



## Decision and Reasons for Decision

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Citation:	<i>5B3NGA and Department of Education</i> [2019] QICmr 10 (2 April 2019)
Application Number:	313885
Applicant:	5B3NGA
Respondent:	Department of Education
Decision Date:	2 April 2019
Catchwords:	<p><b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - incomplete or missing documents - missing attachments to emails - whether agency has taken all reasonable steps to locate the documents the applicant seeks - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(e) and 52 of the <i>Right to Information Act 2009</i> (Qld)</b></p> <p><b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LEGAL PROFESSIONAL PRIVILEGE - school records of child applicant - internal communications between departmental officers - whether documents exempt - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(a) and 48 and schedule 3 section 7 of the <i>Right to Information Act 2009</i> (Qld)</b></p> <p><b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - school records of child applicant - third party personal information - information relating to the management of school staff - personal information and privacy - prejudice agency's ability to obtain confidential information - prejudice management functions of an agency - whether disclosure would on balance be contrary to the public interest - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)</b></p>

## REASONS FOR DECISION

### Summary

1. The applicant<sup>1</sup> applied<sup>2</sup> to the Department of Education (**Department**) under the *Information Privacy Act 2009* (Qld) (**IP Act**) for access to documents that concern or relate in any way to the applicant's schooling during a certain period.
2. The Department located 1798 pages and decided<sup>3</sup> to grant full access to 1461 pages and parts of 106 pages. Access was refused to the remaining 231 pages and parts of 106 pages on the basis that the information was exempt from disclosure or its disclosure was contrary to the public interest.
3. The applicant sought<sup>4</sup> internal review of the decision refusing access and also contended that certain information was missing. The Department affirmed<sup>5</sup> its initial decision in relation to the information refused, and located and released an additional two pages.
4. The applicant applied<sup>6</sup> to the Office of the Information Commissioner (**OIC**) for external review of the Department's internal review decision.
5. For the reasons set out below, I vary the Department's decision and find that access may be refused on the grounds that:
  - further documents sought in response to the access application are non-existent or unlocatable; and
  - the information in issue, as set out at paragraphs 9 to 11 below, comprises exempt information or contrary to the public interest information.

### Background

6. Appendix A to these reasons for decision sets out the significant procedural steps taken during the external review.

### Reviewable decision

7. The decision under review is the Department's internal review decision dated 29 March 2018.

### Evidence considered

8. The evidence, submissions, legislation and other material I have considered in reaching my decision are as disclosed in these reasons (including footnotes and appendix).

### Information in issue

9. During the course of this review, the applicant agreed to exclude from consideration mobile phone numbers, student names, dates of birth and personal leave

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<sup>1</sup> The access application was made on behalf of a child by a parent of the child. In this decision, references to the applicant include references to the child's parent when acting on behalf of the child in relation to the access application.

<sup>2</sup> On 23 October 2017.

<sup>3</sup> On 12 February 2018.

<sup>4</sup> On 7 March 2018.

<sup>5</sup> On 29 March 2018.

<sup>6</sup> On 19 April 2018.

arrangements.<sup>7</sup> Accordingly, this information will not be considered in these reasons for decision.

10. As a result of further searches conducted during the course of this review, the Department located an additional 79 pages. The Department agreed to release the additional 79 pages<sup>8</sup> to the applicant along with some information to which access had previously been refused.<sup>9</sup> Accordingly, this information will also not be considered further in these reasons for decision.
11. Therefore, the remaining **Information in Issue** comprises 229 pages and parts of 19 pages as set out in Appendix B to these reasons for decision.

### Issues for determination

12. The issues for determination are whether:
  - the Department's searches are sufficient to be satisfied that all reasonable steps have been taken to locate documents responding to the access application and access to further documents sought can be refused on the basis that they are non-existent or unlocatable; and
  - access to the Information in Issue may be refused on the basis that:
    - it comprises exempt information on the ground of legal professional privilege; or
    - its disclosure would, on balance, be contrary to the public interest.

### Sufficiency of search

#### Relevant law

13. Under the IP Act, an individual has a right to access their personal information subject to some limitations.<sup>10</sup>
14. Access to a document may be refused if the document is non-existent or unlocatable.<sup>11</sup> A document is non-existent if there are reasonable grounds to be satisfied the document does not exist.<sup>12</sup> A document is unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document but it cannot be found.<sup>13</sup>
15. To be satisfied that a document is non-existent, the Information Commissioner has previously recognised that a decision-maker must rely on their particular knowledge and experience and have regard to a number of key factors, including:<sup>14</sup>
  - the administrative arrangements of government
  - the agency structure

<sup>7</sup> Conversation with an officer of OIC on 20 July 2018.

