

**Mr Alex Pentland**

By e-mail: [foi+request-10997-d1578fb8@righttoknow.org.au](mailto:foi+request-10997-d1578fb8@righttoknow.org.au)

**1 March 2024**

Dear Mr Pentland,

**Statement of Reasons in respect of Freedom of Information request: Our Ref 376114**

1. Pursuant to subsection 23(1) of the Freedom of Information Act 1982 (Cth) (**FOI Act**), I am an officer of the Agency acting within the scope of authority exercisable by me in accordance with arrangements approved by the principal officer of the Agency.
2. I am authorised to make a decision, on behalf of the Agency, in relation to the Request.

**The Request**

3. On 4 January 2024, SBS received the Request in the following terms:

*"I request access to the **Style Guides/Brand Guides/Writing Guides** currently used for the Special Broadcasting Service Corporation"*

**Timeframe for responding to the Request**

4. On 23 January 2024, you agreed to a 30-day extension of time under s15AA of the FOI Act, revising the due date for the Request to 1 March 2024.
5. On 24 January 2024, you clarified the scope of your request, as aimed at corporate documents used by the SBS Corporation and not editing and journalistic guidelines.

**Documents**

6. I have undertaken a detailed search and have identified one (1) document that relates to your request. The document is the SBS Style guide, available to all staff, that includes Branding and Writing styles and guidance (**Document 1**).

**Special Broadcasting Service**

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14 Herbert Street, Artarmon NSW 2064 Australia [sbs.com.au](http://sbs.com.au)  
Tel: +61 2 9430 2828

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## Decision

7. I have decided to grant access in part to Document 1, noting that certain material contained within the document is exempt under the following exemptions of the FOI Act. Where a document is released in part, redactions have been marked on the document.

## Exemptions

8. I have identified that parts of Document 1 would be exempt under section 7(2) of the FOI Act. SBS is exempt from the operation of the FOI Act in relation to documents referred to in Part II of Schedule 2, namely, documents 'in relation to its program material and its datacasting content'.
9. As noted at paragraph 2.16 of the FOI Guidelines<sup>1</sup>, 'program material' includes *any document acquired or created for the purpose of creating the program, whether or not incorporated into the complete program*'.
10. I have made a decision to redact certain images in the style guide as program material, because they were incorporated in the guide as program material excerpts, including third party photographs, publicity images, or images linked to programming content. It is my view these images fall within the program material exemption.

## Conditional Exemptions

### ***Material redacted under section 47E(d) – certain operations of agencies***

11. Where documents are exempt under section 47E, the release of the information would have a substantial adverse effect on the management or assessment of personnel by the agency; or would have a substantial adverse effect on the proper and efficient conduct of the operations of the agency.
12. The document contains references to internal SBS email addresses not available to the general public. I have decided to redact these email addresses, on the basis that publication of these addresses and any correspondence with them from the public could adversely affect SBS operations.
13. The public interest factors favouring access in section 11B(3) of the FOI Act and in the FOI Guidelines have been considered, including that disclosure would promote the objects of the FOI Act. I have not taken into account any irrelevant factors (as described in section 11B(4)). I have also considered as a factor against disclosure, that disclosure could reasonably be expected to substantially affect the management function of the agency.
14. Having weighed the factors in favour and against disclosure, I am satisfied that there is no prevailing public interest in the disclosure of this information.

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<sup>1</sup> [Paragraph 2.16 of the Freedom of Information Act 1982 \(Cth\) \(FOI Act\)](#)



## Review rights

15. If you do not agree with my decision you may apply for a review of that decision.

## Internal Review

16. Section 54 of the FOI Act gives you the right to apply for an internal review of the decision not to release documents in accordance with your request. Application for review of a decision must be made in writing within 30 days of the receipt of this letter.
17. No particular form is required but it would assist the decision-maker if you would set out in the application the grounds on which you consider the decision should be reviewed. Applications for review should be e-mailed to [foi@sbs.com.au](mailto:foi@sbs.com.au) and addressed to:

Director of Corporate Affairs  
SBS  
Locked Bag 028  
Crows Nest NSW 1585

## Review by the Information Commissioner

18. You may also apply to the Information Commissioner for review as follows:
- a. Review of access refusal decision (s. 54(2)(a));
  - b. A decision made by SBS on internal review of an access refusal decision (s. 54(2)(b)); or
  - c. If you have made an application for an internal review of the decision and no decision is made within 30 days (ss. 54D; 54L(2)(b)).
19. Information about this review process is available from the Office of the Australian Information Commissioner—see <http://www.oaic.gov.au> for more information (Tel: 1300 363 992; e-mail [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au))

Finally, I'd like to thank you for agreeing to an extension of time, and for clarifying information you provided us with, which were of assistance to us in processing this request.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Lyn Kemmis', written in a cursive style.

**Lyn Kemmis**

**FOI Decision Maker**