

FOREIGN AFFAIRS AND TRADE

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FILE No. 1490/5/114/6

DATE 19 June 1990

SUBJECT

ARCHIVES ACT 1983: DESTRUCTION OF X-FILES

FOR s 22 1(a)(ii)
Director
Staffing
Deployment
Section

Following our meeting on 14 June to discuss this subject, I spoke further with s 22 1(a)(ii) of the X-File Registry and s 22 1(a)(ii) Director of Disposal Policy at the Australian Archives today to clarify our rights and responsibilities to destroy material on the X-Files in giving effect to the Secretary's Administrative Circular of 23 August 1989. s 22 1(a)(ii) was very helpful.

2. He commented, incidentally, that he thought the Secretary's Admin Circular cleared up the problem very well, and that it also met the concerns of s 22 1(a)(ii) Director of Personnel Policy in the Public Service Commission at the time.

3. I sought guidance, in particular, on items in General Disposal Schedule No. 11 (GDS 11). He said, by way of a prefatory remark, that it was the intention of Australian Archives to revise the Schedule next financial year and to do away with the distinctions in Class A personal history documents so far as retention periods are concerned. The new policy will be that these documents all be kept for 67 years from the date of birth of officers: SES officers' documents would no longer need to be separated out and kept permanently.

4. He also said that the times of retention given in the GDS 11 were minimum periods of retention. That is, they were not only minimum periods where a footnote said so. If a Department or authority considered there was some administrative need to keep documents for a longer period, then this of course would be possible. In this respect, however, policy has largely been set for this Department by the Secretary in his Administrative Circular.

5. The particular classes of documents I raised with s 22 1(a)(ii) were as follows:

3.2.1 - "Commendations"

He said this included - to use this week's Management Bulletin as an example - honours and awards like the AM, AO and Public Service Medal; but not letters of appreciation such as that received by a particular officer. He said these were presumably of transitory interest to the Department, and did not constitute a formal record of commendation. They need not therefore be regarded as Class A documents. He appreciated moreover, that were they to be regarded otherwise, they would have to be kept longer than assessment reports.

Where a letter of appreciation comes from a supervisor of the officer concerned, or someone in a like position of responsibility

or authority, then it might be regarded as an assessment of performance, and treated as an "assessment report". An example might be a letter from the Head of a Delegation, of which an officer has been a part, to the Secretary following a short-term mission overseas. In the light of the Secretary's new policy, such letters dating from August 1987 should be transferred on to the new CP file, and destroyed after a maximum period of 5 years.

3.2.1. - "Instrument of Appointment"

This would include only the formal Instrument (if any), not all the papers relating to appointment and recruitment. This is elaborated upon below.

3.2.1. - "Executive Council papers"

In view of the fact that the originals of these, or the principal copies, are kept either in Protocol Branch or the Executive Council Secretariat in PM & C, he saw no need for copies to be retained on personal files. The intention of this item was to meet the practices in certain statutory authorities.

3.2.1. - "Increment and promotion reports" and "records of promotion or transfer"

What was intended here was merely the formal records of promotion and transfer, not the history of how the promotion or transfer came about. That is, extracts from Promotion Advisory Committee, reports to Promotion Appeal Committees, and from Overseas Transfer Committees are not included. These latter documents could be dealt with under disposal rules for "Recruitment" papers.

3.2.1. - "Details of previous service"

These are again merely the formal details submitted with any application for permanent appointment, and which may have relevance for superannuation entitlements. The item is not intended to include curricula vitae compiled by officers or the Department from time to time.

3.2.1. - "Details of training or study"

Again, merely the formal record of courses completed, training courses undertaken, needs to be included. This might include a grade awarded in the relevant course, but not supervisor's comments.

"Class A" papers generally

All the above papers are Class A papers, which are required to be held at least until an officer reaches, or would have reached, 67 years of age. They are all formal in nature, and all non-confidential because of that, s22 1(a)(ii) said. They could all therefore, where identified, be removed to "P" Files.

3.2.2 - "Applications for transfer" and "Instructions re transfer"

4.3.1.- "Requests for information about possible promotion or transfer - Excludes applications for specific positions"

There is difficulty in always distinguishing between these two classes of documents, but it is important to do so because different minimum retention periods apply to each: 6 years after action is completed on the former, whereas 1 year after action is completed on the latter.

