**SIA Act**)
- **DELETE IF IRRELEVANT** - the views of third parties, and
- the relevant provisions of the FOI Act.

Reasons for decision

I have decided to <grant access> <grant part access> <refuse access> to the material within scope of your request, subject to the following provisions of the FOI Act.

Section 34 – Cabinet documents

Section 38 – Documents to which secrecy provisions of enactments apply

Section 42 – Documents subject to legal professional privilege

Section 42 of the FOI Act exempts a document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege. The Guidelines note at paragraph 5.129 that, at common law, determining whether a communication is privileged was outlined in the case of *Grant v Downs*,³ and requires consideration of:

- whether there is a legal adviser-client relationship;
- whether the communication was for the purpose of giving or receiving legal advice, or use in connection with actual or anticipated litigation;
- whether the advice given is independent; and
- whether the advice given is confidential.

The document/s OR Documents XX and XX contain communications between SIA and its legal advisers/ the SIA Legal team and XX and was/were brought into existence for the dominant purpose of obtaining or providing independent legal advice.⁴ The advice was provided or obtained in confidence, and that

² Available at: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

³ *Grant v Downs* (1976) 135 CLR 674.

⁴ Paragraph 5.136 of the Guidelines provides:

Whether LPP attaches to a document depends on the purpose for which the communication in the document was created. The High Court has confirmed that the common law requires a dominant purpose test rather than a sole purpose test. The communication may have been brought into existence for more than one purpose but will be privileged if the main purpose of its creation was for giving or receiving legal advice or for use in actual or anticipated litigation.



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confidence has been maintained over the advice. I am satisfied that legal professional privilege has not been waived, as the **document/s has/have** not been distributed further than reasonably necessary for internal operational purposes, and the substance of the legal advice contained in the **document/s** has not been used in any way which is inconsistent with the maintenance of the confidentiality of the advice.

I am therefore satisfied that the **document/s** would be subject to a claim of legal professional privilege and justifiably withheld from production in legal proceedings.

Section 42 is not a conditional exemption claim. Therefore, the public interest test under subsection 11(5) of the FOI Act does not apply.

Section 47C – Deliberative processes

Section 47C of the FOI Act provides that a document is conditionally exempt if it contains deliberative matter in the nature of, or relating to:

- an opinion, advice or recommendation that has been obtained, prepared, or recorded; or
- a consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency, Minister, or the Government.

The Guidelines at paragraph 6.58 provide that a deliberative process involves the exercise of judgement in developing and making a selection from different options:

The action of deliberating, in common understanding, involves the weighing up or evaluation of the competing arguments or considerations that may have a bearing upon one's course of action. In short, the deliberative processes involved in the functions of an agency are its thinking processes – the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.⁵

Pursuant to subsection 47C(2)(b) of the FOI Act, deliberative material does not include information that is purely factual. Comparatively, paragraph 6.73 of the Guidelines provides that 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content such that it is impractical to excise it.

I am satisfied that the relevant material in the **document/s OR Documents XX** is not purely factual and is deliberative matter within the meaning of subsection 47C(1) of the FOI Act, being in the nature of and relating to:

- opinion, advice and recommendations; or
- a consultation or deliberation that has taken place, in the course of, or for the purposes of, a deliberative process of the government, an agency or Minister.

OR

While the document or some of the documents can be considered to contain 'purely factual material, this information is central to the content and purpose of the deliberative information the **document/s**. I therefore consider that it would be impractical to excise this information from the **document/s**. Paragraph 6.74 of the Guidelines advises that "where a decision maker finds it difficult to separate the purely factual material from the deliberative matter, both elements may be exempt."

I consider the release of the conditionally exempt material would disclose SIA's deliberative process in relation to **<describe why the material is considered to be deliberative>**. Disclosure of such information

⁵ See *Re JE Waterford and Department of Treasury (No 2)* [1984] AATA 67.



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could reasonably inhibit the agency's ability to develop and discuss preliminary views on issues in a frank and robust manner in the future.

Accordingly, I have decided that this information is conditionally exempt pursuant to subsection 47C(1) of the FOI Act.

Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have considered whether disclosure of the information would be contrary to the public interest, as set out below.

Subsection 11A(5) – The public interest test

Section 47C of the FOI Act is a conditional exemption, meaning that it is subject to the application of the public interest test under section 11A(5) of the FOI Act.

I have considered the factors favouring disclosure under subsection 11B(3) of the FOI Act and find that disclosure of the material may:

<Select the relevant factor/s which apply to the specific document/s that are conditionally exempt>

- promote the objects of the FOI Act; and/or
- inform debate on a matter of public importance; and/or
- promote effective oversight of public expenditure; and/or
- allow a person to access his or her own personal information.

The FOI Act does not list any specific factors weighing against disclosure. However, I have considered the non-exhaustive factors against disclosure listed in the Guidelines and the particular circumstances relevant to the conditionally exempt material.

