



## Decision and Reasons for Decision

---

**Citation:** *X76 and Trade and Investment Queensland [2021] QICmr 25*  
(3 June 2021)

**Application Number:** 315631

**Applicant:** X76

**Respondent:** Trade and Investment Queensland

**Decision Date:** 3 June 2021

**Catchwords:** ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LEGAL PROFESSIONAL PRIVILEGE - communications between agency staff and legal advisers - whether information would be privileged from production in a legal proceeding on the ground of legal professional privilege - waiver - whether information exempt under section 48 and schedule 3, section 7 of the *Right to Information Act 2009* (Qld) - whether access may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) and section 47(3)(a) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - internal staff email relating to workplace investigation - accountability and transparency - protecting personal information and privacy of an individual who was the subject of unsubstantiated allegations - whether disclosure would, on balance, be contrary to the public interest - whether access may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) sections 47(3)(b) of the *Right to Information Act 2009* (Qld)

### REASONS FOR DECISION

#### Summary

1. The applicant applied to Trade and Investment Queensland (**TIQ**) under the *Information Privacy Act 2009* (Qld) (**IP Act**) to access information generally concerning TIQ's investigation of her workplace complaint.<sup>1</sup>

---

<sup>1</sup> The access application is dated 29 June 2020 and sought a draft investigation report; a specified email dated 9 October 2018 and emails and documents containing the applicant's name which were sent to, copied to, or received from, 8 specified individuals. The applicant subsequently agreed to exclude certain categories of information. The application date range is 26 February 2019 to 29 June 2020.

2. The application was processed by the Department of Premier and Cabinet (**Department**)<sup>2</sup> and, after locating relevant documents, the Department granted the applicant access to 725 pages and decided to refuse access to 524 pages and part of 1 page.<sup>3</sup>
3. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.<sup>4</sup> On review, the applicant agreed not to pursue access to certain information<sup>5</sup> but continued to seek access to the remainder, arguing that disclosure is in the public interest and there are grounds to set aside legal professional privilege.
4. For the reasons set out below, I affirm the Department's decision to refuse access to the information remaining in issue on the grounds it is exempt due to legal professional privilege, or because disclosure would, on balance, be contrary to the public interest.

### Reviewable decision and evidence considered

5. The decision under review is the Department's decision dated 24 August 2020.
6. The significant procedural steps taken during the external review are set out in the Appendix. Evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including the footnotes and Appendix).
7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.<sup>6</sup> I consider a decision-maker will be '*respecting and acting compatibly with*' that right and others prescribed in the HR Act, when applying the law prescribed in the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**).<sup>7</sup> I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.<sup>8</sup>

### Information and issues to determine

8. The information remaining for consideration (**Information in Issue**) comprises 146 full pages and part of 1 page<sup>9</sup> to which the Department refused access on the basis of legal professional privilege (**LPP Information**) and part of a one page email<sup>10</sup> (**Email**).
9. I am constrained in describing the particular nature of the Information in Issue,<sup>11</sup> however, I can confirm that:

---

<sup>2</sup> Under delegation.

<sup>3</sup> Decision dated 24 August 2020. The Department also deleted portions of irrelevant information from 3 disclosed pages under section 88(2) of the IP Act.

<sup>4</sup> External review application dated 12 September 2020.

<sup>5</sup> The applicant confirmed on 16 February 2021 that she did not seek access to 378 pages of transcripts. The applicant also did not contest OIC's view about the deletion of irrelevant information from 3 pages disclosed by the Department. Therefore, that information is not being considered in this decision.

<sup>6</sup> Section 21 of the HR Act.

<sup>7</sup> *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].

<sup>8</sup> I also note the following observations made by Bell J in *XYZ* at [573], on the interaction between equivalent pieces of Victorian legislation (namely, the *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic)): '*it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the Freedom of Information Act.*'

<sup>9</sup> Numbered "*Dot Point 3 Part 1 page 231 of 308*" in the documents disclosed to the applicant.

<sup>10</sup> Dated 19 December 2019. Numbered page 199 in the documents disclosed to the applicant.