I told s 22 1(a)(ii) that these items mainly applied in the case of X-Files to correspondence about placements and postings. In correspondence about possible placements an officer might wish on return from overseas, this could be destroyed 1 year after the officer had returned and been placed, whether in one of the officer's preferred positions or otherwise. If, on the other hand, the officer wrote from overseas asking or applying for a transfer into one, and only one, position, then this correspondence should be retained for the 6-year minimum period.

I noted that this did not appear to be a satisfactory outcome, because the length of retention period would depend on the manner and strength with which an officer made a request for transfer. He acknowledged this, but said that it was of more importance to a Department or authority and the officer concerned to retain specific transfer requests than mere requests for general information or a list of "preferences". It is more likely that officers and Departments will need to have recourse to the former than the latter.

On the subject of transfers, I mentioned that separate files were kept on both advertised promotions and on postings rounds, and s 22 1(a)(ii) said that, in the light of this, it was not necessary to keep information from these files on personal files, except where an application was successful, ie, a record of where the officer was at a particular time. It was, however, open to Departments to keep information from postings and promotion rounds, relevant to a particular officer, on that officer's file.

4.2.1. - "Recruitment - vacancies - Overseas representation - Head of Mission and delegates positions"

When I explained to s 22 1(a)(ii) that Head of Mission positions overseas were not advertised, but were the prerogative of the Governor-General in Council, on the advice of the Minister for Foreign Affairs and Trade, he said that this item did not apply to this Department's practice. Documents in this class have to be kept permanently. I said that separate files are kept on Head of Mission appointments, and that these would probably be kept permanently and were not, in any case, the subject of the present culling process. He said that the item was more directed at the practice of other Departments, and mentioned Defence and the appointment of Defence Attachés.

6. Following this discussion with s 22 1(a)(ii) and a discussion with s 22 1(a)(ii) about the range of documents on the X-Files, I drew up

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the attached list of documents, where they might go, and the appropriate retention periods. After some adjustments you might consider desirable, you might like to attach the list to any notification to staff on the progress being made with the destruction of X-Files. You will note that I have added reference to "Grievance Files" which, although not mentioned by the Secretary in his Circular, are, I understand, kept as a separate series in your Branch.

7. In any notification to staff, it may also be considered desirable to clarify whether or not, prior to actual destruction and re-filing of papers on individual files, material that will be destroyed in accordance with the Secretary's Circular will be used in placement and postings decisions, as is intended for the post-July 1987 material on the new CP files.

8. You will note that, in view of the nature and volume of material being transferred to P files and Welfare files, it may also be desirable to ensure in practice that access to these files is limited, in accordance with the PSB's "Guidelines on the Keeping of, and Access to, Personnel Records" (PMM, Vol. 3).

s 22 1(a)(ii)

Director
Administrative Law Section

Documents that may be on X-Files, their disposal, and retention periods

(The numbered and class references are to the Australian Archives' General Disposal Schedule No. 11 for Staff and Establishment Records (1985))

3.2.1 Personnel - Personal history - Class A papers

Period of retention

Instrument of Appointment
Oath, affirmation
Application for permanent appointment
Details of previous service

Until officer or employee would reach 67 years of age

(The above does not include associated recruitment papers, such as referee reports, Selection Advisory Committee Reports; these are dealt with below)

Place of retention

Commendations

(These are records of formal commendations, such as the Public Service Medal. They do not include letters of appreciation, some of which may be assimilated to assessment reports; these are dealt with below)

P File for all Class A papers, with the exception of medical reports, which are retained on Medical Files

Executive Council papers

(These do not include associated papers on recommendations for Executive Council appointments.)

Records of promotion and transfer

(These only include the formal record of an officer's promotion or transfer, and not the associated selection documentation; papers in this latter category are dealt with below.)

Correspondence about resignation or retirement

Details of training or study

(These details will be limited to courses, including language training courses, personnel development courses, and secondary and tertiary education courses, completed. They do not include papers on training and development needs.)

(Other Class A papers mentioned in GADS 11, all in the nature of formal personnel records, are usually already held on "P" files, where they exist at all.)

