



Decision and Reasons for Decision

Application Number: 311232

Applicant: 0P5BNI

Respondent: Department of National Parks, Recreation, Sport and Racing

Decision Date: 12 September 2013

Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – GROUNDS ON WHICH ACCESS MAY BE REFUSED – EXEMPT INFORMATION – an agency may refuse access to a document to the extent the document comprises exempt information – information subject to legal professional privilege – whether the information would be privileged from production in a legal proceeding on the ground of legal professional privilege – sections 47(3)(a) and 48 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – GROUNDS ON WHICH ACCESS MAY BE REFUSED – CONTRARY TO PUBLIC INTEREST INFORMATION – an agency may refuse access to a document to the extent the document comprises information the disclosure of which would, on balance, be contrary to the public interest – whether disclosure would, on balance, be contrary to the public interest – sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – GROUNDS ON WHICH ACCESS MAY BE REFUSED – UNLOCATABLE AND NONEXISTENT DOCUMENTS – applicant contends additional documents exist – an agency may refuse access to a document because the document is nonexistent or unlocatable – reasonable basis to be satisfied that no additional documents exist as documents of the agency – sections 47(3)(e) and 52 of the *Right to Information Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied to the Department of National Parks, Recreation, Sport and Racing (**Department**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for

access to a wide range of documents broadly relating to the commercial relationship between his business and the Department between 1 January 2010 and 20 April 2012.

2. The Department located 233 pages in response to the access application and decided to grant access to 101 pages in full and 37 pages in part, and refused access to the balance of the information on the basis that (i) the information is exempt on the grounds of legal professional privilege (ii) its disclosure would, on balance, be contrary to the public interest or (iii) other access is available to the document.
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision to refuse access to specific pages (**refusal of access**). During the course of the external review, the applicant also contended that the Department had not located all documents relevant to his access application (**sufficiency of search**).
4. For the reasons set out below, access to the information remaining in issue is refused on the basis that (i) it comprises exempt information as it would be privileged from production in a legal proceeding on the ground of legal professional privilege and (ii) its disclosure would, on balance, be contrary to the public interest. In relation to the additional documents the applicant contends have not been located, the Department has taken all reasonable steps to locate the additional documents and there is a reasonable basis to be satisfied that any additional documents are nonexistent or unlocatable.

Background

5. Significant procedural steps relating to the application and the external review are set out in the appendix to this decision.

Reviewable decision

6. The decision under review is the Department's decision dated 27 September 2012.

Evidence considered

7. Evidence, submissions, legislation and other material considered in reaching this decision are disclosed in these reasons (including footnotes and appendix).

Information in issue

8. The information remaining in issue in this review comprises 36 full pages and 24 part pages (**Information in Issue**).
9. The applicant does not seek access to names, dates of birth, signatures, addresses or telephone numbers of individuals referred to in the Information in Issue.¹ Accordingly, this information does not form part of the Information in Issue.

Issues for determination

10. The issues for determination are whether:

¹ Applicant's external review application dated 25 October 2012. There are seven pages where this is the only information to which access has been refused.

- (i) access to information can be refused on the basis that it would be privileged from production in a legal proceeding on the ground of legal professional privilege (**Category A information**)
- (ii) access to information can be refused on the basis that its disclosure would, on balance, be contrary to the public interest (**Category B information**); and
- (iii) there is a reasonable basis to be satisfied that the additional documents the applicant contends exist are nonexistent as documents of the Department.

Is the Category A information exempt on the grounds of legal professional privilege?