<sup>11</sup> Section 121 of the IP Act, which relevantly prevents OIC from revealing information claimed to be exempt information or contrary to the public interest information.

- the LPP Information broadly comprises requests made by TIQ for legal advice, attachments provided to support those requests and the legal advice received<sup>12</sup>; and
- the Email is an internal TIQ email authored by another TIQ employee who was the subject of allegations made by the applicant.<sup>13</sup>

10. The issues to determine are whether:

- the LPP Information comprises exempt information on the basis that it is subject to legal professional privilege<sup>14</sup>; and
- access may be refused to the Email on the ground that disclosure would, on balance, be contrary to the public interest.<sup>15</sup>

## Exempt information

### Relevant Law

11. Section 40 of the IP Act confers upon an applicant a general right to access documents of an agency to the extent they contain the applicant's personal information. Although the IP Act is to be administered with a pro-disclosure bias,<sup>16</sup> this general access right is subject to limitations, including grounds for refusal of access.<sup>17</sup> One ground of refusal is where information comprises exempt information and relevantly, information will qualify as exempt if it would be privileged from production in a legal proceeding on the ground of legal professional privilege (**LPP**).<sup>18</sup>
12. LPP protects confidential communications between a lawyer and their client, made for the dominant purpose of seeking or giving legal advice or professional legal assistance, or, for use in legal proceedings either on foot or reasonably anticipated, at the time of the relevant communication.<sup>19</sup> LPP will also extend to copies of unprivileged documents provided to, or prepared by a lawyer, for the purpose of legal advice or use in actual or apprehended legal proceedings.<sup>20</sup> Qualifications and exceptions to LPP<sup>21</sup> may, in particular circumstances, affect the question of whether information attracts or remains subject to it, and therefore whether it comprises exempt information.

### Findings

13. As set out in paragraph 9 above, the LPP Information comprises communications between TIQ and its legal advisors in connection with the applicant. There is no evidence before me to indicate that the LPP Information has been disclosed outside of the lawyer-client relationship. I am therefore satisfied that the LPP Information is confidential. I am also satisfied that the necessary professional relationship exists between TIQ (as the client) and its legal advisors, and that the communications were created for the dominant

<sup>12</sup> There is some duplication within this information.

<sup>13</sup> TIQ decided to disclose the name of the author and recipients of this email, and the subject line.

<sup>14</sup> Section 48 and schedule 3, section 7 of the RTI Act.

<sup>15</sup> Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

<sup>16</sup> Section 64 of the IP Act.

<sup>17</sup> Section 67(1) of the IP Act provides that access to a document may be refused on the same grounds upon which access to a document could be refused under section 47 of the RTI Act.

<sup>18</sup> Schedule 3, section 7 of the RTI Act. This exemption reflects the requirements for establishing LPP at common law.

<sup>19</sup> *Esso Australia Resources Ltd v Commissioner of Taxation* (1999) 201 CLR 49 (**Esso**); *Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission* (2002) 213 CLR 543 at 552. These principles were recently confirmed by the High Court in *Glencore International AG v Commissioner of Taxation* [2019] HCA 26 at [23]-[25] and in *TEC Hedland Pty Ltd v The Pilbara Infrastructure Pty Ltd* [2020] WASC 364 (**TEC Hedland**) at [17]-[25].

<sup>20</sup> As confirmed by the High Court in *Commissioner of Australian Federal Police v Propend Finance Pty Ltd* (1997) 188 CLR 501. Noting that, at the time of that decision, the relevant test was the 'sole purpose test' which has since been replaced by the 'dominant purpose test' as set out in *Esso*.

<sup>21</sup> Such as waiver or improper purpose.

purpose of seeking or providing legal advice, or for use in existing or reasonably anticipated legal proceedings.