3.2.2 Personnel - Personal history - Class B papers

Period of retention

Applications and approvals for the payment of allowances

Until 6 years after action completed

(These papers include all associated correspondence; those papers not retained on P Files may be retained on the relevant other file, eg medical allowances and advances may be held on the Medical File, travel allowances on the Travel File, removal allowances on the Removal File, etc.)

Place of retention

Applications for transfer, and Instructions re transfer

(These papers do not include applications for advertised vacancies; these are dealt with below. They include requests and applications for specific positions, whether in Australia or overseas, and may include extracts related to individual officers

Papers on allowances: on P File, except where otherwise appropriate; papers on transfers on CP File

from Overseas Transfers Committee reports and the Delegate's decisions on them. They exclude general information requests about possible transfers; these are dealt with below.)

3.2.3 Personnel - Personal history - Class C papers

Discipline records:

Record of discipline counselling
Record of discipline action (official conduct record)
Admonition
Other forms of discipline action (fine, transfer, demotion, dismissal)

Retained on P File for:

6 months - 2 years

2 years

5 years

7.1.1 Staff Discipline - Preliminary Interview

Retention: see below

Supervisor's notes of interview concerning suspected misconduct and other related reports

6 months - 2 years

7.2.1 Staff Discipline - Counselling

Records of discipline counselling
(includes related statements and reports and a record of any warning given)

6 months - 2 years

7.3.1 Staff Discipline - Disciplinary action files

Confidential files containing the investigatory, evidentiary and procedural papers associated with a charge of misconduct, or action proposed as a result of a criminal offence, or allegations made against an officer or employee

Maximum of 5 years, depending on action taken, if any

*Retention of Staff Discipline Files: the place and periods of retention for these files are dealt with in Annex B to the Secretary's Administrative Circular No. 79/89 of 23 August 1989 and in Chapter 16 of the Public Service Board's Discipline Handbook (3rd Edition, 1988) (PMM, Vol. 3)

3.2.4 Personnel - Personal history - Class D papers

Period of retention

Rough calculations of entitlements

Until 1 year after checking procedures completed

Applications for leave, including special leave, and associated correspondence

Routine arrangements for relief duty, including correspondence on handovers

Place of retention

Routine arrangements for travel

P File, except where otherwise appropriate eg Travel or Removal File

4.2.1 Recruitment - vacancies

Period of retention

Extracts from interview reports, Selection Advisory Committee Reports, Appeal Statements to Promotion Appeal Committees, etc.

For SES, OICs, RDs, etc.: transfer to Archives after 5 years for permanent retention; for others: 1 year after action completed.

Place of retention: CP File

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5.3.1 Staff Appraisal - ReportsPeriod of retention

Assessment reports relating to individual officers
(This includes records of training needs and
career advice given, but excludes probation
reports; it also includes PLV observations.)

Up to 5 years (with
all pre-August 1987
papers to be destroyed)

Letters of appreciation from HOM or Head of
Delegation or a Minister relating to work
performance on short term mission of which
normal supervisor is likely to be unaware

Place of retention

CP File

6.1.1 Staff counselling - Work performance counselling} Period of retention

Supervisor's notes

} 6 months - 2 years

6.2.1 Staff Counselling - Personal problem counselling} Place of retention

Case records of problem counselling, including notes held
by Departmental counsellor

} CP File

Other papers

As indicated in the Secretary's Administrative Circular of 23 August 1989,
other files are maintained in addition to the existing X-Files, and should
papers need to be placed on these files, this will be done, and the
retention periods for such papers are generally as follows:

Compensation files

GDS 1.2.1 to 1.3.2 require retention of papers from periods of 5 years
to when the officer would have reached the age of 70, depending on the
circumstances of the death or injury suffered (GDS 11).

Medical files

GDS 3.2.1 requires medical reports to be retained until the officer
would have reached the age of 67 (GDS 11).

Medical/Dental files

Apart from actual medical reports, papers on medical allowances and
advances need to be kept 6 years after last action is completed (GDS 11,
3.2.2).

Removal, Travel and Welfare files

GDS 10 and 11 generally require retention of papers until 6 years
after last action has been completed.

Security Files

GADS 10 37.2.1 requires that relevant papers be kept permanently in the
case of SES officers, and for one year after retirement or resignation
in respect of other officers.

