



Tuesday 14 February 2023

Senator Karen Grogan  
Chair of Environment and Communications Legislation Committee  
PO Box 6100  
Senate  
Parliament House  
Canberra ACT 2600  
c/-

Dear Senator Grogan,

**2022-23 BUDGET ESTIMATES: QUESTION ON NOTICE SQ22-000798**

1. I refer to your letter of 10 February 2023 requesting further information about the ABC's public interest immunity claim made on 17 January 2023 in respect of documents requested by Senator Henderson under the above question on notice.
2. I note that SQ22-000798 specifically seeks the disclosure of an individual's employee records in relation to a code of conduct determination. As outlined in the ABC's public interest immunity claim of 17 January 2023, the ABC treats employee records confidentially and does not make a practice of disclosing information about employees at an individual level, aside from the information published for Key Management Personnel and Board members in the ABC's annual report.
3. I also note the advice of the Clerk of the Senate that in his view "...there are sound reasons for agencies appearing at estimates to be circumspect about the level of detail they provide in respect of code of conduct investigations and findings involving their employees, in order to protect their privacy."
4. The documents sought include employee personal information and confidential and private information about personnel management. The documents would disclose personal and confidential information about an individual and their employment.

5. The ABC appreciates the opportunity to consider the matter further and seek to provide additional information to assist the committee's consideration of the public interest immunity claim. That process has commenced, however given the claim involves what are important legal and employment matters, (such as privacy, damage to commercial interests, and employee welfare as alluded to in our earlier letter), we do require time to ensure proper care and consideration is given to a substantive response. We anticipate being in a position to provide that response before the end of February.

Yours sincerely,

David Anderson  
Managing Director