I consider the release of the conditionally exempt material could reasonably be expected to:

<Examples suggested below. Delete irrelevant ones and/or add factors which may be applicable and specific to the conditionally exempt material>

- impair the effectiveness of the Cabinet process by inhibiting the full canvassing of deliberative matters in the development of Cabinet material;
- undermine the integrity of the agency's ability to provide frank and full advice and recommendations, and to consider and weigh up information regarding the subject matter;
- hinder the future deliberations and decision making processes of the agency;
- prejudice the ability of the agency to obtain similarly confidential and sensitive information from stakeholders and other agencies in the future;
- be expected to prejudice the agency's ability to obtain similar information in the future;
- **XX.**

I confirm I have not taken any of the irrelevant factors sets out under subsection 11(4) of the FOI Act into account.

I consider that, on balance, the disclosure of the conditionally exempt information would be contrary to the public interest. I am satisfied that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information.



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Unit 14, 5 Tennant St, Fyshwick ACT 2609
PO Box 1744, Fyshwick, ACT, 2609
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Accordingly, I consider the information to be exempt under section 47C of the FOI Act.

Subsection 47E(d) – Certain operations of agencies

Section 47F – Personal privacy

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve an unreasonable disclosure of personal information.

'Personal information' has the same meaning as in the *Privacy Act 1988* (Cth) and is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not; and
- b. whether the information or opinion is recorded in a material form or not.

Personal information may be conditionally exempt subject to the following considerations:

- (a) the extent to which the information is well known;
- (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- (c) the availability of the information from publicly accessible sources; and
- (d) any other matters that the agency or Minister considers relevant.⁶

I consider that <parts of> Documents XX contain the personal information of <third-party individuals> <staff members>, in particular <their name>, <email address>, <place of work>, <mobile phone number> or <personal opinion>. This information is not publicly available, and I consider that releasing this information would constitute an unreasonable disclosure of personal information and there would be no public purpose achieved through such disclosure.

Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have therefore considered whether disclosure of the information would be contrary to the public interest, as set out below.

Subsection 11A(5) - The public interest test

Section 47F of the FOI Act is subject to the application of the public interest test under subsection 11A(5) of the FOI Act.

I have considered the factors favouring disclosure under subsection 11B(3) of the FOI Act and find that disclosure of the material may:

<Select the relevant factor/s which apply to the specific document/s that are conditionally exempt>

- promote the objects of the FOI Act; and/or
- inform debate on a matter of public importance; and/or
- promote effective oversight of public expenditure; and/or
- allow a person to access his or her own personal information.

⁶ See subsection 47F(1) of the FOI Act.



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PO Box 1744, Fyshwick, ACT, 2609
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The FOI Act does not list any specific factors weighing against disclosure. However, I have considered the non-exhaustive factors against disclosure listed in the Guidelines and the particular circumstances relevant to the conditionally exempt material.

I have identified the following factors weighing against disclosure:

<Examples suggested below. Delete irrelevant ones and/or add factors which may be applicable and specific to the conditionally exempt material>

- disclosure of personal information could reasonably be expected to prejudice the protection of an individual's right to privacy;
- the information is generally not well known or publicly available;
- disclosure of the information would not advance scrutiny of any decision falling within scope of your FOI request, particularly with regard to staff who are not relevant decision-makers and non-SES staff members who are acting under the direction of senior staff in the course of their ordinary duties;
- the release of the **individual/s** personal information in connection with the subject matter of the **document/s** would likely cause some detriment, particularly the release of personal information such as email addresses and mobile phone numbers, which could result in the **individual/s** being contacted outside of appropriate official channels, including outside business hours;
- no public purpose or interest in increasing transparency of government would be achieved through the release of the information;
- there is a public interest in APS employees fulfilling their obligations under the *Work Health and Safety Act 2011* (Cth), in particular by preventing the exposure of staff members from potential harassment or threats;
- **XX**.

I confirm I have not taken any of the irrelevant factors sets out under subsection 11(4) of the FOI Act into account.

I consider that, on balance, the disclosure of the conditionally exempt information would be contrary to the public interest. I am satisfied that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information.

Accordingly, I consider the information to be exempt under section 47F of the FOI Act.

Section 22 – Access to edited copies with exempt or irrelevant matter deleted



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DOC 8
FOI 24-09

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PO Box 1744, Fyshwick, ACT, 2609
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<10 April 2024>

<Title> <Name> <Surname>
<Company>

<By email only: XXX >

PRIVATE AND CONFIDENTIAL

Dear <Title> <Surname>,

Decision on your Administrative Access Request – Admin <XX-XX>

I refer to your request of <date> to Sport Integrity Australia (SIA), seeking administrative access to the following documents:

<INSERT exact request wording>.

On <date>, we acknowledged receipt of your request.

<Delete if not applicable> On <date>, we wrote to you to clarify the scope of your request.

On <date>, you advised the following:

<INSERT applicant's response>.

The purpose of this letter is to give you a decision about access to the document/s you requested under administrative access.

My decision

I have identified <number> document/s in scope of your request. The document/s is/are set out in the schedule at Attachment A.