11. Yes, for the reasons that follow.

Relevant law

12. The RTI Act provides that access may be refused to documents to the extent they comprise exempt information.² Schedule 3 of the RTI Act sets out categories of information the disclosure of which Parliament has deemed to be contrary to the public interest, and therefore exempt from disclosure.³ Schedule 3, section 7 of the RTI Act provides that information will be exempt from disclosure if it would be privileged from production in a legal proceeding on the ground of legal professional privilege. This exemption reflects the requirements for establishing legal professional privilege at common law.⁴
13. The general principles of legal professional privilege were summarised by the High Court of Australia in *Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission*⁵ as follows:

It is now settled that legal professional privilege is a rule of substantive law which may be availed of by a person to resist the giving of information or the production of documents which would reveal communications between a client and his or her lawyer made for the dominant purpose of giving or obtaining legal advice or the provision of legal services, including representation in legal proceedings...

Findings

14. The Category A information is located on five full pages and three part pages. It generally⁶ comprises:
- correspondence between Departmental officers and the Department's Legal Services Unit and the former Compliance and Litigation Unit; and
 - parts of briefing notes to the Director-General and the Minister for National Parks, Recreation, Sport and Racing (**Minister**), summarising the legal advice sought from the Department's legal officers.

Dominant purpose

15. The applicant submits that '*only specific internal confidential legal advice from the departmental lawyers, not involving policy or administrative advice should be withheld*'.

² Section 47(3)(a) of the RTI Act.

³ Section 48(2) of the RTI Act.

⁴ *Ozcare and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 13 May 2011) at [12].

⁵ (2002) 213 CLR 543 at [9].

⁶ Section 108(3) of the RTI Act prohibits the Information Commissioner from including information that is claimed to be exempt in reasons for a decision on external review. This prevents me from describing the actual content of the Category A information in these reasons.

16. The dominant purpose is ‘*the ruling, prevailing, or most influential purpose*’⁷ and is to be determined objectively, having regard to the evidence, the nature of the document and the parties’ submissions. Legal advice can involve more than just advising a client about the law—it also includes advice as to ‘*what should prudently and sensibly be done in the relevant legal context*’.⁸ However, it does not include advice that is predominantly for administrative, financial, personal, commercial or public relations purposes.⁹
17. Having carefully reviewed the Category A information, I am satisfied that the communications were made for the dominant purpose of requesting and providing legal advice about access and tenure issues relating to the applicant’s property.

Confidential communications

18. I am also satisfied that the relevant legal officers were under a duty to keep communications on their legal files confidential. There is nothing before me indicating that the Category A information has not been treated in a confidential manner.

Professional relationship and independence

19. Legal professional privilege may protect communications between salaried employee legal advisers of a government department or statutory authority and his/her employer as the client (including communications through other employees of the same employer) provided there is a professional relationship of legal adviser and client, which secures to the advice an independent character, notwithstanding the employment.¹⁰
20. The applicant submits that ‘*communications with a barrister or solicitor acting for themselves in a private capacity on a private matter is not covered by legal professional privilege*’. However, as I have noted above, the Category A information comprises communications between Departmental officers and officers within the Department’s internal legal services area.
21. I am satisfied that the relevant officers within the Department’s Legal Services Unit and former Compliance and Litigation Unit have the necessary degree of independence required to attract legal professional privilege.

Waiver and the improper purpose exception

22. In some cases, communications may not be subject to legal professional privilege because privilege has been waived, either expressly or impliedly, or the improper purpose exception applies. There is no evidence before me to indicate that legal professional privilege has been waived in relation to the Category A Information or that the improper purpose exception applies.
23. As noted above, the Category A information includes briefing notes to the Director-General and the Minister which convey the substance of the request for legal advice. Merely communicating privileged information internally within a corporation or

⁷ *Federal Commissioner of Taxation v Spotless Services Ltd* (1996) 186 CLR 404 at [416].

⁸ *Balabel v Air India* [1988] 1 Ch 317 per Lord Justice Taylor at [330] and referred to with approval in *Pratt Holdings Pty Ltd v Commissioner of Taxation* (2004) 136 FCR 357 at [382].

⁹ *Three Rivers District Council v Governor and Company of the Bank of England (No.6)* [2005] 4 All ER 948 at [989]; *Barnes v Commissioner for Taxation* [2007] FCAFC 88 at [8] and *Waterford v Commonwealth* (1987) 163 CLR 54 at [77] and [85].