<sup>8</sup> Subject to the deletion of student names and dates of birth which the applicant had previously agreed to exclude from consideration as set out at paragraph 9 above.

<sup>9</sup> Contained within page 12 of File D, page 319 of File E and page 207 of File F.

<sup>10</sup> Section 67 of the IP Act provides that an agency may refuse access to a document of an agency in the same way and to the same extent the agency could refuse access to the document under the *Right to Information Act 2009* (Qld) (**RTI Act**), section 47 were the document to be the subject of an access application under that Act.

<sup>11</sup> Sections 47(3)(e) and 52 of the RTI Act.

<sup>12</sup> Section 52(1)(a) of the RTI Act.

<sup>13</sup> Section 52(1)(b) of the RTI Act.

<sup>14</sup> *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (**Pryor**) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* [2009] QICmr 7 (9 February 2009) (**PDE**). The decision in *PDE* concerned the application of section 28A of the now repealed *Freedom of Information Act 1992* (Qld). Section 52 of the RTI Act is drafted in substantially the same terms as the provision considered in *PDE* and, therefore, the Information Commissioner's findings in *PDE* are relevant here.

- the agency's functions and responsibilities (particularly with respect to the legislation for which it has administrative responsibility and the other legal obligations that fall to it)
  - the agency's practices and procedures (including but not exclusive to its information management approach); and
  - other factors reasonably inferred from information supplied by the applicant including the nature and age of the requested document/s and the nature of the government activity to which the request relates.
16. When proper consideration is given to relevant factors, it may not be necessary for searches to be conducted. This is the case in circumstances where it is ascertained that a particular document was not created because, for example, the agency's processes do not involve creating that specific document. In such instances, it is not necessary for the agency to search for the document. Rather, it is sufficient that the relevant circumstances to account for the nonexistent document are adequately explained by the agency.
17. Searches may also be relied on to satisfy the decision-maker that a document does not exist. If searches are relied on to justify a decision that the documents do not exist, all reasonable steps must be taken to locate the documents.<sup>15</sup> What constitutes reasonable steps will vary from case to case as the search and enquiry process an agency will be required to undertake will depend on which of the key factors are most relevant in the particular circumstances.
18. To determine whether a document exists, but is unlocatable, the RTI Act requires consideration of whether there are reasonable grounds to be satisfied that the requested document has been or should be in the agency's possession; and whether the agency has taken all reasonable steps to find it.<sup>16</sup> In answering these questions, regard should again be had to the circumstances of the case and the key factors set out above.<sup>17</sup>

### ***Applicant's submissions***

19. In the internal and external review applications, the applicant identified specific documents which had not been located or which the applicant submitted had information missing.
20. After release of the additional documents located during the course of the external review and the applicant being provided with a table setting out the outcome of OIC's assessment of the applicant's specific concerns, the applicant submitted:<sup>18</sup>

*... one of the grounds for the review, a ground which appeared to be substantiated given the subsequent facts, was that the Department failed to conduct a reasonable search for documents.*

*As is evident, the matter was initially reviewed by the Department, who although locating and providing a document that I advised would be there, then made the claim that it had conducted a reasonable search for documents [and] no others could be found.*

*But clearly, this was not the case, because on review to the OIC in which it was pointed out that several documents were not included, the department locates and provides further documents.*

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<sup>15</sup> As set out in *PDE* at [49]. See also section 137(2) of the IP Act.

<sup>16</sup> Section 52(1)(b) of the RTI Act.

<sup>17</sup> *Pryor* at [21].

<sup>18</sup> Submission to OIC dated 31 January 2019.