I have decided to:

- grant access in full to the document/s in scope of your request:
- grant access in part to the document/s, subject to the redaction of information which:
- refuse access to the document/s on the grounds that the information:
 - <is considered 'protected information' under section 4 of the *Sport Integrity Australia Act 2020* (Cth) (**SIA Act**) as it was obtained under or for the purposes of the SIA Act or a legislative instrument under the SIA Act; and relates to the affairs of a person; and identifies, or is reasonably capable of being used to identify, the person.

Under section 67 of the SIA Act, it is an offence for an entrusted person to disclose protected information to another person (other than the person to whom the information relates).

The term 'person' is defined in section 2C of the *Acts Interpretation Act 1901* (Cth) as relating to a body politic or corporate as well as an individual.

Exceptions under subsection 67(2) of the SIA Act include circumstances where the person to whom the protected information relates has consented to its disclosure (section 68A), or where the information has already been 'lawfully made available to the public' (section 68D). In this case, none of the exceptions to disclosure under the SIA Act apply.

- o is the personal information of **third-party individuals/junior SIA officers**, namely the individuals' **<name>, <email address>, <place of work>, <mobile phone number> etc.**

'Personal information' has the same meaning as under the *Privacy Act 1988* (Cth) and is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- i. whether the information or opinion is true or not; and
- ii. whether the information or opinion is recorded in a material form or not.

The information I have redacted from the **document/s** is not publicly available or well known, and I consider that release would prejudice the protection of the **individual/s** right to privacy.

- o is an opinion, advice or recommendation that is still in draft form and under deliberation. Disclosure of such information could reasonably inhibit the agency's ability to develop and discuss preliminary views on issues in a frank and robust manner in the future.
- o is subject to legal professional privilege and would therefore be privileged from production in legal proceedings.
- o relates to the internal operations of the agency, which is not publicly available or well known. I am of the view that release of the redacted information may adversely affect the agency's ability to undertake its functions efficiently.
- o is irrelevant to the scope of your request.
- o ETC>.

Review of the decision

If you are dissatisfied with my decision, please contact: foi@sportintegrity.gov.au.

Kind regards,

<Name> <Surname>
<Position>
 Sport Integrity Australia



Australian Government
Sport Integrity Australia



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FOI 24-09

SCHEDULE OF DOCUMENTS – Admin <XX-XX>

ATTACHMENT A

Document number	Date of document	Number of Pages	Description	Decision on access
1	<11/07/2023>	<5>	<Internal email regarding XX>	<Release in part>
2				
3				

DRAFT EMAIL TEMPLATE
Acknowledgement of request

Subject line: FOI XX-XX – Acknowledgement of your FOI request

Dear <applicant's name>,

Thank you for your request for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

“INSERT exact request wording”

Your request was received on <date> and the 30-day statutory period for processing it commences the day after that date. You should therefore expect a decision from Sport Integrity Australia by <date>.

The period of 30 days may be extended with your agreement, at the discretion of the Office of the Australian Information Commissioner, if we need to consult with third parties, or if your request is considered to be substantial and voluminous and we need to consult you to revise the scope of your request. We will advise you as soon as practicable should any extension of time be required.

<You will also be notified of any charges in relation to your request before we process any requested documents or impose a final charge>.

Where there is no objection from you, the names and contact details of junior officers will be redacted under section 22 of the FOI Act on the basis that these details are irrelevant to your request.

Please note that information released under the FOI Act may be published online on our disclosure log subject to certain exceptions. For example, personal information will not be published where the disclosure would be unreasonable.

We will contact you using the email address you provided: <insert applicants email address>.

If you have any questions or concerns, please contact us at: foi@sportintegrity.gov.au.

Kind regards,

DRAFT EMAIL TEMPLATE
Administrative access acknowledgement email

Subject line: Admin XX-XX - Administrative access acknowledgement email

Dear <applicant's name>,

Thank you for your email and request under administrative access for the following documents:

<*insert exact request wording*>.

Your request was received on <date> and the agency will endeavour to provide a response to your request by <date>.

We will contact you using the email address you provided: <insert applicant's email address>.

If you have any questions or concerns, please contact us at: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Acknowledgement of FOI request – Section 16 Transfer

Subject line: FOI **XX-XX – Acknowledgment of your FOI Request – Section 16 Transfer**

Dear <applicant name>,

FOI XX-XX (previously FOI <Other Agency's reference number>)

We write with respect to your request for access to the following documents under the *Freedom of Information Act 1982 (FOI Act)* to the <NAME OF AGENCY> on <DATE>:

<“insert exact wording of request”>.

Your request has been transferred to Sport Integrity Australia to process under subsection 16(1) of the FOI Act.

In accordance with subsection 16(5)(b) of the FOI Act, the processing time for a request is transferred when it is accepted by another Agency. Accordingly, you should expect a decision to your request on or before **COB <DATE>**. This period of 30 days may be extended if we need to consult third parties or for other reasons. We will advise you if this occurs.