Grievance Files

Where a formal grievance is made, papers are required to be kept for
3 years after action is completed, or for 10 years if the Merit Protection
and Review Agency has been involved. Cases having unusual features are
required to be kept permanently (GDS 11 3.4.1.)

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ADMINISTRATIVE CIRCULAR

No. 79/89⁸
Ref. P105/1/56

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE

CANBERRA, A.C.T. 2600

DISTRIBUTION

ALL STAFF TO SEE

DATE 23 August 1989

SUBJECT

PERSONNEL RECORDS - ABOLITION OF X-FILES AND REVISED POLICY
AND PROCEDURES

When I became Secretary, I asked that a review of the X-file system be undertaken with the purpose of abolishing this series of files which had been the cause of concern to a number of officers.

2. The review has taken some time because of the need to consult the Public Service Commission, the Merit Protection Review Agency and Australian Archives and to take account of relevant provisions of the Privacy Act 1988, which came into force on 1 January 1989.

3. The review has been completed and I have decided that:

. X-files are to be abolished;

. a new series of Confidential Personal (CP) files is to be opened to hold papers such as counselling reports, staff appraisals and associated correspondence. These files will not be X-files under another label. They will normally contain only information which is not required by law to be kept permanently and which will therefore be routinely destroyed after a maximum retention period of five years;

. clear and unequivocal instructions will govern the use of these files.

4. The following procedures will be observed for the culling and destruction of X-file material:

. all X-files will be examined to determine which papers cannot be destroyed under the provisions of the Archives Act 1983

- these papers will be placed on other files such as ordinary personnel (P), medical, disciplinary, security and welfare files

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- in addition, assessment reports covering only the last two years will be transferred to CP files (see below)
- any papers transferred in these ways will be fully scheduled and a copy of the schedule will be sent to each officer concerned

. all remaining documents will be destroyed

. officers will be advised as their files are destroyed.

5. Culling of the X-files will commence soon. In order to ensure that it is done quickly and thoroughly, I intend to engage appropriately qualified retired officers of the Department for the purpose. Progress details will be provided from time to time in the Corporate Management Bulletin along with any statistical information of general interest which may emerge during the process.

6. Officers who have not had access to their file in the past but who wish to see it before the files are destroyed have until 15 September to inform the OIC, X-File Registry in writing of their interest. Special arrangements can be made for officers overseas. I hope, however, that such requests can be kept to an absolute minimum so that we can promptly implement this decision.

CP Files

7. Documents placed on the new CP files will be routinely culled and destroyed after a maximum retention period of five years.

8. Material on an officer's CP file will only be used for the following purposes:

- . decisions on postings and placements by my delegates;
- . work performance monitoring or career counselling.

9. Reports done under the new performance appraisal/staff development system currently being developed will be placed on CP files.

10. Access to CP files will be strictly limited to officers with a legitimate operational requirement for the information, such as those in Staffing and Development Programs (SP) Branch who are directly involved in posting and placement decisions. Officers will, of course, retain full right of access to their own CP files and will be able to seek amendments to or deletions from the file.

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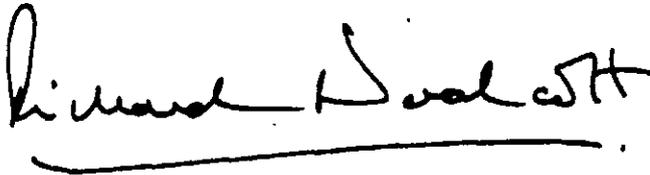
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11. Documents on CP files will not be made available to Selection Advisory Committees, Joint Selection Committees or Promotion Appeal Committees (other than at the request of the officer). Documents concerning disciplinary and grievances actions will not be placed on CP files. These are already placed on an entirely separate file series (P617) which is maintained in the Staffing Selection and Policy Section of SP Branch and are available only to the officers concerned and appropriate operational staff.

12. Finally, I have had set out in the attachment to this circular a summary of the relevant provisions of the Privacy Act 1988 (Annex A) together with descriptions of the various existing files which contain personal information and explanations of the access and destruction provisions which apply to them (Annex B).

A handwritten signature in cursive script, reading "Richard Woolcott". The signature is written in dark ink and is positioned above a solid horizontal line that underlines the name.

RICHARD WOOLCOTT

4.

