



# Freedom of Information (Disclosure Log – Exempt Documents) Determination 2018

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I, Angelene Falk, Australian Information Commissioner, make the following determination under subsection 11C(2) of the *Freedom of Information Act 1982*.

Dated: 28 November 2018

Signed

Angelene Falk  
Australian Information Commissioner

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## 1. Name

- (1) This is the *Freedom of Information (Disclosure Log – Exempt Documents) Determination 2018*.
- (2) This determination may also be cited as the *FOI Disclosure Log Determination 2018*.

## 2. Commencement

This determination commences at the start of the day after the day it is registered on the Federal Register of Legislation maintained under section 15A of the *Legislation Act 2003*.

## 3. Authority

This determination is made by the Australian Information Commissioner under subsection 11C(2) of the *Freedom of Information Act 1982*.

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## 4. Definitions

In this determination:

*Act* means the *Freedom of Information Act 1982*.

**Disclosure log** means the publication under section 11C of the Act of information in accessed documents that have been released to an applicant under the Act.

Note: A number of expressions used in this determination are defined in the Act, including the following: ‘agency’, ‘applicant’ and ‘exempt document’.

## 5. Repeal

- (1) This determination ceases and is repealed five years from the day on which this determination commences.
- (2) Disclosure Log Determination No. 2013-1 (Exempt Documents) F2013L01798 is repealed on commencement of this determination.

## 6. Determined information

- (1) Information referred to in paragraph (a) or (b), to which an agency or Minister has given access to an applicant under section 11A of the Act, is determined for the purposes of paragraph 11C(1)(c) of the Act:
  - (a) information in a document that was an exempt document at the time that access was given by the agency or Minister to the applicant
  - (b) information in a document that the agency or Minister would have decided was an exempt document at the time that access was given to the applicant, if the request for that document had been received from a person other than the applicant.

Note: Paragraph 11C(1)(c) of the Act allows an agency or Minister, having given access under section 11A of the Act, not to publish information of a kind determined by the Australian Information Commissioner, if it would be unreasonable to do so. Guidance in relation to when it would be unreasonable to do so is found in the Explanatory Statement to this determination and in the Guidelines issued by the Australian Information Commissioner under s 93A of the Act.