If you have any questions or concerns, please contact us at: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Acknowledgement of Internal Review Request

Subject line: FOI **XX-XX (Internal Review) - Acknowledgement of Internal Review request**

Dear <applicant name>,

We acknowledge receipt of your request for an Internal Review of the decision made on FOI **XX-XX** on <DATE> in the following terms:

<"insert exact wording of request">.

The agency has 30 days from the date of your Internal Review application to review the decision, under subsection 54C(3) of the *Freedom of Information Act 1982* (Cth). A decision on your internal review request is therefore due to you by **COB <DATE>**.

If you have any questions or concerns, please contact us at: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Agreement to FOI transfer request from another agency

Subject line: FOI XX-XX – Agreement to FOI transfer request from another agency

Dear colleagues,

Thank you for your email below, seeking to transfer a request your agency received under the *Freedom of Information Act 1982* (Cth) for access to the following documents:

<“insert exact wording of request”>.

We accept the section 16 transfer of this request.

We would be grateful if you could please forward the original request, and advise whether you have acknowledged it.

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Valid Freedom of Information Request (email to applicant)

Subject Line: Request for information under the *Freedom of Information Act 1982* (Cth)

Dear <applicant>,

We refer to your email below, seeking access to the following:

<"insert exact wording">.

Section 15 of the *Freedom of Information Act 1982* (Cth) (**FOI Act**) requires that a request for access must:

- state that the request is an application for the purposes of the FOI Act;
- provide sufficient information about the document(s) to allow us to process the request; and
- provide an address for reply.

In order for your request to be processed under the provisions of the FOI Act, please <advise whether your request is under the FOI Act or is an administrative access request (i.e. to be processed outside the FOI Act)> OR <provide further information to enable us to identify the document(s) you are seeking>.

We would be grateful to receive a response on the above by **COB <date>**.

Please do not hesitate to contact us should you have any further questions.

Kind regards,

DRAFT EMAIL TEMPLATE
Seeking agreement to transfer FOI request to another agency

Subject line: FOI XX-XX – Seeking agreement to transfer FOI request

Dear colleagues,

On <DATE>, Sport Integrity Australia received a request for access to the following documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**):

<“insert exact wording of request”>.

The current due date for this request is <DATE>.

Under subsection 16(1) of the FOI Act, we are seeking to transfer **this request/the following part/s of this request** to your agency on the basis that the subject matter of the request is more closely connected to the functions of <NAME OF AGENCY>:

<“insert relevant part of the request to be transferred, if applicable”>.

Our agency will continue to process the following part/s of the request:

<“insert relevant part of the request SIA will process, if applicable”>.

Could you please confirm the above by **COB <DATE>**.

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Transfer of FOI request to another agency

Subject line: FOI XX – Transfer of FOI Request

Dear colleagues,

Thank you for accepting transfer of FOI XX-XX.

Please find the following **attached**:

1. Original FOI request from the applicant
2. Notification of transfer email to the applicant

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Notice to applicant of transfer of FOI Request

Subject line: FOI XX-XX – Notification of Transfer of FOI Request

Dear <applicant name>,

I refer to your request under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Sport Integrity Australia below, seeking access to the following documents:

<“insert exact wording of request”>.

I am writing to advise you that on <DATE> the agency transferred your request to <NAME OF AGENCY> in accordance with subsection 16(1) of the FOI Act which enables an agency to transfer a request if the subject matter of the document is more closely connected with the functions of another agency.

We received your request on <DATE> and the 30-day statutory period for processing your request commenced from the day after that date. <NAME OF AGENCY> will treat your request as though it received it on the same day that Sport Integrity Australia did. Therefore, you should expect a decision from <NAME OF AGENCY> by **COB <DUE DATE>**. The period of 30 days may be extended if <NAME OF AGENCY> needs to consult third parties or for other reasons. They will advise you if this happens.

An FOI officer from <NAME OF AGENCY> will be in contact with you shortly to progress your request.

DRAFT EMAIL TEMPLATE
Executive notification of new request

Subject Line: For Your Information – FOI **XX-XX – Notification of new Freedom of Information Request**

Hi <names>

For your awareness, our team received and is processing the **attached** request under the *Freedom of Information Act 1982* (Cth) from <applicant><organisation> on <date>.

No action from you is required in relation to this notification.

Please let me know if you have any questions regarding the request.

Kind regards,

DRAFT EMAIL TEMPLATE
Search Minute tasking to business area

Subject line: FOI XX-XX (applicant name) – FOR ACTION: Search Minute to be completed by <date>

Dear Colleagues,

FOI XX-XX

Sport Integrity Australia has received a Freedom of Information (FOI) request from <applicant's name> from <organisation if relevant> (the applicant) for the following:

"INSERT exact request wording".

<Delete if irrelevant> The applicant has clarified or revised the request as follows:

"insert revised request">.

Action required

We have attached a Search Minute for your completion by no later than **COB <date>**. We have also attached an FOI Exemptions and Conditional Exemptions factsheet for your reference when considering or identifying potential sensitivities with the release of any documents located to be in scope of the request.