¹⁰ *Waterford v Commonwealth* (1987) 163 CLR 54.

agency will not of itself deprive the agency or corporation of the benefit of that privilege.¹¹ I am satisfied that legal professional privilege has not been waived by conveying the substance of the issues to the Minister and the Director-General.

24. Based on the above, I consider the Category A information satisfies the requirements for legal professional privilege. Accordingly, I find the Department is entitled to refuse access to the Category A information as it is exempt under schedule 3, section 7 of the RTI Act.

Would disclosure of the Category B information be, on balance, contrary to the public interest?

25. Yes, for the reasons that follow.

Relevant law

26. An agency may refuse access to information where its disclosure would, on balance, be contrary to the public interest.¹² The RTI Act identifies many factors that may be relevant to deciding the balance of the public interest¹³ and explains the steps that a decision-maker must take¹⁴ in deciding the public interest as follows:

- identify any irrelevant factors and disregard them
- identify 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.

Findings

27. The applicant and his family have had extensive dealings with the Department and other agencies over a long period of time. The applicant's family sold land to the Queensland Government to form a national park some time ago. The applicant's property is therefore located within the national parkland. The applicant's dealings with the Department generally relate to his use of, and access to, his property.

28. The Category B information generally comprises:

- correspondence to and from an individual (**Third Party**) to the Department and the Minister (including drafts) raising concerns about the applicant's use of his property and tenure issues arising from the applicant's access to his property; and
- parts of draft and final briefing notes to the Director-General and the Minister about these issues.

29. It also includes:

¹¹ *N55WLN and Department of Health* [2012] QICmr 19 at [29].

¹² Section 47(3)(b) and 49 of the RTI Act. 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.

¹³ Schedule 4 of the RTI Act sets out the factors for deciding whether disclosing information would, on balance, be contrary to the public interest. However, this list of factors is not exhaustive. In other words, factors that are not listed may also be relevant.

¹⁴ Section 49(3) of the RTI Act.

- parts of Departmental documents relating to a right to information access application made to the Department, where the information would identify the access applicant
 - parts of a Departmental file note of conversations with a number of individuals; and
 - parts of other internal Departmental records e.g. emails.
30. The applicant believes he knows the identity of the Third Party and considers all of the Category B information—including the Departmental file note and the access application referred to above—relates to the Third Party. The applicant's submissions are therefore specific to the Third Party and I have addressed them below. However, nothing in this decision should be taken as confirmation of the Third Party's identity, nor should it be taken as confirming that the Third Party is the only individual named in the Category B information.
31. No irrelevant factors arise in the circumstances of this case.

Enhancing government's accountability and transparency in decision-making and allowing inquiry into possible deficiencies in conduct

32. The applicant submits that:
- the Third Party has used their position within the community to influence the Department's management of the complaints and the tenure issues
 - the complaints are vexatious and have been proven to be unfounded; and
 - he requires access to the Third Party's correspondence with the Department in order to ascertain whether the Department's handling of the complaints and the tenure issues was reasonable and appropriate.
33. The RTI Act provides that factors favouring disclosure will arise if disclosing the information could reasonably be expected to:
- promote open discussion of public affairs and enhance the Government's accountability¹⁵
 - reveal the reason for a government decision and any background or contextual information that informed the decision.¹⁶
34. I agree disclosing the Category B Information to the applicant may provide him with a more comprehensive understanding of the complaints made against him and, in some cases, the steps taken by the Department in response to the issues raised, and management of the access application. Accordingly, I consider these factors favouring disclosure are relevant.
35. However, a significant amount of information about the substance of the complaints and the Department's handling of these complaints, along with other issues relevant to the applicant, has now been released to the applicant. The Category B information largely comprises the Third Party's correspondence with the Department, with only a small part of the information relating to the Department's actions. I consider the public interest factors identified above have been significantly advanced by the information already released to the applicant. Given the limited nature of the Category B information, I consider these factors warrant only moderate weight.