ANNEX A**Information Privacy Principles**

The Privacy Act 1988 imposes new obligations on Commonwealth agencies in handling records of personal information. The legislation requires agencies to comply with Information Privacy Principles (IPPs) for the collection, storage, access to, correction of, use and disclosure of records of personal information. A copy of these Principles is at Annex C. In summary, they require that only necessary information is collected and that information is accurate, relevant, up to date, complete and not misleading. Personal information is to be used only for lawful purposes directly related to functions or activities of agencies, and must be protected from unauthorised use or disclosure. Agencies are required to ensure that individuals have access to their own records. Individuals are entitled to provide attachments to correct any record which they consider is inaccurate or incomplete.

2. It is expected that, later in 1989, the Public Service Commission will issue revised guidelines to Commonwealth agencies on record-keeping practices as a result of the Privacy Act. I have directed that this Department's procedures and practices will observe these guidelines. In the meantime, the current "Guidelines on the Keeping of, and Access to, Personal Records", contained in Volume 3 of the Personnel Management Manual (PMM) remain applicable. It should be noted that the requirements of the Privacy Act and the above guidelines also apply at overseas missions and posts.

Privacy Commissioner

3. The Privacy Commissioner has been established as part of the Human Rights and Equal Opportunity Commission. Under the Act, an individual will be able to complain to the Commissioner if an agency acts in breach of the IPPs in relation to his/her personal information.

4. The Commissioner has extensive powers to investigate such complaints. For example, the Commissioner may enter premises occupied by an agency to inspect any documents relevant to his or her functions under the Act. Where a breach of the IPPs is found, the Commissioner can make a determination that the agency pay compensation and/or costs to the complainant.

5.

ANNEX B

Review of Personal Information Files

The following file series have most relevance to the Privacy legislation :

Compensation Files - contain records concerning compensation claims lodged by officers including associated medical reports and correspondence with COMCARE. The files are maintained by the Compensation Officer and access to them is restricted to Departmental officers who are responsible for compensation matters. Periods of retention and subsequent disposal action are set out in Australian Archives General Disposal Schedule No. 11 (GDS 11), authorised under the Archives Act 1983. These records must be held by the Department for prescribed periods and then sent to Australian Archives.

Contact Point : Compensation Officer, PGS Branch

Disciplinary Action Files - contain records of investigatory and procedural action associated with a charge of misconduct under the Public Service Act or action taken as a result of a criminal conviction. These are retained for the periods prescribed in the Public Service Regulations for each type of case (up to 5 years), and then destroyed by the Department. **Official Conduct Records**, which are official records of disciplinary action taken against officers as a result of a disciplinary charge being found proven, are kept on for officer's Personnel [P] file in accordance with Public Service Act requirements.

Contact Point : Director Staff Selection & Policy
Section, SP Branch

Medical Files - contain medical reports and information on officers and their families relating to fitness for overseas postings. These records are kept by the Departmental Medical Adviser. Access to them by any other officer is exceptional. Periods of retention and subsequent disposal action are set out in GDS 11.

Contact Point : Medical Adviser

Medical/Dental Files - contain pre-posting dental reports; notification of fitness for overseas postings (but not detailed medical information) and details of advances against overseas medical costs. These records must be held for prescribed periods and then sent to Australian Archives in accordance with GDS 11.

Contact Point : Executive Officer Travel Sub-Section, PGS
Branch

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Personnel Files (P series) - contain records of pay and allowances entitlements; leave records; appointment documentation; promotion and transfer records. These records must be held for prescribed periods and then sent to Australian Archives in accordance with GDS 11. Some classes of documents normally held on P files may be destroyed by the Department after set periods, but the bulk of personal history records (referred to as Class A papers under GDS 11), must be retained either permanently by Australian Archives, or destroyed at the time when the officer would have reached 67 years of age. Some personal records such as salary and leave record cards may not be destroyed until the date the officer would have reached 71 years of age. In respect of officers reaching senior or prominent positions they are retained permanently).

As mentioned above, Official Conduct Records in cases where disciplinary action has been taken against an officer as a result of a charge under the Public Service Act being found proven, must be kept on Personnel files. Official Conduct Records are destroyed by the Department after prescribed periods (i.e. 2 years in the case of admonition and 5 years in any other case). Should an officer be transferred or promoted to another department, his or her P file is sent to that department.