14. The applicant submits that correspondence between TIQ and a particular law firm (which she identifies as '*TIQ's lawyer*') is not legal advice but is '*a human resource function, which should have been undertaken by TIQ's managers and Human Resource unit, but was instead outsourced to [TIQ's lawyer]*'.<sup>22</sup> More specifically, the applicant contends that correspondence within the LPP Information that was written by TIQ's lawyer:
  - is outside the scope of her workplace complaint and not legal advice<sup>23</sup>
  - was not generated for any legal purpose;<sup>24</sup> and
  - is '*HR Material (emails, letters) that TIQ has outsourced to their lawyers to write and then sent to [the applicant] under cover of their names*'.<sup>25</sup>
15. Having considered the content of the LPP Information, I find the communications between TIQ and its legal advisers were brought into existence for the dominant purpose of TIQ obtaining legal advice in relation to a workplace matter; not in the performance of a human resources function.<sup>26</sup> Accordingly, I find that the elements of LPP are established in relation to the LPP Information.

### Waiver

16. LPP can be set aside if waiver is established.<sup>27</sup> At common law, a person who would otherwise be entitled to the benefit of LPP (in this case, TIQ) may waive the privilege.<sup>28</sup> Privilege may be expressly waived by the deliberate and intentional disclosure of the privileged communication to persons outside the relationship of privilege.<sup>29</sup> It may also be impliedly waived where the conduct of the person entitled to the benefit of privilege is inconsistent with the maintenance of privilege.<sup>30</sup> The party asserting that privilege has been waived also bears the onus of establishing the waiver of privilege.<sup>31</sup>
17. The applicant contends that LPP has been lost as a result of TIQ divulging privileged information to a specific staff member, who then also divulged that information to a workplace investigator.<sup>32</sup> In support of this submission, the applicant referenced specific entries in an investigation report concerning her complaint.
18. Having reviewed the investigation report entries which the applicant relies on, I am not satisfied that they contain any evidence that the LPP Information had been disclosed as the applicant contends. The Department also confirmed to OIC that, at no time, has TIQ divulged the LPP Information to the particular staff member identified by the applicant. Accordingly, apart from the applicant's assertion, there is no evidence before me which

---

<sup>22</sup> External review application.

<sup>23</sup> External review application.

<sup>24</sup> Submissions dated 16 February 2021.

<sup>25</sup> Submissions dated 16 February 2021.

<sup>26</sup> In *TEC Hedland* at [21], citing *AWB Ltd v Cole* [2006] FCA 571 at [102], the Supreme Court of Western Australia confirmed that the question as to whether a document was brought into existence for the dominant purpose of obtaining legal advice is a question of fact.

<sup>27</sup> The principles of waiver were recently considered in *Dreyfus and Attorney-General (Commonwealth of Australia) (Freedom of information)* [2021] AATA 249 (17 February 2021) at [19]-[31].

<sup>28</sup> *Mann v Carnell* (1999) 201 CLR 1 (*Mann*) at [28].

<sup>29</sup> *Goldberg v Ng* (1994) 33 NSWLR 639 at 670. However, merely communicating privileged legal advice internally within an agency will not, of itself, deprive the agency of the benefit of that privilege (*Jones and Queensland Police Service* [2015] QICmr 15 (26 June 2015) at [38]).

<sup>30</sup> *Osland v Secretary to the Department of Justice* [2008] HCA 37 at [45] and *Mann* at [28]. See also *Sanrus Pty Ltd & Ors v Monto Coal 2 Pty Ltd & Ors (Sanrus)* [2019] QSC 144 at [27], which was cited with approval in *CDPP v Leach (No 2)* [2020] QDCPR 2 at [66].

<sup>31</sup> *Sanrus* at [28], citing *New South Wales v Bettfair Pty Ltd* (2009) 180 FCR 543 at 556 [54].