¹⁵ Schedule 4, part 2, item 1 of the RTI Act.

¹⁶ Schedule 4, part 2, item 11 of the RTI Act.

36. In light of the applicant's submissions with respect to the Department's handling of the complaints, I have also considered whether disclosing the information could reasonably be expected to:
- allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official;¹⁷ or
 - reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct.¹⁸
37. As noted above, a significant amount of information about the complaints and the Department's management of matters relating to the applicant has now been released. This includes the Department's correspondence with the Third Party, except to the extent I consider information in the response could be used to identify the Third Party. There is no evidence in the information before me (either in the Category B information or in the information already released to the applicant) which supports the applicant's contention that Departmental officers have acted inappropriately in their management of either the complaints made about the applicant and his business, or the relevant tenure issues.
38. Moreover, as most of the Category B information comprises information provided by the Third Party, I do not consider it is reasonable to expect that its disclosure could assist in revealing possible deficiencies in the conduct of an *agency or official*.
39. Accordingly, I find these factors favouring nondisclosure are not relevant in the circumstances of this review.

Personal information and privacy

40. Some of the Category B information is about the applicant and comprises his personal information.¹⁹ This gives rise to a factor favouring disclosure.²⁰ To the extent the Category B information is the applicant's personal information, I afford this factor significant weight. However, this factor must be weighed against other relevant factors favouring nondisclosure of the Category B information.
41. The Category B information also includes the personal information of others, primarily the Third Party. The nature of this information is such that it is not possible to separate the applicant's personal information from the personal information of others. As a result, I have considered whether disclosing the Category B information could reasonably be expected to:
- prejudice the protection of an individual's right to privacy;²¹ and
 - cause a public interest harm as it would disclose personal information of a person.²²

¹⁷ Schedule 4, part 2, item 5 of the RTI Act.

¹⁸ Schedule 4, part 2, item 6 of the RTI Act.

¹⁹ *Personal information* is defined in section 12 of the *Information Privacy Act 2009* (Qld) (**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*.

²⁰ Schedule 4, part 2, item 7 of the RTI Act.

²¹ Schedule 4, part 3, item 3 of the RTI Act. The concept of 'privacy' is not defined in either 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: see *Marshall and Department of Police* (Unreported, Queensland Information Commissioner, 25 February 2011) at [27] 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 11 August 2008, at paragraph 1.56.

²² Schedule 4, part 4, section 6(1) of the RTI Act.

42. The applicant contends that it should be possible to de-identify the complaint information by removing the Third Party's name. He submits it is not reasonable to expect that disclosing the Category B information would identify the applicant or prejudice their privacy.
43. I acknowledge that removing the Third Party's name and contact details may mean that their identity is not apparent. However, I must then consider whether the Third Party's identity can *reasonably be ascertained* from disclosure of the Category B information.²³ In *Mahoney*, I noted that additional information may be used, along with the information being disclosed, to ascertain an individual's identity. In order to determine if it is reasonable to ascertain an individual's identity through additional information, it is relevant to consider factors such as:
- how available the additional information is
 - how difficult it is to obtain
 - how many steps are required to identify the individual
 - how certain the identification will be
 - whether it will identify one specific individual or a group of people; and
 - whether the individual receiving the information can use it to identify the individual.²⁴
44. The applicant's property is located in a small community. It is apparent that the issues canvassed in the Category B information have been the subject of considerable discussion and correspondence between the applicant, the Department, other regulatory agencies and other individuals including the Third Party. It is apparent there is a high degree of familiarity between all of the parties. I am aware that the applicant already holds a significant amount of information about the complaints and the other issues under consideration by the Department. I consider the Category B information could be used to identify the Third Party, or other individuals, when pieced together with the information the applicant already holds. I consider that the Third Party's identity could reasonably be ascertained through disclosure of the Category B information. For this reason, I am satisfied that its disclosure would give rise to a public interest harm as it would disclose personal information of persons other than the applicant and its disclosure would also prejudice the protection of those individuals' privacy.
45. It is then necessary for me to consider the weight to be afforded to these factors favouring nondisclosure. The fact that a person has raised concerns or made a complaint to a Minister or government agency concerns a central aspect of their 'personal sphere'. As I have noted above, the applicant's property is located in a small community and it is apparent that there is an extensive history of issues between the various parties involved. For these reasons, I consider disclosing the Category B information would be a significant intrusion into the privacy of the individuals and the extent of the public interest harm that could be anticipated from disclosing their personal information is also quite significant.

