

1 September 2016

David Brumby
FOI Coordinator
University Records
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CRICOS Provider No. 00120C

Dear [REDACTED]

Freedom of Information Requests 201600019C

I refer to your request, under the *Freedom of Information Act 1982*. I have taken your request to be for access to:

documents, specifically contracts, proposals or agreements, made between the Australian National University and the Golden Key International Honour Society detailing the terms of the relationship between ANU and Golden Key, specifically around the exchange of student contact information and/or a financial arrangement between 1995 (when Golden Key first appeared on ANU campus) and 2016.

As the Freedom of Information delegate I find that:

- 16 documents relate to your request
- 12 documents are partially exempt from release under Sections 22, 47F and 47G
- 4 documents are suitable for full release

During the processing of your request we consulted a third party potentially affected by the release of some documents relating to your request. The objections raised to the release of those documents were taken into consideration when making my decision.

Section 47F of the Act provides that:

- (1) *A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) *In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:*
 - a. the extent to which the information is 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;*
 - d. any other matters that the agency or Minister consider relevant.*

Personal Information means information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

I have determined that parts of the documents include personal information of third parties and the information contained in the documents: readily identifies natural persons, the information directly relates to them and the information says something about them. I have also determined that the public release of the information would affect the individuals' personal privacy interests.

In reaching my decision, I considered: the extent to which the information is well known; whether the persons identified in your request are known to be or have been associated with the matters dealt with in the information and whether this information is publically available.

In relation to factors favouring disclosure I believe the following are relevant:

- (a) the general public interest in access to information under the Act;
- (b) the general public interest to scrutinise the operations of a government agency.

In relation to the factors against disclosure, I believe the following are relevant:

- (c) the extent to which the information is well known;
- (d) the availability of the information from publicly accessible sources; and
- (e) the likely impact on the individuals if the personal information were to be released; and
- (f) whether the individuals have a reasonable expectation of privacy in the information.

I have considered the public interest factors in favour and against disclosure and I find that the factors at (c) to (f) outweigh the factors in favour of disclosure. Considering all the circumstances I find that material contained in the identified documents would be exempt under section 47F of the Act. Therefore I have exempted parts of the documents identifying personal information of individuals and information detailing the personal affairs of individuals.

Section 47G provides in the relevant part that:

- (1) *A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or personal affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:*
 - (a) *would, or could reasonably be expect 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, or*

In relation to factors favouring disclosure I believe the following are relevant:

- (a) the general public interest in access to information under the Act.

In relation to the factors against disclosure I believe the following are relevant:

- (b) the extent to which the information is known to competitors and/or others engaged in similar business; and
- (c) the likely impact on the business if the information were disclosed

I have considered the public interest factors in favour and against disclosure and determined that factors (b) and (c) outweigh the factor favouring disclosure. I find that documents or parts of documents are therefore exempt under section 47G of the Act.

Section 22 of the Act applies if:

(a) an agency or Minister decides:

- (i) to refuse to give access to an exempt document; or;
- (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and

(b) it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:

- (i) access to the edited copy would be required to be given under Section 11A (access to documents on request); and
- (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request ; and

(c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:

- (i) the nature and extent of the modification; and
- (ii) the resources available to modify the document; and

(d) it is not apparent (from the requestor from consultation with the applicant) that the applicant would decline access to the edited copy.

I have determined that the documents identified in the schedule of documents include matter irrelevant to the request and that information has been redacted from the documents.

Outstanding charges

We received your deposit of \$62 on 11 April 2016. Upon completion of your request, the amount for processing was calculated to be \$135.

Following payment of the outstanding charge of \$73 the University will provide the requested documents to you via email unless you indicate your preference for a different manner of delivery.

PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant records	7 hours	\$105
Preparation of schedule of documents	1 hour	\$15
A. Search and retrieval subtotal	8 hours	\$120
Decision making		
Task	Time	Cost @ \$20/hr
Examination of documents	2 hours	\$40

Preparation of documents for release	2 hours	\$40
Preparation of notice of access decision	1 hour	\$20
3 rd Party Consultation	3 hours	\$60
Decision making subtotal (before deduction of 5 hours)	8 hours	\$160
B. Decision making subtotal (after deduction of first 5 hours free)	3 hour	\$60

TOTALS	
TOTAL (total of A and B)	\$180
LESS 25% reduction in charges	\$135
LESS \$62 DEPOSIT	\$73

Payment of charges

Payments to The Australian National University can be made by direct deposit to the following bank account:

Bank: NATIONAL AUSTRALIA BANK

Branch: CANBERRA CITY, LONDON CIRCUIT & AINSLIE AVE CIVIC SQUARE, AUSTRALIAN CAPITAL TERRITORY (ACT), AUSTRALIA. 2601

BSB: 082-902

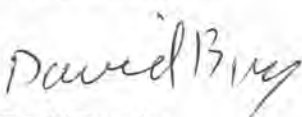
Account Number: 674507553

Account Name: THE AUSTRALIAN NATIONAL UNIVERSITY GENERAL ACCOUNT

Reference: FREEDOM OF INFORMATION REQUEST

If you wish to discuss this decision, please contact me using the details below.

Yours sincerely



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Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns

Application for Internal Review of Decision

Section 54A of the Act, gives you the right to apply for an internal review of my decision.

It must be made in writing within 30 days of receipt of this letter, no particular form is required but it is desirable to set out in the application the grounds on which you consider the decision should be reviewed.

The application should be addressed to:

Executive Director (Administration & Planning)
Building 10
The Australian National University
Canberra ACT 2601

Or via email: edap@anu.edu.au

Application for Information Commissioner Review of decision

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

online: <https://forms.business.gov.au/aba/oaic/foi-review/>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

More information is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.