

Disclosure log

From 1 May 2011 agencies must publish a disclosure log on their websites. The disclosure log lists information that has been released in response to an FOI access request for documents held by the agency. There are certain categories of information that do not have to be included in a disclosure log. Three options for publishing information are specified in s 11C(3):

- making the information available for downloading from the agency's website
- linking to another website where the information can be downloaded, or
- giving details of how the information may be obtained.

The preferred method of access is for the information to be published to the public on a website.¹ The alternative is to give details of how the information may be obtained. Agencies must publish this information within ten working days of giving the FOI applicant access to the information (s 11C(6)).

Disclosure log exceptions

The disclosure log requirement does not apply to:

- personal information about any person if publication of that information would be 'unreasonable' (s 11C(1)(a))
- information about the business, commercial, financial or professional affairs of any person if publication of that information would be 'unreasonable' (s 11C(1)(b))
- other information of a kind determined by the Information Commissioner if publication of that information would be 'unreasonable' (ss 11C(1)(c) and 11C(2))
- any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete information listed in one of the above dot points (s 11C(1)(d)).

It would generally be 'unreasonable' to include in the disclosure log information about an individual or business that was released in response to an FOI request from that individual or business. The same applies to information about a person or business that was released to another FOI applicant, where the person or business was consulted under ss 27 or 27A of the FOI Act and did not object to the release to that particular FOI applicant.²

As a general guide, it would not be unreasonable to publish in the disclosure log the name of a Commonwealth official who is mentioned, in connection with their duties, in a document that was released under the FOI Act.³ Nor, for the same reason, would it be unreasonable to publish the name of an official who signed a letter to an FOI applicant explaining a decision to release a document.

¹ Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2009, p 14.

² Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2009, p 7.

³ Explanatory Memorandum to the *Freedom of Information Amendment (Reform) Bill 2009*, p 7.