

From: [REDACTED]
To: [REDACTED]
Subject: FOI - consultation on the basis of personal information about you [SEC=OFFICIAL:Sensitive]
Date: Monday, 21 March 2022 5:21:00 PM
Attachments: [2022_03_21 Consultation letter - Jonathan Palmer \(ABS\).pdf](#)
[REDACTED]
[Commissioners Representative Certificate - Senior Registrar.pdf](#)

OFFICIAL:Sensitive

Dear Mr Palmer,

The Federal Court has received FOI requests relating to recent articles published about the Court's recruitment processes in The Australian. Two of the documents that fall within the scope of these requests contain your personal information, which means I am required to consult with you. Please read the attached letter, which contains more information. The relevant documents containing your personal information are attached to this email.

If you have any questions or would like to discuss, please feel free to contact me.

Best regards,

Claire

Claire Hammerton Cole | Registrar, General Law & Practice

Principal Registry | Federal Court of Australia

Law Courts Building, Queens Square, Sydney NSW

p. [REDACTED] | e. [REDACTED]

www.fedcourt.gov.au



Telephone: (02) 9230 8289

**FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY**

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

21 March 2022

Mr Jonathan Palmer

By email: [REDACTED]

Dear Mr Palmer,

Freedom of Information Act 1982 – Request and Opportunity to Make Submission

The Federal Court of Australia (**Court**) has received requests for documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) in response to recent articles published in The Australian concerning the Court's recruitment processes. As part of the searches that have been conducted by the Court in response to these FOI requests, the documents listed below have been identified as falling within the scope of the requests and contain "personal information" about you:

- [REDACTED]
- Invite for Commissioner – SES Band 3 (Certificate for Senior Registrar (SES Band 2)).

I enclose a copy of these documents for your consideration.

Opportunity to make a submission

Under section 27A of the FOI Act, where an agency receives a request for access to a document that contains "personal information" about a person and it appears to the agency that the person concerned might reasonably wish to make a contention that the document, or part of the document, should be exempted from release to the applicant, the agency is required to consult the person concerned and give them an opportunity to make a submission before any decision is made to grant access.

Accordingly, I invite you to tell me of any objection you have to the release of the documents listed above that contain your personal information. Specifically, I invite you to respond to the following questions:

1. Do you believe the release of the personal information contained in the documents listed above would be an unreasonable disclosure of personal information about you?
2. What are the reasons that you believe the disclosure of the personal information would be unreasonable?

Any reasons provided as to why disclosure of the information about you would be unreasonable will be given careful consideration. I note, however, that the decision about whether to release the documents rests with me, as the Court's decision-maker on these requests.

In deciding whether to release the documents to the applicant, please note that I must have regard under subsection 47F(2) of the FOI Act to:

- a) the extent to which the information is well known;
- b) whether you are known to be (or to have been) associated with the matters dealt with in the document;
- c) the availability of the information from publicly accessible sources; and
- d) any other matters that I consider relevant.

If I decide, as the decision-maker on this request, to grant access to any documents the release of which you opposed, you will be given written notice of the decision and the opportunity to seek review of the decision before those documents are released.

Disclosure log

You should be aware that if I decide, on behalf of the Court, to grant access to the requested documents, the Court is generally obliged to publish that information on its disclosure log at: <https://www.fedcourt.gov.au/disclosurelog>. However, the Court will not publish information (such as personal information) where this would be unreasonable. If you have any queries about this requirement, please contact me.

How to make your submission

Please send me your response in writing by **Friday 25 March 2022**.

Please note that if a response is not received from you by this date, I will assume that you do not object to the release of the documents.

Further information

More information about your rights where information about you is requested under the FOI Act is available on the Office of the Australian Information Commissioner's website here: <https://www.oaic.gov.au/freedom-of-information/your-foi-rights/when-an-foi-request-affects-you/>.

Yours sincerely



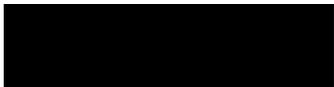
Claire Hammerton Cole
Registrar



Certification of SES selection exercise by Australian Public Service Commissioner's representative

I, [Jonathan James Palmer](#), participated as the Australian Public Service Commissioner's representative in all stages of the selection exercise to fill the role of [Senior Registrar \(SES Band 2\)](#) in the [Federal Court of Australia](#).

Pursuant to Section 21 of the *Australian Public Service Commissioner's Directions 2016* (the Directions), I hereby certify that the selection process complied with subsection 10A(2) of the *Public Service Act 1999* and the requirements of the Directions.

Name: [Jonathan James Palmer](#)
Position: [Retired SES Band 3 \(Deputy Australian Statistician\)](#)
Agency: [Australian Bureau of Statistics](#)
Signature: 
Date: [26 November 2020](#)