<sup>32</sup> External review application.

indicates that TIQ has disclosed the LPP Information or that TIQ has otherwise acted in way that is *'plainly inconsistent with the maintenance of the confidentiality which the privilege is intended to protect'*.<sup>33</sup>

19. On the basis of the above, I am satisfied that TIQ has not waived privilege.

### **Conclusion**

20. For the above reasons, I am satisfied that the LPP Information meets the requirements of LPP and that TIQ has not waived privilege in that information. Accordingly, I find access to the LPP Information may be refused as it comprises exempt information.<sup>34</sup>
21. To the extent the applicant raises other reasons why the LPP Information should be disclosed to her, I am unable to take them into account. Once information is found to be exempt, as is the case here, this obviates the need to engage in a public interest balancing exercise.<sup>35</sup> This is because Parliament has already determined that disclosure of exempt information would be contrary to the public interest in all circumstances.<sup>36</sup> Also, the Information Commissioner does not have the power to direct that access is to be given to exempt information.<sup>37</sup>

### **Contrary to the public interest information**

22. Access to information may also be refused where disclosure would, on balance, be contrary to the public interest.<sup>38</sup> The term public interest refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that, in general, a public interest consideration is one which is common to all members of, or a substantial segment of the community, as distinct from matters that concern purely private or personal interests.<sup>39</sup>
23. In deciding where the balance of the public interest lies, the RTI Act requires a decision maker to identify factors for and against disclosure, disregard irrelevant factors<sup>40</sup> and decide, on balance, whether disclosure would be contrary to the public interest.<sup>41</sup>
24. I have not taken any irrelevant factors into account in making this decision.

### **Factors favouring disclosure**

25. The applicant submits that the Email should be disclosed to:

*'encourage open discussion regarding the manner in which TIQ operates, effective oversight of public funds, inquiry into the conduct and administration of TIQ, that the agency has engaged in misconduct, negligent, improper or unlawful conduct, advance the fair treatment of individuals, reveal information was incorrect, misleading, gratuitous, unfairly subjective or irrelevant, and to further justice for a person and procedural fairness'*.<sup>42</sup>

---

<sup>33</sup> *Sanrus* at [27].

<sup>34</sup> Under section 67 of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 7 of the RTI Act.

<sup>35</sup> Consistent with the findings of the Queensland Civil and Administrative Tribunal in *BL v Office of the Information Commissioner, Department of Communities* [2012] QCATA 149 at [15]-[16] and *Dawson-Wells v Office of the Information Commissioner & Anor* [2020] QCATA 60 at [16]-[17].

<sup>36</sup> Section 48(2) of the RTI Act.

<sup>37</sup> Section 118(2) of the IP Act. See also *Minogue v Information Commissioner & Queensland Health* [2014] QCATA 98 at [25].

<sup>38</sup> Sections 47(3)(b) and 49 of the RTI Act.

<sup>39</sup> However, there are some recognised public interest considerations that may apply for the benefit of an individual. See Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

<sup>40</sup> Including those at schedule 4, part 1 of the RTI Act.

<sup>41</sup> Section 49(3) of the RTI Act.

<sup>42</sup> Submissions dated 16 February 2021.

26. TIQ must be transparent and accountable in how it deals with workplace complaints. I am satisfied that disclosing the Email would provide the applicant with a level of further insight into steps taken by TIQ during the investigation process, giving rise to factors favouring disclosure.<sup>43</sup> However, I consider that TIQ's accountability and transparency have been advanced to some extent by the information already disclosed to the applicant, including the transcript of her interview with the workplace investigator, as attached to the investigation report.<sup>44</sup> Further, the Email does not contain the author's response to the allegations, rather, it was sent prior to the investigation commencing regarding procedural issues/arrangements, and outlining the author's personal circumstances. Given the particular nature of the Email, I consider that its disclosure will not further advance the accountability and transparency factors and, on that basis, I attribute them low weight.
27. The applicant submits that TIQ must use taxpayer funds in an accountable and transparent manner and that significant taxpayer funds have been expended in the investigation of her complaint.<sup>45</sup> As noted above, the Email is authored by a subject of the applicant's allegations and is inherently private; it does not demonstrate any actions taken by TIQ or how it has expended its resources. I am satisfied that disclosure could not reasonably be expected to ensure effective oversight of expenditure of public funds<sup>46</sup> and find that this factor does not apply.
28. The applicant was afforded an opportunity to participate in TIQ's investigation and has received a copy of her interview transcript. That investigation has been completed and the applicant is aware of its outcome. The applicant has also received a substantial amount of information regarding the investigation process and has indicated that she is currently pursuing her workplace complaints in court proceedings, based upon information she already possesses.<sup>47</sup> In these circumstances, and taking the particular nature of the Email into account, I am not satisfied that there is a reasonable expectation its disclosure would advance the applicant's fair treatment or contribute to the administration of justice. Accordingly, to the extent these disclosure factors<sup>48</sup> apply, I afford them only low weight.
29. The applicant has raised concerns about the investigation process and certain investigation findings.<sup>49</sup> However, the Email does not contain information about the process or findings. Given the particular nature of the Email as described above at paragraph 26, I cannot see how disclosure could reasonably be expected to reveal or assist enquiry into any improper conduct by TIQ officers<sup>50</sup> nor reveal that the information within the Email was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant.<sup>51</sup> Accordingly, I afford these factors no weight.
30. The applicant's name appears in the subject line of the Email, and this has been disclosed to her. I am satisfied that this disclosure has served to discharge the public interest in the applicant accessing her own personal information.<sup>52</sup> Having considered

