

FOI REQUEST LS5687

Request for:

A copy of the correspondence between Paul Pirani and the Hon. Gary Gray relating to access to the Commonwealth electoral Rolls by Data Zoo.

SCHEDULE OF RETRIEVED DOCUMENTS

Document No.	Description	Date	Comment
1.	AEC Ministerial Brief – Relating to Hon Gary Gray to access to the Commonwealth Electoral Rolls by Data Zoo.	27/7/2012	
	<p>1.1 Document No. 1 contains personal information to which section 47F of the FOI Act applies about the following individuals:</p> <p style="margin-left: 40px;">(a) The Honourable Gary Punch, Special Ministers of State being his name and a facsimile of his signature;</p> <p style="margin-left: 40px;">(b) Tom Rogers, Deputy Electoral Commissioner, AEC being his name and a facsimile of his signature.</p> <p>1.2 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official’s name, unless special circumstances exist.</p> <p>1.3 As regards to giving access to:</p> <p style="margin-left: 40px;">(a) The Honourable Gary Punch and Tom Roger’s names there is no special circumstance that militates</p>		

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	<p>against disclosure.</p> <p>(b) a facsimile of The Honourable Gary Punch and Tom Roger's signature, there is a special circumstance, namely the risk of identity theft that militates against disclosure.</p> <p>1.4 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines.</p> <p>(a) The balance of competing public interest after considering the objects of the FOI Act and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 1 are outweighed by the possibility of harm to The Honourable Gary Punch and Tom Roger occasioned by identity theft using a facsimile of their signatures.</p> <p>(b) It is both possible and practicable to prepare an edited copy of Document No. 1 from which the facsimile of The Honourable Gary Punch and Tom Roger's signatures are redacted.</p> <p>1.5 I therefore:</p> <p>(a) found that:</p> <p>(i) there is no special circumstance that militates against disclosure of the names of The Honourable Gary Punch and Tom Roger;</p> <p>(ii) as regards to giving access to a facsimile of The Honourable Gary Punch and Tom Roger's signature, there is a special circumstance, namely the risk of identity theft that militates against disclosure;</p>		

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	<ul style="list-style-type: none"> (iii) Document No. 1 is conditionally exempt under section 47F of the FOI Act; (iv) the balance of competing public interests favours treating Document No. 1 as exempt from access; and <ul style="list-style-type: none"> (A) it is both possible and practicable to prepare an edited copy of Document No. 1 from which the facsimile of The Honourable Gary Punch and Tom Roger's signatures are redacted; (b) decided to refuse access to Document No. 1 and offer in lieu access to an edited copy of Document No. 1 from which the facsimile of The Honourable Gary Punch and Tom Roger's signatures are redacted. 		