*OK, so after 3 attempts, the initial application, internal review, and external review, the OIC must surely find that the department did NOT conduct a reasonable search, did NOT locate all documents reasonably easily locatable, and did NOT provide all documents as a result of this application for access to documents.*

*It was only after three attempts were the documents located - and there could be more. It was only after two reviews - thus far. This is a sad indictment on transparency, and within your findings, I would hope that a finding is made that at the very minimum, it is unfair on the public to have to rely on so many attempts to obtain information, and that in this case, the department was lacking in its response and failed to meet its responsibilities.*

*...*

*So you want to make the finding that all reasonable searches had been conducted for the documents I sought, despite over 12 documents being located after the initial claim by the department and internal review that they had conducted all reasonable searches? Can you provide any evidence to support this claim?*

## **Analysis**

21. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.<sup>19</sup> Generally, the agency that made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.<sup>20</sup> However, where an external review involves the issue of missing documents, the applicant has a practical onus to establish reasonable grounds to believe that the agency has not discharged its obligation to locate all relevant documents.
22. On the information before me, it is evident that during the initial processing period and internal and external review processes, the Department undertook searches covering the relevant Region and School, as well as of the Department's Corporate Services unit, within the following locations: TRIM, G:drive, Outlook/email accounts, OneSchool and the School's network.
23. The officers who conducted the searches provided written certification that searches had been conducted for documents responding to the access application and that all relevant documents within their area of responsibility had been located and provided. These written certifications indicate that staff of the Department spent more than 35 hours searching for and collating documents relevant to the access application.
24. I acknowledge the applicant's concerns that not all relevant documents were located as a result of the Department's initial searches in response to the access application and that, given the Department located further documents during the internal and external review processes, the applicant considers that I should find that the Department did not conduct all reasonable searches and failed to locate all relevant documents. However, the question I am required to answer is whether there are reasonable grounds to be satisfied at the time of making this decision that access to further documents may be refused on the basis they are nonexistent or unlocatable.
25. As detailed at paragraphs 2, 3 and 10 above, the Department located a total of 1879 pages in response to the access application. The applicant was provided with the outcome of OIC's inquiries about specific documents which the applicant contended had not been located or had information missing. In these circumstances, I am satisfied that the applicant's mere assertion that *'there could be more'* documents responsive to the

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<sup>19</sup> Section 137(2) of the IP Act.

<sup>20</sup> Section 100(1) of the IP Act.

access application which the Department has failed to locate despite the additional searches is insufficient to require the Department to conduct further searches.

26. Having carefully considered the search information provided by the Department and in the absence of further specific documents or locations to be searched being identified, together with a consideration of the key factors set out at paragraph 15 above, I am satisfied that:
- searches undertaken have been appropriate and targeted
  - all reasonable steps have now been taken to locate the documents the applicant seeks; and
  - there are therefore reasonable grounds to be satisfied that no further documents relevant to the applicant's request exist.
27. In the circumstances, I find that access to further documents sought in response to the access application can be refused on the basis that they are non-existent or unlocatable.<sup>21</sup>

### Refusal of access

28. The Information in Issue, as set out in Appendix B, falls into the following categories:
- information that may be subject to legal professional privilege (**Category 1 information**); and
  - information that may be contrary to the public interest to disclose (**Category 2 information**).
29. I discuss each category below.

### **Category 1: Legal Professional Privilege**

30. Under the IP Act and RTI Act, access to information may be refused where information is exempt.<sup>22</sup> Information will be exempt where it would be privileged from production in a legal proceeding on the basis that it is protected by legal professional privilege.<sup>23</sup>
31. Legal professional privilege protects confidential communications between a lawyer<sup>24</sup> 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>25</sup> The privilege extends to copies of unprivileged documents made for the dominant purpose of obtaining legal advice,<sup>26</sup> as well as internal communications repeating legal advice, verbatim or in substance.<sup>27</sup>

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<sup>21</sup> Under section 67(1) of the IP Act and section 52(1) of the RTI Act.

<sup>22</sup> Section 47(3)(a) of the RTI Act.

<sup>23</sup> Schedule 3, section 7 of the RTI Act.

<sup>24</sup> The court has identified two elements to establish whether a person is to be considered a 'legal advisor' (see *Re Proudfoot and Human Rights and Equal Opportunity Commission* (1992) 28 ALD 734 at 740; *Aquila Coal Pty Ltd v Bowen Central Coal Pty Ltd* [2013] QSC 82; *Southern Equities Corporation (in liq) v Arthur Andersen & Co (No 6)* [2001] SASC 398 at paragraph 8): 1) the individual must be acting in the capacity of a lawyer and not in some other capacity; and 2) the advice must be of an 'independent character notwithstanding the employment' (see *Waterford v Commonwealth of Australia* (1987) 163 CLR 54 at page 62).

