

Senate Standing Committee on Environment and Communications

Answers to Senate Estimates Questions on Notice

Additional Estimates Spill-over hearing March 2017

Communications Portfolio

Department of Communications and the Arts

Question No: 314

Program 1.1

Hansard Ref: Written, 31/3/2017

Topic: NBN electorate briefs – FOI CIC

Senator Urquhart, Anne asked:

1. In correspondence dated 21 December 2016 to Senator Urquhart's FOI request the Department indicated the electorate briefs contain 'confidential or commercially sensitive information' – is that correct? Why is that information sensitive or commercial? To whom is it confidential? To whom is the information commercially sensitive?
2. Which part of the electorate briefs disclosed under A106-2017 on 28 March 2017 — which contains no redactions — is considered confidential or commercial in confidence?

Answer:

1. The electorate briefs prepared by the Department are not prepared for publication. The Department prepares the electorate briefs by analysing data provided by NBN Co Limited (nbn). The Department chooses the format the information is presented in without reference to the company and the content and format has changed regularly. Each set of briefs needs to be considered individually in terms of likely confidential or commercially sensitive information. The Senator's initial FOI request in December covered thousands of documents and the correspondence dated 21 December sought to narrow the scope of the request. The Senator's initial request captured a more detailed version of the electorate brief which contains more detailed data. As advised in the hearing on 24 March 2017, some of those briefings include very granular detail on matters commercially sensitive to nbn relating to take-up rates in particular.
2. The documents released under A106-2017 are a summary version of briefing material prepared by the Department. Those briefs contained information on eligibility for Sky Muster services broken down by electorate. At the time of the FOI request this information was neither well known nor available from publicly accessible sources. The Department assessed that nbn might reasonably wish to make a contention that this business information was conditionally exempt under section 47G of the Freedom of *Information Act 1982* (FOI Act) and so extended the processing time for the FOI by 30 days, in accordance with section 27 of the FOI Act to afford nbn the opportunity to provide its views on the release of this information.