Balancing the relevant public interest factors

46. Disclosing some of the Category B information could reasonably be expected to enhance the government's accountability and reveal the reasons for a government decision and I afford moderate weight to these factors. To the extent the Category B

²³ *Mahoney and Ipswich City Council* (Unreported, Queensland Information Commissioner, 17 June 2011) (*Mahoney*).

²⁴ *Mahoney* at [21].

information is the applicant's personal information, this also gives rise to a public interest factor favouring disclosure to which I afford significant weight.

47. However, the Category B information is also the personal information of other individuals and its disclosure could reasonably be expected to prejudice the protection of their right to privacy and cause a public interest harm. Given the nature of the information and the particular circumstances of this external review, I consider these factors warrant significant weight and outweigh the factors favouring disclosure.
48. For these reasons, I find that disclosing the Category B information would, on balance, be contrary to the public interest.

Is there a reasonable basis to be satisfied that the additional documents are nonexistent or unlocatable?

49. Yes, for the reasons that follow.

Relevant law

50. Under the RTI Act, a person has a right to be given access to documents of an agency.²⁵ However, this right is subject to other provisions of the RTI Act including the grounds on which an agency may refuse access to documents.²⁶ Access to a document may be refused if the document is nonexistent or unlocatable.²⁷ 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.²⁸ A document is nonexistent if there are reasonable grounds to be satisfied the document does not exist.²⁹
51. The RTI Act is silent on how an agency can be satisfied that a document does not exist. However in *PDE and The University of Queensland*,³⁰ the Information Commissioner explained that, to be satisfied that a document does not exist, an agency must rely on its particular knowledge and experience, having regard to various key factors including:
 - the administrative arrangements of government
 - the agency structure
 - 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 the request relates to.

²⁵ Section 23 of the RTI Act.

²⁶ As set out in section 47 of the RTI Act.

²⁷ Sections 47(3)(e) and 52 of the RTI Act.

²⁸ Section 52(1)(b) of the RTI Act.

²⁹ Section 52(1)(a) of the RTI Act.

³⁰ (Unreported, Queensland Information Commissioner, 9 February 2009) (*PDE*). Although *PDE* concerned the application of section 28A of the now repealed *Freedom of Information Act 1992* (Qld), the requirements of that section are replicated in section 52 of the RTI Act.

52. When these factors are properly considered and a conclusion reached that the document does not exist, it may be unnecessary for searches to be conducted. Alternatively, an agency may rely on searches to justify a decision that the document sought does not exist. If an agency relies on searches, all reasonable steps must be taken to locate the requested document. In determining whether all reasonable steps have been taken, regard should be had to the factors listed in *PDE* as set out above.

