

FREEDOM OF INFORMATION CASE NOTES

Information provided by the Commonwealth *Information Act* s.47

The complainant requested a copy of a contract that a third party had signed with the Northern Territory Government. The third party objected to the contract being released and complained to the Information Commissioner.

Some of the information sought by the complainant had been provided to the government from a body established by a law of the Commonwealth. The Commonwealth *Freedom of Information Act 1982* specifically provided that the body was exempt from freedom of information. Section 47 of the *Information Act* provides that information is exempt if it:

- comes from a body established by the law of another Australian jurisdiction; and
- the person or body would not be required to disclose the information under the corresponding FOI law of that jurisdiction.

The decision maker found that the way to apply this exemption was to ask: If the complainant had made an FOI application directly to the Commonwealth body, would that information be exempt under the Commonwealth law? If the answer is 'yes', the information is exempt under the *Information Act*.

The decision maker found there was sufficient evidence to substantiate the complaint and referred the matter to mediation.