



Dear 

Freedom of information request: 18/28137

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Environment, Planning and Sustainable Development Directorate (EPSDD) on 25 September 2018, in which you sought access to documents related to Project Wing drone trials, including those in Royalla and Bonython.

In your application you requested:

(1) Information on the scope, agreements of the drone trial between the ACT government for Project Wings conducted in ROYALLA. This includes the initial set ups, community consultations and final report on the outcome. I would also like the number of deliveries, type of delivery, number of complaints from residents on noise.

(2) Information on the scope, timeframe and agreements of the drone trial between the ACT government for Project Wings conducted in BONYTHON. This includes the initial set ups, community consultations, timeframe of the trial, contact details of all the involved parties (Project Wing, CASA). I would also like the number of deliveries, type of delivery, number of complaints from residents on noise.

(3) Information on Project Wing trials and all consultations with the ACT Government on current trials and any proposed future trials.

I note that you have subsequently confirmed with the FOI team the interpretation of the scope of your request as follows:

- *Information on the "scope" is understood to be the project scope of the Project Wing trials.*
- *Information on the "agreements" of the drone trials between the ACT Government for Project Wing is understood to be the agreements entered into between ACT Government and Project Wing.*
- *Information on the "set ups" of the drone trials is understood to be the site preparation for the trials.*
- *Point 3 of your request covers information regarding any other (past, current, and future) Project Wing trials in the ACT and associated consultation.*

I also note that you have agreed to the two-part release of the documents with the first part processed with the decision deadline of 18 January 2019.

I am an Information Officer appointed under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Charges

I refer to your application for the fee waiver under section 107 of the Act, received on 27 December 2018. I have considered that your community interest group, Bonython Against Drones Community Group, is not for profit and that the information relevant for your application is both of interest and relevance to your group's activities and efforts. In this instance I have decided to grant the fee waiver for your application.

Decision on access

The first release in response to your application considers 22 documents that have been identified to fall within the scope of your request.

I have included, as Attachment A to this decision, the schedule of relevant documents. This schedule provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access, in full, to seven documents relevant to your request.

I have decided to refuse access to six documents as I consider them to be information that would, on balance, be contrary to public interest to disclose under the test set out in section 17 of the Act.

I have decided to defer access to one of the identified documents as affected third party have objected to its disclosure. The third party may apply for a review of my release decision within 20 working days after my decision is published in the Agency's disclosure log, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred.

Nine documents identified as relevant to your request contain information that I consider would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act. I have decided to grant access, under section 50 of the Act, to a copy of these documents with deletions applied to the information that I consider would be contrary to public interest to disclose.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

Material considered

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 17, 38, 107 and Schedule 2;
- the *Information Privacy Act 2014*;
- the content of the documents that fall within the scope of your request; and
- the views of third parties relating to the release of information that concerns them.

Exemptions claimed

My reasons for deciding to refuse or grant partial access to 15 documents are set out below. In reaching my decision I have applied the public interest test under section 17 of the Act as follows:

Contrary to the public interest information under Schedule 2 of the Act

The Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7, the Act). As an Information Officer, I am required to allow access to information subject to the Act unless, on balance, disclosure would be contrary to the public interest.

In assessing the public interest, I must apply the cascading test set out by section 17 of the Act which requires consideration of factors favouring disclosure, any factors favouring nondisclosure and the balance of those factors when considered cumulatively.

Business affairs

Some of these documents contain business information relating to third parties, the release of which would reasonably prejudice trade secrets and business affairs, a factor favouring non-disclosure under Schedule 2.2 (a) (xi) of the Act. I have considered the release of business affairs information and whether the disclosure of that information would serve to further open discussion, government accountability, informed debate and the provision of contextual or background information.

On balance of these public interest considerations and the information available, I have concluded that the disclosure of trade secrets and business affairs information would be an unreasonable disclosure and may prejudice an agency's ability to obtain confidential information under Schedule 2.2 (a)(xii) of the Act and is, therefore, contrary to the public interest to release.

Personal information

I have considered the release of personal information and my view in this instance is that it would not serve to further open discussion, government accountability, informed debate and the provision of contextual or background information.

I am satisfied that the disclosure of identified personal information could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*. This is a factor favouring nondisclosure under Schedule 2.2 (a)(ii) of the Act.

In balancing public interest considerations, I am satisfied that, on the information available, disclosure of the identified personal information may constitute a breach of privacy and is therefore contrary to the public interest.

Online publishing – disclosure log

Under section 28 of the Act, the EPSDD maintains an online record of access applications called disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the disclosure log. Your personal contact details will not be published.

You may view our disclosure log at <http://www.environment.act.gov.au/about/access-government-information/disclosure-log>.

Ombudsman review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

http://www.ombudsman.act.gov.au/data/assets/pdf_file/0026/79190/40A-Reviews-Factsheet-and-Application-Form-final-A1569634.pdf

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

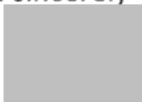
ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, or would like further information, please contact EPSDD Customer Service on (02) 6207 1923 and ask for the FOI team, or email to EPSDFOI@act.gov.au

Yours sincerely



Brett Phillips

Information Officer
Environment, Planning and Sustainable Development Directorate

17 January 2019