We request that all (and only) documents that are in scope of the request are provided. The Legal team will review the documents and consider any views you have on the release of the documents under the *Freedom of Information Act 1982* (Cth).

<Delete if irrelevant> We have also provided a search minute to <team> for their completion. If you identify another business area that may hold documents responsive to this request, please let us know as soon as possible.

<Delete if irrelevant> If you consider that you require more time to collate the documents, **or that another business area is better suited to respond to this request**, please let us know as soon as possible.

If you have any questions about the request or FOI process, please do not hesitate to contact us to discuss.

Thank you in advance.

Kind regards,

DRAFT EMAIL TEMPLATE
Courtesy Consultation email

Subject line: FOI XX-XX – Courtesy Consultation – Response Requested by <DATE>

Dear <AGENCY NAME> FOI team,

Sport Integrity Australia has received a request under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) for the following:

<“insert exact wording of request”>.

Sport Integrity Australia has identified **XX document/s** in scope of the request that your agency may wish to provide comments on. The **document/s** contain references to **<briefly describe why we are consulting the agency>**. A copy of the **document/s is/are attached** for your consideration.

We seek your agency’s comments on the potential disclosure of the **document/s**. If <AGENCY NAME> has any concerns with the potential disclosure of the material, please advise us and indicate why the information should be exempt from disclosure under the FOI Act.

Please note that whilst your comments will be given careful consideration, the final decision on access to the **document/s** will be made by Sport Integrity Australia’s decision maker.

To assist us in meeting the statutory time-period for processing this request, we would be grateful for any comments you have by **COB <DATE>**.

If you have any questions or concerns, please contact us at: FOI@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Informal consultation with applicant email

Subject line: FOI XX-XX – Informal Consultation– Response Requested by <DATE>

Dear <applicant name>,

I refer to your request to Sport Integrity Australia under the *Freedom of Information Act 1982* (Cth) (FOI Act), seeking access to the following documents:

<“insert exact wording of request”>.

Your request, as it is currently framed, captures a significant volume of material and it is likely that the work involved in processing the request would substantially and unreasonably divert the resources of this agency from its other operations. This could result in your request being refused pursuant to section 24 of the FOI Act on the basis that a ‘practical refusal’ reason exists.

As such, we would like to engage in an informal consultation process with you to narrow the terms of your request so that it can be processed by the agency.

To assist you in revising your request, we recommend you consider the following:

- clarifying what is mean by <part of request which requires clarification>; and/or
- excluding <duplicates>, <draft documents>, <purely administrative documents such as meeting invites etc.>; and/or
- restricting the time period over which you seek documents to <the last year/a particular timeframe>; and/or
- restricting your request to <particular subject matter>; and/or
- excluding material that would require consultation with <third parties/other government agencies>.

Alternatively, if you are able to indicate to us what you are trying to achieve with the FOI request, we may be able to assist in narrowing the scope.

We would be grateful to receive your response on the above by no later than **COB <DATE>**.

If we do not hear from you by then, we will issue a formal consultation letter in accordance with section 24AB of the FOI Act.

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
to applicant regarding preliminary searches undertaken

Subject line: FOI XX-XX – Regarding the scope of your request – <no documents><broad scope/voluminous preliminary search><protected information>

Dear <applicant's name>,

Thank you for your request to Sport Integrity Australia (SIA) of <date> seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

“INSERT exact request wording”

Preliminary searches undertaken indicate that *<insert the relevant option/s below and delete the remaining>*.

Option 1 – No documents

SIA does not appear to hold any documents within the scope of your request.

Option 2 – Too broad/voluminous

Your request, as it is currently framed, is quite broad (capturing <all communications and/or correspondence between SIA and the identified external third parties> <all documents held by SIA relating to XX>). It is likely that the work involved in processing your request would substantially and unreasonably divert the resources of this agency from its other operations. This could result in your request being refused under section 24 of the FOI Act on the basis that a ‘practical refusal’ reason exists.

Option 3 – Protected Information

Information that relates to the affairs of <third party> <athlete> or <NSO> in relation to this matter would constitute ‘protected information’ under section 4 of the *Sport Integrity Australia Act 2020* (Cth) (SIA Act).

Section 4 of the SIA Act describes ‘protected information’ as information that:

- a. *“was obtained under or for the purposes of this Act or a legislative instrument made under this Act; and*
- b. *relates to the affairs of a person (other than an entrusted person); and*
- c. *identifies, or is reasonably capable of being used to identify, the person.”*

The term ‘person’ is defined in section 2C of the *Acts Interpretation Act 1901* (Cth) as relating to a body politic or corporate as well as an individual.

As such, the term ‘protected information’ extends not only to information about individuals, but also to information about a body politic or corporate (this could include a sporting body, for example, or other organisations).

Section 67 of the SIA Act makes it an offence to disclose protected information except in very limited circumstances, such as where the person or organisation to whom the protected information relates has consented to its disclosure, or where the information has already been ‘lawfully made available to the public’.

In consideration of the above, and based on our experience in similar matters, it is highly unlikely that an FOI decision maker would grant access to the <document(s)> you have requested as the <document(s)> contain protected information which is exempt from release under section 38 of the FOI Act.