Contact Point : Executive Officer Pay & Conditions Sub-Section, PGS Branch

Removal Files - contain records concerning removal/storage/insurance of effects related to overseas postings; inventories; shipping documentation; customs forms etc. These records may be destroyed after 6 years of action being completed (GDS 10 refers), but may be held longer if required.

Contact Point : Executive Officer Travel Sub-Section, PGS Branch

Security Files - contain security clearance documentation; security interview reports, and referee statements. These records are held in the Security Section with very restricted access on a strict "need to know" basis and are subject to retention/destruction under the provisions of GDS 10. They may be destroyed after a minimum period of one year following the officer's separation from the Public Service (except for SES officers). Should an officer be transferred or promoted to another department, these records are sent to that department.

Contact Point : Director Diplomatic Security Section, SECOM Branch

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Travel Files - contain travel records to/from overseas posts of officer and family, and travel allowance claims. Records generally must be retained for a minimum period of 6 years after action completed (GDS 10 and 11 refer).

Contact Point : Executive Officer Travel Sub-Section, PGS Branch

Welfare Files - contain records of child reunion travel arrangements and correspondence concerning compassionate travel. The files are held by the Welfare Officer and access is restricted to officers directly involved in these matters. Records generally must be retained for a minimum period of 6 years after action completed (GDS 10 and 11 refer).

Contact Point - Welfare Officer, PGS Branch

X-Files - contain assessment reports; work performance counselling records; posting preferences; correspondence between officers and the Department of a confidential nature concerning posting preferences/career development concerns, etc. The files are held in the X-file registry with access strictly limited to specified officers in Staffing and Development Programs Branch and very senior officers in Corporate Management Division, or other very senior officers responsible for directing the work of CMD, on a strict "need to know" basis. Until now, Departmental practice has been to retain all X-files and not to destroy them or pass them to Australian Archives for long-term storage.

Contact Point : OIC X-Files, SP Branch

2. Personnel and Security files are maintained on each officer of the Department, but generally only officers who have been posted overseas will have current Travel, Removal and Medical/Dental files. Although most officers of the former Department of Foreign Affairs have X-files, the Department has not commenced X-files for many former Department of Trade and AIS officers. Medical files are raised by the Medical Adviser only in cases where there is a medical matter affecting an officer or member of an officer's family at an overseas post. A large majority of Departmental officers do not have medical files.

Access to Personal Records

3. Each officer has the right of access to all categories of his or her Departmental records. The Public Service Commission's Guidelines on the Keeping of and Access to Personal Records provides officers with the right to seek

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amendment and deletion of records. This right is also included in Information Privacy Principle No. 7 and officers wishing to have access to their files are currently able to do so by arrangement with the relevant areas of the Department.

4. Officers seeking access to their files should in the first instance approach the Officer-in-Charge of the appropriate area where the files are maintained (those listed as the contact points above). In case of any disagreement between the parties involved concerning the rights of officers to examine their files or to seek to have specific records amended or deleted, the matter should be referred to the OIC, Freedom of Information Sub-Section, who is responsible for matters concerning the Privacy Act. While the Department will respond as quickly as possible to requests from officers to examine their own records, immediate access may not always be possible. Files are available for examination under appropriate supervision.

5. Due to the particularly personal and private nature of documents on security, medical and X-files, access to these records has been strictly limited to officers with a clear operational requirement for access to the specific information (as summarised in paragraph 6 above). The Privacy Act requires that personal information be protected from unauthorised use or disclosure and strict controls on access to records of this nature will continue to apply. This will certainly apply to the new CP file series.

ANNEX C

INFORMATION PRIVACY PRINCIPLES

Principle 1

Manner and purpose of collection of personal information

1. Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:
 - (a) the information is collected for a purpose that is a lawful purpose directly related to a function or activity of the collector; and
 - (b) the collection of the information is necessary for or directly related to that purpose.
2. Personal information shall not be collected by a collector by unlawful or unfair means.

Principle 2

Solicitation of personal information from individual concerned

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector from the individual concerned;

the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, before the information is collected or, if that is not practicable, as soon as practicable after the information is collected, the individual concerned is generally aware of:

- (c) the purpose for which the information is being collected;

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- (d) if the collection of the information is authorised or required by or under law—the fact that the collection of the information is so authorised or required; and
- (e) any person to whom, or any body or agency to which, it is the collector's usual practice to disclose personal information of the kind so collected, and (if known by the collector) any person to whom, or any body or agency to which, it is the usual practice of that first-mentioned person, body or agency to pass on that information.

