NOTICE OF DECISION

I refer to your request of 15 July 2018 to the Department of Health (Department) seeking access under the Freedom of Information Act 1982 (FOI Act) to:

'Any documents which show the amount of any payments made for any purpose to:
1. Immunisation Foundation of Australia; and
2. Catherine and/or Greg Hughes; and
3. Toni and/or David McCaffery; and
4. Any other entities controlled by the above.'

I am writing to advise you of my decision.

Decision

I am authorised under section 23(1) of the FOI Act to make decisions in relation to Freedom of Information requests. I am writing to notify you of my decision on your request.

I have identified two documents falling within the terms of your request. The documents are set out in the schedule at Attachment A.

I have decided to refuse access to the documents.

My reasons for this decision are set out at Attachment B.
Review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the Department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this Department within 30 days. An application for an internal review should be addressed to:

Email: FOI@health.gov.au
OR
Mail: FOI Unit (MDP 350)  
Department of Health  
GPO Box 9848  
CANBERRA ACT 2601

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing within 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at

You may also make a complaint to the Information Commissioner about action taken by the Department in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:
Publication

You should be aware that where I have decided to release documents to you, the Department may also publish the released material on its Disclosure Log. The Department will however, not publish information (such as personal or business information) where it would be unreasonable to do so.


Contacts

If you require clarification of any of the matters discussed in this letter you should contact the Freedom of Information Unit on (02) 6289 1666.

Yours sincerely

Jodie Grieve  
Assistant Secretary  
Communication & Change Branch  
14 September 2018
<table>
<thead>
<tr>
<th>Doc. No.</th>
<th>No. of Pages</th>
<th>Date</th>
<th>Description of Document</th>
<th>Decision</th>
<th>Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>08.07.2017</td>
<td>Artist Deal Memo (contract) between Carbon Media Pty Ltd and individuals of the Hughes family.</td>
<td>EI</td>
<td>s22(1)(a)(ii) pages 1 &amp; 2 s47F - page 1</td>
</tr>
<tr>
<td>2</td>
<td>2</td>
<td>14.03.14</td>
<td>Artist Deal Memo (contract) between Carbon Media Pty Ltd and individuals of the McCaffery family.</td>
<td>EI</td>
<td>s22(1)(a)(ii) - pages 1 &amp; 2 s47F - page 1</td>
</tr>
</tbody>
</table>

E = Exempt; I = Irrelevant
REASONS FOR DECISION

Material taken into account

In making my decision, I had regard to the following:

- the terms of your request;
- the content of the documents to which you sought access;
- advice from departmental officers with responsibility for matters relating to the documents to which you sought access;
- submissions from third parties
- the relevant provisions of the FOI Act; and
- guidelines issued by the Australian Information Commissioner under s93A of the FOI Act.

Finding of facts and reasons for decision

Where the schedule of documents indicates an exemption claim has been applied to a document or part of a document, my findings of fact and reasons for deciding that the exemption applies to that document or part of the document are set out below:

Section 47F – Personal Privacy

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure under the Act would involve the unreasonable disclosure of personal information about any person.

Documents 1 and 2 contain personal information about individuals other than the applicant, namely: their talent fees. I have determined that it would be unreasonable to disclose the personal information contained in those documents. In making that determination, I had regard to the matters set out in s47F(2) of the FOI Act. The information is not in the public domain and the individuals do not consent to its release.

Disclosure would be unreasonably detrimental to the individuals concerned. In participating in the Childhood Immunisation Campaign, the motivation of the two families was to share their tragic family stories for the benefit of the greater good. Their intention was to share an honest, brave, upfront account of their loss and to re-enforce the message about the benefits of childhood vaccination. Their aim was to help meet the overarching objectives of the campaign, namely: to increase national immunisation coverage rates. The families did not request payment for their story.
Both families have been subject to harassment online, in social media and in
person from opponents of the campaign. Disclosure of the information may
incite further harassment.

I am satisfied that Documents 1 and 2 are conditionally exempt under s47F of
the FOI Act.

As s47F(1) is a conditional exemption, I had regard to the public interest test.
I have determined that it would be contrary to the public interest to disclose
the personal information.

In making my determination, I considered the following factors in favour of
disclosure in s11B(3) of the FOI Act: disclosure would promote the objects of
the FOI Act.

I considered the following factors against disclosure. Disclosure could
reasonably be expected to prejudice the protection of the individuals’ privacy.
Disclosure could reasonably be expected to harm the interests of the
individuals. Disclosure would incite further harassment against the
individuals concerned.

On balance, I find that access to the personal information in Documents 1 and
2 would be contrary to the public interest. The rest of Documents 1 and 2 is
irrelevant to the request (s.22(1)(a)(ii)).