Next steps

Relating to Option 1 – No documents

On that basis, please confirm if you would like SIA to make a formal FOI decision that we hold no documents, or if you would like to withdraw your request.

Relating to Option 2 – Too broad/voluminous

To assist in making your request more manageable, we recommend that you consider the following options:

- clarify what is meant by <part of request which requires clarification>;
- exclude <duplicates/draft documents/purely administrative documents such as meeting invites etc.> from your request; and/or
- restrict the time period over which you are seeking documents to <the last year/ a particular timeframe>;
- restrict your request to <particular subject matter>; and/or
- exclude material that would require consultation with <third parties/other government agencies>.

Relating to Option 3 – Protected Information

On this basis, please advise whether you would like to continue with this request, or if you would like to withdraw it.

We would be grateful for your response by **COB <date>** indicating your preferred approach.

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

Kind regards,

DRAFT EMAIL TEMPLATE

Third party consultation email

Subject line: FOI XX-XX - Third party consultation on freedom of information request – Response Requested by <DATE>

Dear Sir/Madam,

Sport Integrity Australia has received a request under the *Freedom of Information Act 1982* (Cth) (FOI Act) for the following documents:

<“insert exact wording of request”>.

The agency has identified the **attached document/s** in scope of the request which capture **personal and/or business** information about **you and/or your organisation or undertaking**.

‘Business information’ means information concerning an individual in respect of their business or professional affairs, or concerning the business, commercial or financial affairs of an organisation or undertaking.

‘Personal information’ means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

Under section **27 and/or 27A** of the FOI Act, the agency is required to consult **an individual or organisation or undertaking** about documents containing **personal and/or business** information to provide an opportunity to raise any contentions regarding release of that information.

Opportunity to make a submission

You are invited to make a submission regarding the release of the attached **document/s** on the **ground/s** of exemption under the FOI Act listed below:

- **Section 47 – documents are exempt if release would disclose trade secrets or information having a commercial value that would be, or could reasonably be expected to be, destroyed, or diminished if the information were disclosed.**
- **Section 47G – documents are conditionally exempt if disclosure would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs. The exemption is only available if it can be demonstrated that granting access to the documents would, on balance, be contrary to the public interest.**
- **Section 47F – documents are conditionally exempt if disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person). In deciding whether disclosure would be unreasonable, the decision maker will also consider the extent to which the information is well known, whether the relevant individual is known to be (or to have been) associated with the matters dealt within the document, the availability of the information from publicly accessible sources and any other matters that**

the decision maker considers relevant. The exemption is only available if it can be demonstrated that granting access to the documents would, on balance, be contrary to the public interest.

In making your submission against release of the attached **document/s**, please provide an explanation as to why the relevant **exemption/s** apply to the information.

Please note that whilst your views will be given careful consideration, the final decision on access to the **document/s** will be made by Sport Integrity Australia's decision maker.

However, if the decision maker decides to grant access to any documents which you contend should not be released, you will be given written notice of the decision and an opportunity to seek a review of the decision before the **document/s** are released to the applicant.

Disclosure log

Under subsection 11C(3) of the FOI Act, if the decision maker decides to grant access to the **document/s** in part or in full, the agency must publish the **document/s** on our [FOI Disclosure Log](#), unless any of the exceptions under subsection 11C(1) of the FOI Act apply.

Response due date

We would be grateful to receive your submission in relation to the attached **document/s** in writing by **COB <date>**. If we do not receive your response by this date, the decision maker will make a decision on release of the **document/s** without further contact with you.

If you have any questions or concerns, please contact us at: FOI@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Notice to applicant of third party consultation

Subject line: FOI XX-XX - Notice of third-party consultation

Dear <applicant's name>,

I refer to your request of <date> to Sport Integrity Australia seeking access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

<“insert exact request wording”>.

We have identified a document/s in scope of your request which concern a third party/parties who may reasonably wish to make a contention concerning release of the document/s.

As such, pursuant to subsection 15(6) of the FOI Act, the timeframe for providing a decision on your request has been extended by a further 30 days. Therefore, the current due date for a decision is <date>.

If you have any questions or concerns, please contact us at: FOI@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Approval to consult Minister's Office

Subject line: FOI XX-XX (Applicant's Name) – FOR ACTION by <DATE> – Approval to consult Ministers Office on FOI request

Dear <Decision-Maker>,

The Legal team is currently processing a Freedom of Information request (FOI XX-XX) received on <date> from <applicant>, seeking access to:

<"insert exact wording">.

There are XX documents in scope of the request which relate to the Minister's Office. A copy of the marked-up documents is **attached** with our proposed redactions as follows:

- *Document 1 – release in full*
- *Document 2 – release in part – section 38 (secrecy provision/protected information) and section 47F (personal information)*
- *Document 3 – refuse in full – section 42 (legal professional privilege)*
- *Etc.*

We recommend consulting with the Minister's Office on the disclosure of the documents, so they can advise of any concerns on release, prior to any FOI decision being made.