Principle 3

Solicitation of personal information generally

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
 - (b) the information is solicited by the collector;
- the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:
- (c) the information collected is relevant to that purpose and is up to date and complete; and
 - (d) the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Principle 4

Storage and security of personal information

A record-keeper who has possession or control of a record that contains personal information shall ensure:

- (a) that the record is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, against unauthorised access, use, modification or disclosure, and against other misuse; and
- (b) that if it is necessary for the record to be given to a person in connection with the provision of a service to the record-keeper, everything reasonably within the power of the record-keeper is done to prevent unauthorised use or disclosure of information contained in the record.

Principle 5

Information relating to records kept by record-keeper

I. A record-keeper who has possession or control of records that contain personal information shall, subject to clause 2 of this Principle, take such steps as are, in the circumstances, reasonable to enable any person to ascertain:

- (a) whether the record-keeper has possession or control of any records that contain personal information; and

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(b) if the record-keeper has possession or control of a record that contains such information:

- (i) the nature of that information;
- (ii) the main purposes for which that information is used; and
- 5 (iii) the steps that the person should take if the person wishes to obtain access to the record.

2. A record-keeper is not required under clause 1 of this Principle to give a person information if the record-keeper is required or authorised to refuse to give that information to the person under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.

3. A record-keeper shall maintain a record setting out:

- (a) the nature of the records of personal information kept by or on behalf of the record-keeper;
- 15 (b) the purpose for which each type of record is kept;
- (c) the classes of individuals about whom records are kept;
- (d) the period for which each type of record is kept;
- (e) the persons who are entitled to have access to personal information contained in the records and the conditions under which they are entitled to have that access; and
- 20 (f) the steps that should be taken by persons wishing to obtain access to that information.

4. A record-keeper shall:

- (a) make the record maintained under clause 3 of this Principle available for inspection by members of the public; and
- 25 (b) give the Commissioner, in the month of June in each year, a copy of the record so maintained.

Principle 6

Access to records containing personal information

30 Where a record-keeper has possession or control of a record that contains personal information, the individual concerned shall be entitled to have access to that record, except to the extent that the record-keeper is required or authorised to refuse to provide the individual with access to that record under the applicable provisions of any law of the Commonwealth that provides for access by persons to documents.

Principle 7

Alteration of records containing personal information

40 1. A record-keeper who has possession or control of a record that contains personal information shall take such steps (if any), by way of making appropriate corrections, deletions and additions as are, in the circumstances, reasonable to ensure that the record:

- (a) is accurate; and

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- (b) is, having regard to the purpose for which the information was collected or is to be used and to any purpose that is directly related to that purpose, relevant, up to date, complete and not misleading.
- 2. The obligation imposed on a record-keeper by clause 1 is subject to any applicable limitation in a law of the Commonwealth that provides a right to require the correction or amendment of documents.

3. Where:

- (a) the record-keeper of a record containing personal information is not willing to amend that record, by making a correction, deletion or addition, in accordance with a request by the individual concerned and
- (b) no decision or recommendation to the effect that the record should be amended wholly or partly in accordance with that request has been made under the applicable provisions of a law of the Commonwealth;

the record-keeper shall, if so requested by the individual concerned, take such steps (if any) as are reasonable in the circumstances to attach to the record any statement provided by that individual of the correction, deletion or addition sought.

Principle 8

Record-keeper to check accuracy etc. of personal information before use

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Principle 9

Personal information to be used only for relevant purposes

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Principle 10

Limits on use of personal information

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:

- (a) the individual concerned has consented to use of the information for that other purpose;
- (b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;

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- (c) use of the information for that other purpose is required or authorised by or under law;
- (d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or
- (e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.

2. Where personal information is used for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue, the record-keeper shall include in the record containing that information a note of that use.

Principle 11

Limits on disclosure of personal information

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:

- (a) the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency;
- (b) the individual concerned has consented to the disclosure;
- (c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;
- (d) the disclosure is required or authorised by or under law; or
- (e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

2. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.

3. A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

ACT 104

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