



Deus NonPareil

Our reference: 1-H82QG1V

19 March 2019

Decision about your freedom of information request

Dear Deus NonPareil,

I refer to your request made under the *Freedom of Information Act 1982* (FOI Act), submitted to the ATO on 24 February 2019. Your request sought:

Please provide the document requesting a Work Value Assessment be conducted on the Debt Reduction Team in 2018 as well as subsequent correspondence, evaluation tools and documents that led to the area conducting the assessment agreeing to undertake it.

Authority

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

Search and Retrieval

A search for relevant documents was requested of the relevant business line within the ATO. I am satisfied that a reasonable search of all relevant ATO computer systems or hard copy files that may contain documents within the scope of your request was conducted.

For further information about what constitutes a reasonable search for documents, see the Guidelines issued by the Information Commissioner under section 93A of the FOI Act.

Decision

We have identified four documents constituting eight pages which fell within the scope of your request.

I have decided to release two documents in full and two documents in part.

Material on which my findings were based

In reaching my decision I relied on the following:

- the terms of your request;
- the contents of the documents requested.
- information provided by the relevant business area of the ATO;
- the FOI Act; and
- the guidelines issued by the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).

Reasons for Decision

Subsection 26(1) of the FOI Act provides that I am required to provide you with reasons for my decision where a decision is made to refuse to give access to a document or part of a document.

Subsection 47E(d) – proper and efficient conduct of the operation of agencies

I have partially exempted one document under subsection 47E(d) of the FOI Act. Subsection 47E(d) states:

47E Public interest conditional exemptions – certain operations of agencies

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- ...
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

I have exempted the non-public office phone numbers of three ATO officers under subsection 47E(d). I consider the disclosure of this information would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the Commonwealth in two respects.

Firstly, the ATO regularly receives a substantial volume of correspondence from the public. To channel this inflow of correspondence and to ensure that it is appropriately actioned, the ATO has established contact addresses and telephone numbers available to the public to address specific enquiries. The disclosure of non-public contact details for individual officers is likely to divert at least some proportion of clients from established avenues of correspondence toward inappropriate destinations, causing delays in the ATO's ordinary business.

Secondly, the dissemination of phone numbers may enable clients to contact individual ATO officers directly. This could be expected to decrease the productivity of those officers, and in more serious cases, to enable vexatious or aggressive clients a direct line to individual officers.

I have had regard to the public interest factors in section 11B and the objects in section 3 of the FOI Act. I consider that the phone numbers found within these documents are not of substantial relevance to the subject matter of the documents generally. As such, I consider that this disclosure would promote the objects of the FOI Act only to the extent that it would enable access to information held by the government generally. I do not consider that disclosure would meaningfully inform any matter of public importance, promote oversight of expenditure, or allow an applicant access to their own personal information.

By contrast, I consider that disclosure is likely to cause detriment to the capacity of the ATO to efficiently manage inbound client communications and to the efficiency of individual ATO officers in performing official duties. As a result, I am satisfied that on balance this disclosure would be contrary to the public interest, and I have exempted this information under subsection 47E(d).

Section 47F – personal privacy

I have exempted two documents in part under section 47F of the FOI Act. Section 47F of the FOI Act relevantly states:

Section 47F Public interest conditional exemptions – personal privacy

- (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 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;

(d) any other matters that the agency or Minister considers relevant.

'Personal information' is defined by the *Privacy Act 1988* to mean information or an opinion about an identified individual, or an individual who is reasonably identifiable.

Mobile numbers

I have exempted the personal mobile phone number of one ATO officer. That mobile number is not material to the content of the document generally, is not publicly known, and its disclosure would adversely affect the privacy of the ATO officer by placing their personal contact details in the public domain and potentially exposing that officer to unwarranted personal calls. On this basis, I consider the disclosure of that information would be unreasonable.

I have had regard to the public interest factors in section 11B and the objects in section 3 of the FOI Act. I consider that the disclosure of this information would not meaningfully increase scrutiny of the Government's activities. By contrast, I consider that disclosure would adversely affect the privacy of the ATO officer. On this basis, disclosure is adverse to the public interest, and I have decided to exempt that mobile phone number under section 47F.

Officer names

I have exempted the names of ATO officers in the Debt Reduction Team who were subject to the work value assessment. These names constitute the personal information of those officers and are not publicly known. Disclosure of these names would, in conjunction with the information in the document describing the position number and classification level of those officers, reveal significant personal information about the employment of those officers, including their remuneration.

While the officer names are relevant to the document to the extent that they occupied the positions that were subject to review, they appear solely because the document concerns an ATO personnel management function, and not because those officers have made a relevant government decision. Disclosure of this information would provide little opportunity for scrutiny of the government's activities and would serve little broader public purpose. By contrast, disclosure would adversely affect the privacy of those individuals, and I consider it is likely that those individuals would object to the public disclosure of their personal information. On this basis, I consider that the disclosure of the officer names would be an unreasonable disclosure of personal information.

I have had regard to the public interest factors in section 11B and the objects in section 3 of the FOI Act. I consider the disclosure of this information would enable a minor degree of scrutiny of the Government's activities by naming the officers who were subject to a work value assessment. However, I do not consider that disclosure would meaningfully inform any other matter of public importance, promote meaningful oversight of expenditure, or allow an applicant access to their own personal information.

By contrast, the disclosure of this information would substantially prejudice the protection of the privacy of the Commonwealth officers concerned. I consider that this factor against disclosure outweighs the factors in favour of disclosure and that therefore disclosure is on balance contrary to the public interest. As a result, I have decided to exempt officer names under section 47F.

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.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the ATO for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, quoting our reference number at the top of this letter, and be lodged in one of the following ways:

email: **FOI@ato.gov.au**
post: Australian Taxation Office, General Counsel, GPO Box 4889, Sydney
NSW 2001.

Where possible please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days. If you have not been informed of the outcome of the review within that time, you may apply to the Australian Information Commissioner under section 54L of the FOI Act.

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 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 5218, Sydney NSW 2001
in person: Level 3, 175 Pitt Street, Sydney NSW

Visit the Information Commissioner website, **www.oaic.gov.au/freedom-of-information/foi-reviews**, for more information about Information Commissioner review.

Complaints

Any complaint about the processing of your FOI request can be forwarded to the Information Commissioner. The complaint needs to be in writing and identify the agency against which the complaint is made. There is no particular form required to make a complaint, however using the online form is preferable.

online: **https://forms.business.gov.au/aba/landing.htm?formCode=ICCA_1**
email: **enquiries@oaic.gov.au**
post: GPO Box 5218, Sydney NSW 2001
in person: Level 3, 175 Pitt Street, Sydney NSW

The Information Commissioner can be contacted on 1300 363 992 for the cost of a local call.

Yours sincerely,

D Lux-Bridges
General Counsel
Australian Taxation Office