<sup>25</sup> *Esso Australia Resources Ltd v Commission of Taxation* (1999) 201 CLR 49; *Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission* (2002) 213 CLR 543 at 552.

<sup>26</sup> *Australian Federal Police v Propend Finance Pty Ltd* (1997) 188 CLR 501 at 509. See also *Underwood and Department of Housing and Public Works (No. 3)* [2017] QICmr 15 (20 April 2017) at [37] - [41].

<sup>27</sup> *Brambles Holdings v Trade Practices Commission* (No. 3) (1981) 58 FLR 452 at 458-459, citing *Komacha v Orange City Council* (Supreme Court of New South Wales, Rath J, 30 August 1979, unreported).

32. I have considered the Category 1 information along with submissions provided by the Department. I am limited by the operation of the IP Act in the extent to which I can describe this information.<sup>28</sup> On the evidence available to me, I am satisfied that:
- the Category 1 information comprises communications between the relevant School and a member of the Department's in-house legal unit which seek or provide legal advice, or which would reveal the substance of those communications; and
  - the member of the Department's in-house legal unit is a suitably qualified legal advisor who was acting in an independent capacity.
33. Accordingly, I find that the Category 1 information is subject to legal professional privilege and comprises exempt information under schedule 3, section 7 of the RTI Act and therefore, access to it may be refused.<sup>29</sup>

**Category 2: Contrary to public interest**

34. An agency may refuse access to information where it would, on balance, be contrary to the public interest to disclose.<sup>30</sup>
35. The RTI Act identifies various factors that may be relevant to deciding the balance of the public interest.<sup>31</sup> It also explains the steps that a decision-maker must take in deciding the public interest.<sup>32</sup>

**Irrelevant factors**

36. I have taken no irrelevant factors into account in making my decision.

**Factors favouring disclosure**

37. There is a general public interest in promoting access to government-held information. It is also the case that revealing information about the Department's and/or School's complaint management processes could reasonably be expected to enhance the Department's and/or School's accountability for the outcomes of those processes,<sup>33</sup> and provide the applicant with the relevant background or contextual information that informed any decisions.<sup>34</sup>
38. The Category 2 information comprises the personal information<sup>35</sup> of students other than the applicant, a third party and public service employees. In these circumstances, I am satisfied that the factors favouring disclosure relating to the Department being open and accountable and the public being provided with background or contextual information about how the School manages concerns about the schooling of students would only be slightly advanced by the disclosure of the Category 2 information as it does not detail

<sup>28</sup> Section 120 of the IP Act.

<sup>29</sup> Under section 67(1) of the IP Act and section 47(3)(a) of the RTI Act.

<sup>30</sup> Sections 47(3)(b) and 49 of the RTI Act.

<sup>31</sup> These are listed in schedule 4 of the RTI Act, though this list of factors is not exhaustive; in other words, additional factors that are not listed may also be relevant.

<sup>32</sup> Under section 49(3) of the RTI Act, to decide where the balance of public interest lies, a decision-maker must:

- identify any irrelevant factors and disregard them
- identify any relevant public interest factors favouring disclosure and nondisclosure
- balance the relevant factors favouring disclosure and nondisclosure; and
- decide whether disclosure of the information in issue would, on balance, be contrary to the public interest.

<sup>33</sup> Schedule 4, part 2, item 1 of the RTI Act.

<sup>34</sup> Schedule 4, part 2, item 11 of the RTI Act.

<sup>35</sup> Section 12 of the IP Act defines 'personal information' 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.'

actions taken by the School in relation to concerns raised. Rather, these factors have been advanced by the substantial amount of information which has been released to the applicant by the Department which does show the actions taken by the School in relation to concerns raised. Therefore, I afford these factors favouring disclosure<sup>36</sup> minimal weight.

