

**ESAFETY COMMISSIONER**  
**Senate Legislation Committee**  
**2024–25 Additional Estimates Hearings**  
**24 – 28 February 2025**

**BACK POCKET BRIEF**

s 22



**Contact Officer/s**

Name: s 47E(c), s 47F

Phone: s 47E(c), s



<div>Legal and Compliance Resourcing</div> <div>s 22</div>	<div>What is it?</div> <div><ul style="list-style-type: none"><li>s 22 over 2-years was provided (4 ASL) to support the increasing volume of legal activities within eSafety including multiple litigation matters, an 1800% increase in FOI requests this FYTD from last year, and higher volumes of overall activities requiring legal advice and support.</li></ul></div> <div>What has been delivered to date?</div> <div><ul style="list-style-type: none"><li>General Counsel SES 2 commenced 13<sup>th</sup> January 2025.</li><li>Ongoing management of litigation matters.</li><li>Provision of legal services to eSafety including FOI management, privacy, contract review and risk.</li></ul></div> <div>s 22</div>
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**ESAFETY COMMISSIONER**  
**Senate Legislation Committee**  
**2024–25 Budget Estimates Hearings**  
**27 March – 3 April 2025**

**BACK POCKET BRIEF**

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**30. FOI REQUESTS**

**KEY STATISTICS**

s 22



**KEY MESSAGES**

**Increase in FOI requests**

- eSafety has seen a considerable increase in FOI requests received since 1 January 2024. This is largely due to eSafety's rising public profile and strong regulatory posture, combined with ongoing litigation.

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**Contact Officer/s**

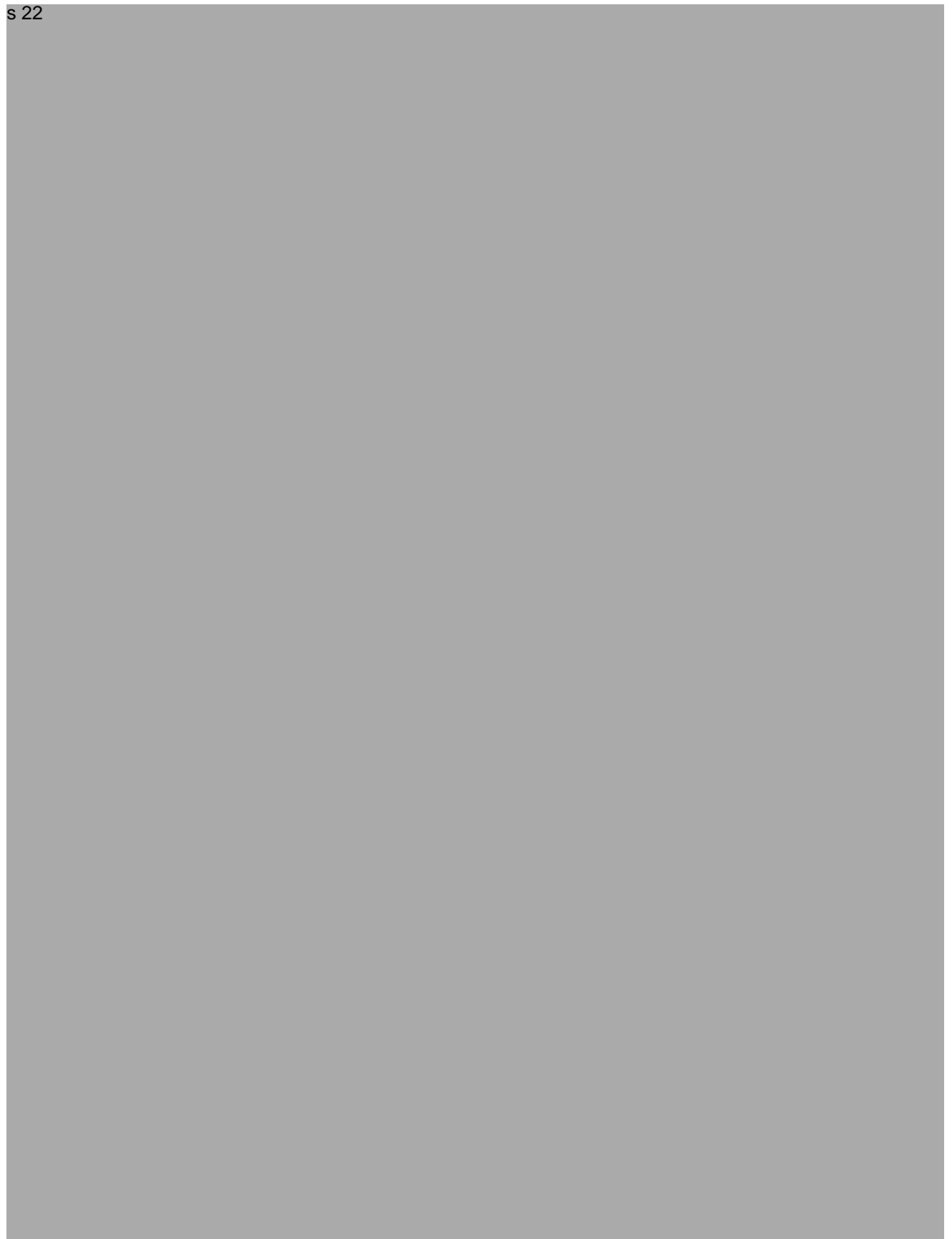
Name: s 47E(c), s 47F  
Phone: s 47E(c), s