Findings

53. The applicant contends generally that more documents relevant to his access application should exist. The applicant specifically submits that:
- he, the Department and the relevant local council (**Council**) have discussed issues relating to the tenure of the national park for at least ten years
 - he has seen correspondence between a named Departmental officer (**Named Officer**) and Council about these issues; and
 - accordingly, documents evidencing these discussions and the Department's consideration of the tenure issues should have been identified and produced by the Department.
54. The applicant wished to access documents held by the former Department of Environment and Resource Management. However, as a result of machinery of government changes, at the time of the applicant's request, responsibility for the former Department of Environment and Resource Management had been split between the Department and the Department of Environment and Heritage Protection (**DEHP**). Accordingly, the applicant's first access application was made to DEHP. The applicant subsequently made a second application in the same terms covering the same time period for documents held by the Department. Separate decisions were issued in relation to each access application. This external review relates only to the decision of the Department—that is, the second access application made by the applicant.
55. As the Department and DEHP have a shared service for responding to access applications, the two access applications were processed together by the same Right to Information officer (**RTI officer**). The Department submits:
- in making its decision, it only considered documents within the time period covered by the access application, namely 1 January 2010 and 20 April 2012
 - the Named Officer's area forms part of DEHP and accordingly, correspondence between the Named Officer and Council is likely to be held by DEHP
 - the work being progressed by the government in relation to the tenure issues is being conducted by an area within DEHP and accordingly, it is likely many of the recent documents of relevance to the tenure issues would be held by DEHP
 - the Department and DEHP spent over 15 hours searching for documents relevant to the access application.
56. The RTI officer provided records of DEHP and the Department's searches and a signed search certification to support the Department's submissions. The Department also provided to OIC copies of the documents initially located by both the Department and DEHP—that is, before the RTI officer reviewed the documents to identify those within the scope of the access application.
57. I have taken into account the limited time period covered by the access application. I accept the Department's submissions as to the likely location of documents relating to the tenure issues. I also accept the records of searches and search certification as

further evidence that the Department has taken all reasonable steps to find documents. Aside from the issues identified at paragraph 53 above, the applicant has not provided any evidence or submissions indicating the nature of additional documents he considers should exist.

58. For these reasons, I find that:

- the Department has taken all reasonable steps to locate documents relevant to the access application; and
- there is a reasonable basis to be satisfied that no further relevant documents exist as documents of the Department.

DECISION

59. I vary the decision under review and find that:

- access to the Category A information can be refused as it comprises exempt information on the basis that it is subject to legal professional privilege³¹
- access to the Category B information can be refused on the basis that its disclosure would, on balance, be contrary to the public interest;³² and
- there is a reasonable basis to be satisfied that the Department has taken all reasonable steps to locate relevant documents and any additional documents do not exist as documents of the Department.³³

60. I have made this decision as a delegate of the Acting Information Commissioner, under section 145 of the RTI Act.

J S Mead
Right to Information Commissioner

Date: 12 September 2013

³¹ Sections 47(3)(a), 48 and schedule 3, section 7 of the RTI Act.

³² Sections 47(3)(b) and 49 of the RTI Act.

³³ Sections 47(3)(e) and 52 of the RTI Act.

APPENDIX

Significant procedural steps

Date	Event
4 June 2012	The applicant made an access application made to DEHP.
3 July 2012	The RTI Officer advised the applicant's representative that documents may also be held by the Department. The applicant's representative made a second access application in the same terms to the Department.
27 September 2012	The Department made its decision under the RTI Act.
25 October 2012	OIC received the application for external review.
26 October 2012	OIC asked the Department for a number of procedural documents.
29 October 2012	OIC received the procedural documents from the Department.
7 November 2012	OIC notified the Department and the applicant that the external review application had been accepted. OIC asked the Department to provide a copy of the documents to which access was refused and correspondence with third parties consulted by the Department during its processing of the access application.
15 November 2012	The Department provided the requested documents to OIC.
27 November 2012	The applicant's representative confirmed the applicant did not seek review of the Department's decision to refuse access to certain pages on the basis that other access was available.
21 January 2013	OIC conveyed a preliminary view to the Department and invited the Department to provide submissions supporting its case by 4 February 2013 if it did not accept the preliminary view.
4 February 2013	OIC received a submission from the Department.
12 February 2013	OIC asked the Department to provide a further copy of the documents to which access had been refused. The Department provided OIC with the requested documents.
13 February 2013	The Department provided OIC with a further copy of the requested documents.
6 March 2013	OIC conveyed a preliminary view to the Department and invited the Department to provide submissions supporting its case by 19 March 2013 if it did not accept the preliminary view, or to release relevant information to the applicant if it accepted OIC's view.
12 March 2013	OIC conveyed an oral preliminary view to the applicant's representative on the Category A information.
14 March 2013	The Department advised OIC that it accepted the preliminary view and released relevant information to the applicant.
26 March 2013	The applicant's representative requested OIC convey a written preliminary view on the Category A information.
23 April 2013	OIC wrote to the applicant's representative about a number of procedural matters.
14 May 2013	OIC conveyed a preliminary view to the Third Party and invited the Third Party to provide submissions supporting their case by 31 May 2013 if they did not accept the preliminary view.
23 May 2013	The Third Party sought further information about the external review. OIC responded to the Third Party to clarify OIC's processes on external review.