39. Some of the Category 2 information comprises the applicant's personal information, which raises a factor favouring disclosure.<sup>37</sup> Generally, this factor carries high weight as one of the purposes of the IP Act is to provide individuals with a mechanism to access their personal information held by government. However, the nature of the Category 2 information is such that the personal information of multiple individuals is intertwined, which raises a factor favouring nondisclosure, which I discuss under the heading 'Factors favouring nondisclosure'.<sup>38</sup>
40. As for the Category 2 information which also contains the personal information of other individuals, being students, School staff and other third parties, the applicant's personal information is inextricably linked with the personal information of those other individuals and their information cannot sensibly be removed to enable a version of the Category 2 information, that solely concerns the applicant's personal information, to be disclosed. Further, in addition to raising the nondisclosure factor, I am satisfied that the intertwined nature of the personal information lessens the weight of the factor favouring disclosure of the applicant's personal information. Accordingly, only minimal weight is afforded to this factor favouring disclosure.
41. In the application for internal review,<sup>39</sup> the applicant suggested that insufficient factors favouring disclosure had been considered by the Department and that weight should be given to the following factors:
- i. The protection of a child exposed to a life-threatening event;*
  - ii. The deliberate withholding of advice provided by the department to parents, including information as to behaviour and health*
  - iii. The attitude of the department towards parents seeking assistance to both educate their child and provide a safe school environment*
  - iv. The deliberate incorrect or incomplete advice to parents of outcomes*
  - v. The collaboration between departmental agencies to engineer an outcome*
  - vi. The failure of the department to provide natural justice or fair processes, in line with legislation and policy.*
42. As previously mentioned at paragraph 38 above, the Category 2 information comprises the personal information of students other than the applicant, a third party and public service employees. This personal information is comments made by a third party and comments relating to the health and wellbeing of students and public service employees.
43. Given the nature of the Category 2 information, it is unclear how its disclosure could reasonably be expected to advance the additional factors at i. to v. in paragraph 41 above. In relation to the factor at vi. in paragraph 41 above, to the extent the Category 2 information comprises comments made by a third party, there is no requirement for the Department to '*provide natural justice or fair processes*' as the Department did not take any action adverse to the applicant in relation to the comments made. Therefore, I am satisfied that disclosure of the Category 2 information would not advance factors i. to vi. in paragraph 41 above. Accordingly, I afford them no weight.

<sup>36</sup> Schedule 4, part 2, items 1 and 11 of the RTI Act.

<sup>37</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>38</sup> Schedule 4, part 4, section 6 of the RTI Act.

<sup>39</sup> Dated 7 March 2018.



44. I have carefully considered all factors listed in schedule 4, part 2 of the RTI Act, and can identify no other public interest considerations telling in favour of disclosure of the Category 2 information, beyond those identified above.

#### **Factors favouring non-disclosure**

45. As previously mentioned at paragraphs 38 and 42 above, the Category 2 information comprises the personal information of students other than the applicant, a third party and public service employees, being comments made by a third party and comments relating to the health and wellbeing of students and public service employees. Given the sensitive nature of the comments, I consider disclosure of the Category 2 information could reasonably be expected to prejudice the protection of the right to privacy<sup>40</sup> of the other individuals and cause a public interest harm by disclosing their personal information.<sup>41</sup> Given the nature of the information and the context in which it appears, I afford significant weight to both of these factors.
46. In relation to the parts of the Category 2 information that were provided by a third party, this gives rise to a factor favouring nondisclosure where disclosing information could reasonably be expected to prejudice an agency's ability to obtain confidential information.<sup>42</sup> In the circumstances of this matter, a third party provided information to the School for the purpose of the School assessing whether there was a reportable suspicion about a child under the *Child Protection Act 1999* (Qld). I am satisfied that the third party would have provided this information to the School on the understanding that the information would only be used for this limited purpose. In these circumstances, disclosing information received under the IP and RTI Acts, where there can be no restriction on its use, dissemination or republication, could reasonably be expected to make third parties reluctant to provide this type of information to schools and thereby prejudice the future flow of information. For this reason, I afford this factor significant weight.
47. Some of the Category 2 information relates to discussion of the health and wellbeing effects on staff of the School resulting from concerns raised by the applicant's parents. This gives rise to a factor favouring nondisclosure where disclosing information could reasonably be expected to have a detrimental effect on the Department's management functions.<sup>43</sup> Staff of the School must be able to freely communicate with management about the health and wellbeing effects on them of concerns raised by parents. Disclosing this type of information under the IP and RTI Acts, where there can be no restriction on its use, dissemination or republication, could reasonably be expected to make staff reluctant to discuss issues about their health and wellbeing with management in the future which could reasonably be expected to adversely impact the Department's ability to manage staff in schools. For this reason, I afford this factor significant weight.
48. I have carefully considered all factors listed in schedule 4, parts 3 and 4 of the RTI Act, and can identify no other public interest considerations telling in favour of nondisclosure of the Category 2 information, beyond those identified above.