<sup>43</sup> Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

<sup>44</sup> The applicant has referenced certain parts of the investigation report concerning her complaint. However, it is unclear whether she possesses a full copy of the report.

<sup>45</sup> External review application and submissions dated 16 February 2021.

<sup>46</sup> Schedule 4, part 2, item 4 of the RTI Act.

<sup>47</sup> That is, unlike the circumstances in *Willsford and Brisbane City Council* (Unreported, Queensland Information Commissioner, 27 August 1996) the applicant does not require this information in order to pursue the remedy or evaluate whether a remedy is available or worth pursuing.

<sup>48</sup> Schedule 4, part 2, items 10, 16 and 17 of the RTI Act.

<sup>49</sup> External review application.

<sup>50</sup> Schedule 4, part 2, items 5 and 6 of the RTI Act.

<sup>51</sup> Schedule 4, part 2, item 12 of the RTI Act.

<sup>52</sup> Schedule 4, part 2, item 7 of the RTI Act. 'Personal information' is defined in section 12 of the IP Act as 'information or an opinion, including information or an opinion 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'.

the remaining content of the Email, I am satisfied that the applicant's personal information does not appear, therefore, I afford this factor no weight. I am satisfied that the remainder of the Email comprises the other individual's personal information, raising several compelling public interest nondisclosure factors, discussed below.

31. Taking into account the particular nature of the Email, I cannot identify any other public interest considerations favouring its disclosure.<sup>53</sup>

### **Factors favouring nondisclosure**

32. The RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm<sup>54</sup> and also that disclosing information that could reasonably be expected to prejudice the protection of an individual's right to privacy, will favour nondisclosure.<sup>55</sup> The concept of '*privacy*' is not defined in the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their '*personal sphere*' free from interference from others.<sup>56</sup>
33. The applicant submits that there are no '*public interest issues that support its non-disclosure*' or, alternatively, that the weight of any applicable nondisclosure factors would not outweigh factors which favour disclosure of the Email.<sup>57</sup>
34. I am satisfied that the Email comprises the personal information<sup>58</sup> of an individual other than the applicant, who was a subject of the applicant's allegations. Although the Email appears in a workplace context, it includes details about the other individual's personal circumstances in relation to the workplace complaint. For these reasons, I am satisfied it is not related to the routine day-to-day work activities of a public service officer and is therefore, not routine personal work information.<sup>59</sup> I consider the extent of the harm that could reasonably be expected to occur from disclosure of such communications would be significant as it describes the other individual's personal circumstances and their employment relationship, in a sensitive complaint context.
35. Given the inherently private nature of the information within the Email, the sensitive complaint context in which it appears, and the fact that the allegations against the Email author were unsubstantiated, I consider that disclosing the Email would be a significant intrusion into the privacy of the Email author. I accept that the information disclosed to the applicant identifies the parties to the Email and its subject line. However, I am not satisfied this reduces the weight of the nondisclosure factors to any significant degree; there is no evidence before me to establish that the actual content of the Email has been disclosed. Accordingly, I afford significant weight to these factors<sup>60</sup> favouring nondisclosure.