For Decision-Maker action:

We seek your approval to contact the Minister's Office, via Minister Wells' DLOs, to seek their comments on the release of the attached documents.

A decision on the FOI request is due on <date>. *We have sought a XX-day extension of time from the Office of the Australian Information Commissioner. If granted, the new due date will be <date>.*

We would be grateful for your review and approval on the above before **COB <date>**, if possible.

If you have any questions or concerns, please contact us at: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Section 15AA Extension of Time Request

Subject line: FOI XX-XX – Section 15AA Extension of Time Request

Dear <applicant's name>,

I refer to your request under the *Freedom of Information Act 1982* (Cth) (**FOI Act**), seeking access to the following documents:

<“insert exact request wording”>.

We are actively processing your request and note that we require additional time to finalise it. <Add further information on why an EOT is required, if any e.g. the request requires consultation with another government agency/documents in scope of your request sit across several business areas within the agency etc.>.

As such, we are seeking an extension of time of **XX**-days under section 15AA of the FOI Act to finalise your request. Currently, a decision on your request is due on <DATE>. If you agree to our request for an extension of time, a decision will be due by **COB <DATE>**. If we can provide you with a response sooner, we will do so.

We would be grateful if you could please indicate whether you agree to the requested extension of time by **COB <DATE>**, if possible.

If you have any questions or concerns, please contact us at: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Notification to Applicant of Section 15AB/15AC Extension of Time Request

Subject line: FOI XX-XX – Notification of Section 15AB or 15AC Extension of Time

Dear <applicant's name>,

I refer to your request under the *Freedom of Information Act 1982* (Cth) (**FOI Act**), seeking access to the following documents:

<“insert exact request wording”>.

We are actively processing your request and note that we require additional time to finalise it. <Add further information on why an EOT is required, if any e.g. the request requires consultation with another government agency/documents in scope of your request sit across several business areas within the agency etc.>. As a result, we have requested a XX-day extension of time from the Office of the Australian Information Commissioner (**OAIC**) under section 15AB or 15AC of the FOI Act. Should the OAIC grant the extension of time, a decision on your request will be due by **COB <DATE>**. The OAIC will notify you of their decision on the extension of time request. Sport Integrity Australia will continue to process your request in the interim, and endeavour to finalise it as soon as practicable.

If you have any questions or concerns, please contact us at: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Section 24AB Formal Consultation

Subject line: FOI XX-XX – Section 24AB Formal Consultation – Response Requested by <DATE>

Dear <applicant name>,

I refer to your request under the *Freedom of Information Act 1982* (Cth) below, seeking access to the following document/s:

<“insert exact wording of request”>.

On <DATE>, we advised that your request, as it is currently framed, captures a significant volume of material and it is likely that the work involved in processing it would substantially and unreasonably divert the resources of this agency from its other operations. This could result in your request being refused pursuant to section 24 of the FOI Act on the basis that a ‘practical refusal’ reason exists.

As such, we informally consulted with you on <DATE> in an attempt to narrow the terms of your request so that it can be processed by the agency.

On <DATE>, you advised the following:

<“insert applicant’s response”>.

We conducted further searches for documents in scope of your revised request above. However, the revised request still captures a significant volume of material. As such, please find a formal consultation letter **attached** in accordance with section 24AB of the FOI Act for your consideration in further revising the scope of your request.

As outlined in the attached letter, subsection 24AB(2) of the FOI Act provides you with a 14-day period to consult with the agency about your request. We would be grateful to receive your response on the above by no later than **COB <DATE>**, which is the date the consultation period ends.

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
PM&C Cabinet Documents Consultation

Subject line: FOI XX-XX – PM&C Cabinet Documents Consultation – Response Requested by <DATE>

Dear Department of Prime Minister & Cabinet FOI team,

Sport Integrity Australia has received a request under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) for the following:

<“insert exact wording of request”>.

We have identified the **attached document/s** in scope of the request which may be subject to section 34 of the FOI Act.

We are seeking your agency’s advice on the applicability of section 34 to the documents and have completed and **attached** a *Schedule of Documents* for your consideration, along with the relevant documents which have been marked-up with our proposed redactions.

To assist us in meeting the statutory time-period for processing this request, we would be grateful for any comments you have by **COB <DATE>**.

If you have any questions or concerns, please contact us at: FOI@sportintegrity.gov.au.

Attachment A – Cabinet Consultation Schedule of Documents

No.	Document Date	Description – author & address, title	Number of pages	SIA advice on relationship to Cabinet Process	Cabinet exemptions claimed	Pages exempt in full/Exempt in part	Cabinet reference number/Date of consideration by Cabinet	Was document produced for the dominant purpose of Cabinet consideration?	Has deliberation or decision of Cabinet been officially disclosed or published?	Is the material for which exemption is claimed purely factual material	PM&C comments in relation to exemption claim
1	01/01/2024	Ministerial submission on XX	20	Ministerial submission	E.g. s 34(1)(c) – document was brought into existence for the dominant purpose of briefing a minister on a document submitted to Cabinet (or proposed by a minister to be submitted to Cabinet)	Exempt in full	SM24/XXXX	Yes	No	No	
1											

DRAFT EMAIL TEMPLATE
Minister's Office Courtesy Consultation

Subject line: FOI XX-XX – Consultation – Response Requested by <DATE>

Dear colleagues,

Sport Integrity Australia is currently processing a request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) for access to the following documents:

<"insert exact wording of request">.