- eSafety liaised with the Office of the Australian information Commissioner, the OAIC, throughout this process and has asked the OAIC to consider providing guidance to agencies/departments on how to manage FOI requests that are made en masse (for example, as part of a campaign) or where it is clear that FOI requests are not being made in the spirit of the FOI Act. Additionally, it has been suggested that the OAIC consider potential reforms to the FOI Act to reduce these types of FOI requests and 'FOI-bombing'.



***How is eSafety managing the increase in FOI requests?***

- Internally we have prioritised the consideration and processing of FOI requests. We have also engaged an external provider to assist with processing and have notified the OAIC of the increase in FOI requests.
- Within eSafety FOI requests are processed by the Legal – Business Services team (comprising three lawyers) in addition to their other duties and responsibilities, including all internal and corporate matters and matters relating to Commonwealth obligations.



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**ESAFETY COMMISSIONER**  
**Senate Legislation Committee**  
**2024–25 Supplementary Budget Estimates Hearings**  
**4 – 8 November 2024**

**BACK POCKET BRIEF**

**27. FOI REQUESTS**

**KEY STATISTICS**

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**KEY MESSAGES**

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**From:** s 47E(c), s 47F  
**Sent:** Monday, 10 February 2025 2:02 PM  
**To:** DL - eSafety SEG Members  
**Cc:** s 47E(c), s 47F  
**Subject:** FOI Update [SEC=OFFICIAL:Sensitive, ACCESS=Legal-Privilege]

**OFFICIAL: Sensitive  
Legal Privilege**

Hi all,

Just wanted to update you all on a higher than usual number of Freedom of Information requests. At time of writing we have received 191 requests via an online tool. Legal and Investigations will work together to respond to these requests as per our usual FOI practices and we should not comment further. Of course, any discussion of this matter is in itself subject to FOI.

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We are of course giving detailed attention to employee wellbeing. This includes advice on how to keep safe online, in particular on socials, workload issues, and for lawyers, and any aspects relating to professional obligations.

Kind regards,  
s 47F

Saturday, 8 February

8/02 5:45 pm Edited

Hi [redacted] s 47E(c),  
s 22 [redacted]

FSU have created a new tool which has been facilitating applicants sending in a new FOI request every 5 minutes or so (50 FOIs since 1pm). s 22 [redacted]

As you know, it is critical that we comply with the FOI Act and assist all applicants to make valid requests.



However, I am concerned that emails flowing in every few minutes may jam something and prevent work. On back of the envelope calculations, if the current pace continues we might be at, say, 450 by Monday morning. I suppose our mailboxes are built to sustain that quantum, but I wanted to check and make sure nothing needed to be done, just in case.

s 47E(c), 8/02 5:47 pm  
s 47E(c) Hi [redacted], thanks for letting me know. s 22 [redacted]  
[redacted]  
[redacted]

If it's one email every 5 mins that isn't a concern at all from an IT perspective  
s 47E(d) [redacted]

8/02 5:47 pm

s 22 [redacted] also wrote to IT because I am concerned that at the current pace, the emails might jam something.  
I am not sure how much data these mailboxes are built to hold

Sunday, 9 February

9/02 11:54 am Edited

(No need to read now and NRR, just an update) We're now up to **83 FOIs**. The pace has slowed to roughly one every 10 minutes. As you'd be aware, the team comfortably handles maybe half a dozen at once. (That figure depends on the nature of the FOI of course).

Why am I telling you this and on the weekend? I do apologise for that, but it is because if you wouldn't mind raising it at the weekly Band 2/Julie meeting tomorrow morning, that would be appreciated please. The resourcing implications of course are relevant to your area, along with team wellbeing. s 22 [redacted]

[redacted]