#### **Balancing the public interest**

49. For the reasons set out above, I am satisfied that the significant weight afforded to the nondisclosure factors relating to protection of personal information and privacy of

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<sup>40</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>41</sup> Schedule 4, part 4, section 6 of the RTI Act.

<sup>42</sup> Schedule 4, part 3, item 16 of the RTI Act.

<sup>43</sup> Schedule 4, part 3, item 19 of the RTI Act.

persons other than the applicant,<sup>44</sup> prejudice to the flow of information<sup>45</sup> and prejudice to management functions<sup>46</sup> outweighs the relevant factors favouring disclosure<sup>47</sup> of the Category 2 information.

50. I therefore find that disclosing the Category 2 information would, on balance, be contrary to the public interest and access to the Category 2 information may be refused.<sup>48</sup>

## DECISION

51. I vary the Department's decision and find that access may be refused on the grounds that access to:

- further documents sought in response to the access application can be refused under sections 47(3)(e) and 52(1) of the RTI Act on the basis that they are non-existent or unlocatable; and
- the Information in Issue may be refused on the basis that the Category 1 information comprises exempt information under section 47(3)(a) and schedule 3, section 7 of the RTI Act and the Category 2 information comprises information contrary to the public interest to disclose under section 47(3)(b) of the RTI Act.

52. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.

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**Assistant Information Commissioner Corby**

**Date: 2 April 2019**

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<sup>44</sup> Schedule 4, part 3, item 3 and schedule 4, part 4, section 6 of the RTI Act.

<sup>45</sup> Schedule 4, part 3, item 16 of the RTI Act.

<sup>46</sup> Schedule 4, part 3, item 19 of the RTI Act.

<sup>47</sup> Schedule 4, part 2, items 1, 7 and 11 of the RTI Act.

<sup>48</sup> Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

**APPENDIX A - SIGNIFICANT PROCEDURAL STEPS**

<b>Date</b>	<b>Event</b>
19 April 2018	OIC received the applicant's external review application.
20 April 2018	OIC notified the Department and the applicant that the review application had been received and requested procedural documents from the Department.
2 May 2018	OIC received the requested documents from the Department.
22 May 2018	OIC notified the Department and the applicant that the external review had been accepted and requested further documents from the Department.
1 June 2018	OIC received the requested documents from the Department.
12 July 2018	OIC requested further documents from the Department. OIC received the requested documents.
20 July 2018	The applicant provided oral submissions to OIC.
6 August 2018	The applicant requested an update from OIC.
24 August 2018	OIC provided an update to the applicant.
28 August 2018	OIC requested further information from the Department and sought a submission from the Department on the release of further information to the applicant.
14 September 2018	The Department requested that OIC provide an extension to respond to OIC's request.
17 September 2018	OIC granted an extension to the Department.
17 October 2018	The Department requested a further extension.
18 October 2018	OIC granted an extension to the Department.
29 October 2018	The Department requested a further extension. OIC granted a final extension to the Department.
31 October 2018	OIC provided an update to the applicant.
1 November 2018	The applicant requested that OIC issue a formal decision for the external review.
13 November 2018	OIC received the requested further information and a submission from the Department.
14 November 2018	OIC provided an update to the applicant.
5 December 2018	OIC requested further documents from the Department.
6 December 2018	OIC received some of the requested documents from the Department.
12 December 2018	OIC received the remainder of the requested documents from the Department.
17 December 2018	OIC requested that the Department release additional documents to the applicant. OIC conveyed a preliminary view to the applicant about the remaining information in issue.
10 January 2019	The Department released the additional documents to the applicant.

Date	Event
30 January 2019	OIC contacted the applicant to clarify whether the applicant sought a formal decision to finalise the external review.
31 January 2019	The applicant confirmed that a formal decision was sought.

## APPENDIX B - INFORMATION IN ISSUE

### *Category A information*

File	Full pages
A	1-13 and 266-271
B	21-29, 55-67, 229-233 and 264-272
C	30-42, 115-120, 146-154, 169-181 and 183-195
E	125-129, 143-169 and 193-215
F	51-58, 78-88, 93-95 and 117-141

### *Category B information*

File	Part pages	Full pages
A	197 and 203	
C	322	327
D	12, 30 and 36	
E	16, 101, 112, 135, 219, 292, 299, 319 and 321	306-311
F	191, 207 and 219	31, 196, 211-217 and 256-257
G	2	