27 May 2013	OIC received submissions from the Third Party.
28 May 2013	OIC asked the Third Party to clarify aspects of their submissions.
29 May 2013	The Third Party telephoned OIC to clarify a number of procedural issues and to seek an extension of time to provide their submissions. OIC granted the Third Party an extension of time until 11 June 2013.
11 June 2013	OIC received submissions from the Third Party.
13 June 2013	OIC received a further copy of the Third Party's submissions along with supporting information.
19 June 2013	OIC asked the Department to provide further information relevant to the review.
20 June 2013	The Department provided the requested information.
2 July 2013	OIC conveyed a preliminary view to the Third Party and invited the Third Party to make final submissions in support of their case by 16 July 2013.
9 July 2013	OIC received submissions from the Third Party.
11 July 2013	OIC conveyed a preliminary view to the Department and asked the Department to provide a copy of relevant information to the Third Party.
15 July 2013	The Department provided a copy of relevant information to the Third Party. OIC conveyed a further preliminary view to the Third Party and asked the Third Party to advise OIC by 24 July 2013 if they did not accept OIC's preliminary view.
19 July 2013	The Third Party advised OIC that they accepted OIC's preliminary view.
22 July 2013	OIC asked the Department to release information on the basis that it and the Third Party no longer objected to disclosure. OIC conveyed a preliminary view on the refusal of access issues and invited the applicant to provide submissions supporting his case by 5 August 2013 if he did not accept the preliminary view.
23 July 2013	The Department released information to the applicant.
2 August 2013	OIC received submissions from the applicant objecting to the preliminary view on the refusal of access issues and raising sufficiency of search issues.
5 August 2013	OIC requested further information from the Department about the sufficiency of search issues.
6 August 2013	The Department provided the requested information to OIC.
8 August 2013	OIC asked the Department to provide a submission on the sufficiency of search issues.
19 August 2013	The Department provided a submission on the sufficiency of search issues.
20 August 2013	OIC made further enquiries with the Department about the sufficiency of search issues. OIC conveyed an oral preliminary view to the applicant.
21 August 2013	OIC asked the Department to release a small amount of additional information to the applicant. OIC conveyed a written preliminary view to the applicant on the sufficiency of search issues.
22 August 2013	The Department released the additional information to the applicant and provided OIC with a signed search certification.
27 August 2013	The applicant made oral submissions to OIC.
28 August 2013	OIC requested the applicant make any final submissions on the sufficiency of search issues by 5 September 2013. The applicant made oral submissions to OIC on the refusal of access issues. OIC made further enquiries with the Department about the refusal of access issues.

3 September 2013	The Department advised OIC that it no longer objected to disclosing a small amount of additional information to the applicant. OIC asked the Department to release the relevant information to the applicant. The applicant made oral submissions to OIC on the sufficiency of search and refusal of access issues.
4 September 2013	The applicant advised OIC he did not accept OIC's preliminary view.
6 September 2013	The Department advised OIC that it had released the additional information to the applicant.