We have identified the **attached XX document/s** that relate to the Minister's office and are seeking your comments on the potential release of the material to the applicant.

The **document/s has/have** been marked-up with our proposed redactions as follows:

- **<set out proposed redactions made to each attached document e.g. Document 1 – part access - section 38 (protected information)**
- **Document 2 – refuse access – section 42 (legal professional privilege)**
- **Document 3 – grant access – section 22 (irrelevant material)**
- **Etc.>**

If you have any concerns with the proposed redactions or potential disclosure of any material, please advise us and provide reasons why the information should be exempt from disclosure under the FOI Act.

Please note that whilst your comments will be given careful consideration, the final decision on access to the **document/s** will be made by Sport Integrity Australia's decision maker.

To assist us in meeting the statutory time-period for processing this request, we would be grateful for any comments you have by **COB <DATE>**.

If you have any questions, please do not hesitate to contact us at: FOI@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Request for review of decision by General Counsel

Subject line: FOR ACTION by <date> – FOI XX-XX/Admin XX-XX (applicant name) – Draft decision for review

Dear <name>,

Please find **attached** the Decision Pack for FOI XX-XX/Admin XX-XX for your review prior to the matter being progressed to <Decision Maker> for clearance.

A decision in this matter is currently due on <date>.

On <date>, <applicant's name> (**the applicant**) made an FOI request seeking access to the following:

“INSERT exact request wording”

Included in the decision pack is:

- FOI Decision Pack Checklist
- Decision Letter (Attachment X)
- <remove if not required> Executive Notification (Request Received) (Attachment X)
- <remove if not required> Search Minute and document schedule (Attachment X)
- <remove if not required> Copy of correspondence to/from the business area identifying sensitivities (Attachment X)
- <remove if not required> Courtesy consultation email and response (Attachment X)
- <remove if not required> Third Party consultation email & submission (Attachment X)
- <remove if not required> Minister's Office consultation and response (Attachment X)
- <remove if not required> External legal advice received (Attachment X).

The **document/s** for release and the 'Exemptions and Conditional Exemptions' factsheet are also attached for your reference.

I would be grateful for your review by no later than **COB <date>**, to ensure the Decision Maker has sufficient time to clear the decision. Please let me know if you have any questions or would like to discuss the request.

Kind regards,

DRAFT EMAIL TEMPLATE
Request for clearance by Decision Maker

Subject line: FOR ACTION by <date> – FOI XX-XX/Admin XX-XX (applicant name) – decision for clearance

Dear <name>,

Please find **attached** the Decision Pack for FOI XX-XX/Admin XX-XX for your clearance and decision.

A decision in this matter is currently due on <date>.

On <date>, <applicant's name> (**the applicant**) made an FOI request seeking access to the following:

"insert exact wording of request".

Included in the Decision Pack is:

- FOI Decision Pack Checklist
- Decision Letter (Attachment X)
- <remove if not required> Executive Notification (Request Received) (Attachment X)
- <remove if not required> Search Minute (Attachment X)
- <remove if not required> Copy of correspondence to/from the business area identifying sensitivities (Attachment X)
- <remove if not required> Courtesy consultation email and response (Attachment X)
- <remove if not required> Third Party consultation email & submission (Attachment X)
- <remove if not required> Minister's Office consultation and response (Attachment X)
- <remove if not required> External legal advice received (Attachment X).

The **document/s** for release and the 'Exemptions and Conditional Exemptions' factsheet are also **attached** for your reference.

We recommend that the agency issue the **attached** decision letter with the suggested redactions to the documents identified, where applicable.

We would be grateful for your clearance by no later than **COB <date>**, if possible. If you have any questions or wish to discuss this request, please contact us.

Kind regards,

DRAFT EMAIL TEMPLATE
Notice of Decision email to applicant

Subject Line: FOI XX-XX – Notice of Decision

Dear <applicant>,

Please see the **attached** decision in relation to your freedom of information request below to Sport Integrity Australia (FOI XX-XX).

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Notice of Internal Review Decision to Applicant

Subject Line: FOI XX-XX (Internal Review) – Notice of Decision

Dear <applicant>,

Please see the **attached** decision in relation to your request for an internal review of the decision made on FOI XX-XX below to Sport Integrity Australia.

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.

DRAFT EMAIL TEMPLATE
Notice of Administrative Access Decision email to applicant

Subject Line: Admin XX-XX – Notice of Administrative Access Decision

Dear <applicant>,

Please see the **attached** decision in relation to your administrative access request below to Sport Integrity Australia.

If you have any questions or concerns, please contact: foi@sportintegrity.gov.au.