---

<sup>53</sup> Having carefully considered all factors listed in schedule 4, part 2 of the RTI Act, I cannot see how disclosing the Email could, for example, contribute to positive and informed debate on important issues or matters of serious interest (schedule 4, part 2, item 2 of the RTI Act) or contribute to the enforcement of the criminal law (schedule 4, part 2, item 18 of the RTI Act). In the event that further relevant factors exist in favour of disclosure, I am satisfied that there is no evidence before me to suggest that any would carry sufficient weight to outweigh the significant weight that I have afforded to the public interest factors that favour the nondisclosure of the Email.

<sup>54</sup> Schedule 4, part 4, section 6(1) of the RTI Act.

<sup>55</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>56</sup> Paraphrasing the Australian Law Reform Commission's definition of the concept in '*For your information: Australian Privacy Law and Practice*' Australian Law Reform Commission Report No. 108 released 12 August 2008, at paragraph 1.56.

<sup>57</sup> Submissions dated 16 February 2021.

<sup>58</sup> Section 12 of the IP Act.

<sup>59</sup> Ordinarily, routine personal work information of public servants attracts low weight in favour of nondisclosure.

<sup>60</sup> Schedule 4, part 3, item 3 and schedule 4, part 4, section 6(1) of the RTI Act.

### **Balancing the factors**

36. In addition to the pro-disclosure bias<sup>61</sup>, I consider there is some weight, though low, to be afforded to the public interest in enhancing the transparency and accountability in terms of allowing the applicant further insight into the steps taken by TIQ in handling her workplace complaint. I also afford low weight to the public interest in advancing fair treatment for the applicant and administration of justice, but only to the extent that disclosure of the Email would provide the applicant with a slightly more fulsome record of the correspondence generated in relation to the handling of her complaint.
37. On the other hand, given the sensitivities of a workplace complaint investigation, I afford significant weight to the public interest in safeguarding the personal information and protecting the right to privacy of the author of the Email, particularly given that the allegations were unsubstantiated.
38. On balance, I am satisfied that the public interest factors favouring nondisclosure outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Email would, on balance, be contrary to the public interest and access to it may be refused.<sup>62</sup>

### **DECISION**

39. For the reasons set out above, I affirm the Department's decision to refuse access to the Information in Issue,<sup>63</sup> as the LPP Information comprises exempt information<sup>64</sup> and disclosure of the Email would, on balance, be contrary to the public interest.
40. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.

---

**K Shepherd**  
**Assistant Information Commissioner**

**Date: 3 June 2021**

---

<sup>61</sup> Section 64 of the IP Act.

<sup>62</sup> Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

<sup>63</sup> Under section 67(1) of the IP Act and sections 47(3)(a) and (b) of the RTI Act.

<sup>64</sup> Under schedule 3, section 7 of the RTI Act.



**APPENDIX****Significant procedural steps**

<b>Date</b>	<b>Event</b>
14 September 2020	OIC received the application for external review.
28 October 2020	OIC notified the applicant and the Department that it had accepted the external review application and asked the Department to provide information.
3 November 2020	OIC received the requested information from the Department.
10 November 2020	OIC requested further information from the Department.
20 November 2020	OIC received the requested information from the Department.
8 December 2020	OIC conveyed a preliminary view to the applicant and invited her to provide further submissions if she did not accept the preliminary view.
23 December 2020	OIC received the applicant's submissions, contesting the preliminary view concerning the LPP Information and the Email.
9 February 2021	OIC conveyed a further preliminary view to the applicant concerning the LPP Information and the Email.
16 February 2021	OIC received the applicant's further submissions.
23 April 2021	OIC confirmed the preliminary view to the applicant and advised the applicant that a decision would be required to finalise the external review.
31 May 2021	The Department confirmed to OIC that it had processed the application under delegation from TIQ.